

PLANNING COMMITTEE – Monday 16 February 2026

25/1671/FUL – Variation of Condition 2 (Plans) and 25 (Obscure Windows) pursuant to planning permission 22/1148/FUL to allow alterations to fenestration detailing, omission of terrace balconies, addition of AOV rooflights and submission of hard and soft landscaping details including landscape management at BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTS.

Parish: Batchworth Community Council
Expiry of Statutory Period: 29 December 2025
Agreed Extension of Time: 27 February 2026

Ward: Rickmansworth Town
Case Officer: Matthew Roberts

Development Type: Major development

Recommendation: That planning permission is **granted**, subject to the completion of a Deed of Variation to a Section 106 Agreement pursuant to planning permission 22/1148/FUL dated 18 December 2023; securing an occupancy age restriction, affordable housing contribution, controls on parking permits, amendment to traffic regulation order and Waste Management Scheme, and planning conditions as set out below at Section 7.

Reason for consideration by the Committee: This application has been called in by Batchworth Community Council for the reasons expressed in paragraphs 4.1.2 and 4.1.3.

To view all documents forming part of this application please go to the following website:

[25/1671/FUL | Variation of Condition 2 \(Plans\) and 25 \(Obscure Windows\) pursuant to planning permission 22/1148/FUL to allow alterations to fenestration detailing, omission of terrace balconies, addition of AOV rooflights and submission of hard and soft landscaping details including landscape management. | Beesons Yard Bury Lane](#)

1 Relevant planning and enforcement history of the application site

- 1.1 16/2620/FUL: Demolition of existing single storey temporary storage building and construction of four storey commercial building connecting to the existing two storey commercial building. Withdrawn.
- 1.2 21/1971/FUL: Demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping. Refused, for the following reasons:

R1: The proposed building by virtue of its excessive height, elevated bulk and massing which is exacerbated by the use of large crown roofs would result in an unduly prominent form of development which would have a significant harmful impact on the character and appearance of the area and adjacent street scenes. The development is therefore contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2: The proposed building by virtue of its height and the lack of separation distances to Chesswood Court would significantly alter current privacy levels enjoyed by the occupants of Chesswood Court and would also unacceptably impact the level of light reception to a number of flats within the adjacent flatted development. The reduced privacy levels would adversely affect the occupants of Chesswood Court while the loss of light would further impact the residents' enjoyment of the flats to such an extent that their living conditions would be unacceptably eroded to the detriment of their residential amenity. The

development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R3: In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Rickmansworth Town Centre locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

- 1.2.1.1 A planning appeal made against the refusal was subsequently allowed on 4 November 2022 (APP/P1940/W/22/3300549). Not implemented.
- 1.2.2 22/1148/FUL: Demolition of existing buildings and structures and construction of a 43-unit retirement living scheme (Use Class C3) with car parking and associated landscaping. Permitted and being built out.
- 1.2.3 24/0890/NMA: Non-material amendment to planning permission 22/1148/FUL: To allow amendments to wording of Condition 19 (Parking Management Plan) and submission of Parking Management Plan. Permitted.
- 1.2.4 24/1123/NMA: Non-material amendment to planning permission 22/1148/FUL to allow for alterations to external materials, alterations to balcony structure and increase to ground floor footprint to south western corner. Permitted.
- 1.2.5 24/0143/COMP: Breach of Condition 3 (Construction Management Plan) of planning permission 22/1148/FUL, works not in accordance with planning permission. Pending.
- 1.2.6 26/0051/VAR: Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 22/1148/FUL) to amend the minimum age restriction clause for the Principal Occupant from the age of 60 to 55. Pending.

2 Description of Application Site and Surroundings

- 2.1 The application site contains a recently constructed part four, part three storey building containing 43 flats for retirement living along with associated parking area, amenity area, soft landscaping and attenuation pond. The application site is accessed by a long internal road from the western side of Bury Lane in Rickmansworth. The building is not yet occupied.
- 2.2 The access road abuts Gables Cottage (a Locally Important Building, Non-Designated Heritage Asset), Chesswood Court and Bury Mews. Chesswood Court comprises two flatted developments, a two storey building fronting Bury Lane and a three storey building with its associated parking and communal gardens, the latter of which abuts the eastern boundary of the application site. Bury Mews is a collection of two storey dwellings, two of which front Bury Lane with three immediately behind.
- 2.3 To the immediate south of the site there is a large garage court which is accessed via Goral Mead. Further garage courts adjoin the north western boundary of the site, also accessed via Goral Mead. Within Goral Mead there are a number of three/four storey buildings with parking bays abutting the application site. To the north is the Town Ditch which separates the site from the gardens of two storey dwellings which front Ebury Road.
- 2.4 In terms of policy designations, the application site falls within the Principal Town, Source Protection Zone 1, Flood Zones 2 and 3 and parts of the access drive fall within the Rickmansworth Town Centre Conservation Area, the boundary of which abuts the Town Ditch to the immediate north of the application site.

3 Description of Proposed Development

3.1 This application has been submitted via section 73 of The Town and Country Planning Act 1990 (as amended) which enables the determination of applications to develop land without compliance with conditions previously attached. The development has been largely fully constructed. This report will only focus on the changes proposed as the building and its use has been the subject to a previous grant of planning permission (22/1148/FUL) so the principle of the development cannot be re-visited as part of this application.

3.2 The applicant is applying to vary Condition 2 (Plan Numbers) and Condition 25 (Obscure Windows) pursuant to planning permission 22/1148/FUL to allow for the following changes from the permitted development, hereafter referred to as “the original planning permission”:

- **Larger windows within the northern and western elevations:** The applicant has stated that these windows were enlarged in height and design to achieve a clear actual ventilation area to accord with Approved Document B Fire Safety of the Building Regulations. The windows are Automatic Opening Vents (AOVs) and thus when required to do so can mechanically tilt open. The windows to the northern elevation have been fitted with obscure film, rather than purpose made obscure glazing. However, during the course of the application the applicant has confirmed that they intend to install purpose made obscure glazing (level of obscurity at level 5) to the windows within the northern elevation, prior to first occupation of the building (subject to change as awaiting confirmation from the applicant). There was no requirement to install obscure glazing to the windows within the western elevation.

- **Stairwell windows to northern elevation:** These windows have been inserted smaller in height than approved, have been fitted with purpose made obscure glazing but are contrary to Condition 25 of the original planning permission as they are bottom opening. The windows have all subsequently been fitted with a restrictor which prevents the windows opening outwards by more than 50mm. The applicant therefore is seeking an amendment to Condition 25 to read as:

“Prior to the first occupation of the development hereby permitted, the windows on the northern elevation (closest to the northern boundary of the application site) above ground floor level; shall be fitted with purpose made obscured glazing or coated with a permanent obscured ‘film’. The windows shall be top level opening at 1.7m above the floor level, or fitted with a 50mm restrictor to restrict opening to an extent that prevents views out of the windows to neighbouring property. The windows shall be permanently retained in an obscured and restricted manner thereafter.”

- **Plans updated to ensure consistency between floor plans and elevations:** The elevation drawing (PL 506 Rev H) showing the recessed fourth floor has been updated to reflect the approved floor plans, i.e. three Juliet balconies and four windows.

- **Safety railing added to eastern elevation:** A metal balustrade has been added to the parapet wall on the eastern elevation at the fourth floor to allow for maintenance. All Juliet balconies required to the flats to this part of the building have been affixed as per the original planning permission (*note: the flat roof was conditioned only to be accessed for maintenance purposes*).

- **Addition of roof hatches:** Two roof AOV rooflights have been installed which according to the applicant required were following consultation with Herts Fire and Rescue Service.

- **Omission of external stack balconies to western elevation and corner elevations:** The two stacked balconies to the western elevation have not been installed nor have the corner balconies between the western and corner with the set back northern elevation. The reasoning for their omission is because they would create an evacuation

risk and to improve daylight / sunlight levels for flats on the north facing elevation. Black metal Juliet balconies have been installed instead.

- **Submission of hard and soft landscaping details including landscape management:** During the course of the application the soft landscaping scheme was amended to retain existing trees to the northern boundary, adjacent to the attenuation pond as well an area for a potting shed and planters. The use of permeable block paviours to the access road has also been altered to permeable tarmac which does not alter the drainage strategy for the development.

3.3 The changes including comparisons with the original planning permission have also been set out in **Appendix A, along with site photographs.**

3.4 A number of reiterations of drawings have been submitted during the course of the application as the original plans failed to adequately relate to the works as built and applied for. Further works have also occurred during the application process which have led to further changes, all of which have been referred to above. Two Covering Letters were provided by the applicant, dated 4 November 2025 and 9 December 2025 which highlight the changes. The changes to the drawings led to three consultations exercises.

3.5 The development will still be served by 30 parking spaces as per the original planning permission, with the layout having been slightly altered.

3.6 Recent reports from local residents have also referred to the installation of a greater number of bollard lighting within the car park area, contrary to the details approved by the Council as part of the original planning permission, secured by Condition 27. This condition does provide some degree of flexibility on external lighting, but it must be agreed by the Local Planning Authority (LPA) which is not the case yet and is currently being discussed outside of this application.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: 1st comments provided on 14 October.

BCC discussed and noted this application

4.1.2 Batchworth Community Council: 2nd comments provided on 14 October [Object, Call-in]

Given the increased scale of the side windows compared with the approved plans, and the proximity of the smaller neighbouring dwellings, the change materially increases light spill and visual intrusion. To protect residential amenity, it is reasonable and proportionate to require proper obscure glazing and appropriate light-control measures — such as tinting and timed or automatic lighting — to ensure the development does not result in unacceptable harm.

In addition to this BCC further request:

- All the currently 'film covered' windows be changed to obscure glazing compliant with current regulations.
- All communal areas such as corridors are to be illuminated by motion sensors.
- An additional planting scheme of hedging and / or tree saplings for screening on the North side of the plot be submitted and approved.

BCC would like to call this into committee unless officers are minded to refuse.

4.1.3 Batchworth Community Council: 3rd comments provided on 17 December [Object, Call-in]

BCC would like to continue to call this application into committee, as we feel our previous comments have not been fully addressed. In particular, it is not clear that the glass within the stair and corridor windows have been replaced with obscured glass rather than obscured film.

Batchworth Community Council confirmed that they wished for the application to remain on the agenda.

4.1.4 Herts Fire & Rescue: Advisory comments.

Re the corridor AOV windows, they are required due to the extended travel distances in the corridors, it's not a demand by HFRS as such. They are required to comply with the guidance as given by Approved Document B. The size is dictated by the required available free space. As they appear to be louvred windows then the free space is calculated by the area of opening with the louvres in the open position. This would normally mean the free space is less than the area of the window.

The roof AOV does have to be above the flat roof and the height will be determined by what else is around it, this is to ensure the smoke is blown clear of the vent and does not re-enter the stairs as the smoke cools.

The height of the roof vent and the size of the windows is calculated as part of the fire strategy for the building and in designing the AOV system. It is not calculated by HFRS.

4.2 **Public/Neighbour Consultation**

4.2.1 As a result of amendments to the scheme, three re-consultations took place; 3 October; 6 November and 10 December.

4.2.2 Number consulted: 186

4.2.3 No of responses received:

- 8 (1st consultation - objections)
- 1 (2nd consultation - objections)
- 4 (3rd consultation - objections)

4.2.4 Site Notices: Expired 27.11.2025

4.2.5 Press Notice: Expired: 05.12.2025 (Watford Observer)

4.2.6 Summary of Responses from consultations:

- No longer a run of equal shaped windows on the north elevation
- Original window shape looks better than the change
- Window design out of keeping with the style originally approved as twice the size
- Has an adverse effect on the conservation area and Ebury Road streetscene
- Large windows increase light pollution and have an overwhelming, oppressive impact on the private amenity of the residential properties in Ebury Road
- Windows not installed with purpose made obscure glazing
- Proposed amended condition relating to stairwell window is ambiguous
- Window frames should be more in keeping and glass made less reflective / mirror like
- No evidence to support that the AOV windows need to be full height
- Developer has previously breached planning conditions

- Council should insist on compliance to agreed conditions, i.e. require proper obscure glazing, not inadequate film and corridors and stairwells to be illuminated by motion sensor activated lighting.

4.2.7 Comments were also received from The Rickmansworth & District Residents Association (RDRA) objecting to the application for similar reasons referred to above.

5 Relevant Planning Policy, Guidance and Legislation

Legislation

5.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

5.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

5.3 The Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

5.4 Environment Act 2021.

Policy / Guidance

5.5 NPPF:

5.5.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

5.6 Development Plan:

5.6.1 The Three Rivers Local Plan:

5.6.1.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

5.6.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include: PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13.

5.6.3 The Batchworth Neighbourhood Plan (Referendum Version) January 2025. Relevant policies include: BW GB1 (Biodiversity), BW CC1 (Sustainable design and construction), BW CC3 (Sustainable Drainage), BW C01 (Housing type), BW CO2 (Rickmansworth town centre uses), BW CO4 (Rickmansworth town centre design principles), BW CO7 (Employment), BW DE1 (High quality design) and BW AM1 (Active and healthy travel).

Other:

5.7 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)

- 5.8 Planning Practice Guidance (NPPG)
- 5.9 Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993)
- 5.10 Affordable Housing Supplementary Planning Document (adopted June 2011)
- 5.11 Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (February 2022)
- 5.12 South West Hertfordshire Local Housing Need Assessment (September 2024)
- 5.13 Housing Delivery Test Action Plan (June 2024).
- 5.14 Housing Land Supply Update (December 2024).
- 5.15 Technical Housing Standards – nationally described space standards (March 2015).

6 Planning Analysis

6.1 Overview

- 6.1.1 The original planning permission was granted by the LPA via reference 22/1148/FUL on 20 December 2023 and was subject to a section 106 agreement which secured the following heads of terms:
 - an occupancy restriction (as the development is for retirement living)
 - restriction on ability for future residents to apply for parking permits
 - contribution towards traffic regulation order amendment (£2,000)
 - waste management scheme for private collection
 - an affordable housing contribution (£549,603 - index linked from the date of the deed).
- 6.1.2 Following the grant of the original planning permission two Non-Material Amendment applications have been permitted for amendments to the wording of the condition relating to the Parking Management Plan (24/0890/NMA) and alterations to external materials, alterations to balcony structure and increase to ground floor footprint to south western corner (24/1123/NMA).
- 6.1.3 An alternative scheme was granted at appeal for the demolition of the existing buildings and structures and the erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping. This scheme was never implemented.
- 6.1.4 During construction works relating to the original planning permission there have been breaches of planning control. These relate to the hours of work as secured by the Construction Management Plan and works not conforming to the original planning permission. This application has been submitted as a direct result of discussions with officers pertaining to the on-going enforcement investigation 24/0143/COMP.
- 6.1.5 In consideration of this section 73 application, the LPA can decide to:
 - a) grant planning permission subject to conditions differing from those subject to which the original planning permission was granted, or,
 - b) decide that planning permission should be granted subject to the same conditions as those subject to which the original planning permission was granted, then this application should be refused.
- 6.1.6 Paragraph 140 of the NPPF states that local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

6.1.7 The relevant material considerations are set out below.

6.2 Principle of development:

6.3 The principle of development has been agreed and the development constructed but not yet occupied. It is therefore considered that the need for this type of housing development and the loss of the pre-existing commercial units does not need to be revisited as part of this application.

6.4 Impact on neighbouring amenity

6.4.1 Policy DM1 and Appendix 2 (Design Criteria) of the Development Management Policies LDD states that new development should take into consideration impacts on neighbouring properties, both within and surrounding the development. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene.

6.4.2 Policy DM9 of the Development Management Policies LDD states the Council will refuse planning permission for development which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.

6.4.3 Objections have been raised regarding the detrimental impact the changes will cause to neighbouring amenity, especially those on Ebury Way who back onto the site. A site visit was undertaken to neighbouring properties on Ebury Road in August 2025, prior to the submission of the planning application.

6.4.4 When considering the changes and their associated impacts, each relevant change has been considered in turn.

Larger windows within the northern and western elevations:

6.4.5 It is recognised that the windows serving the communal corridors within the northern and western elevations were consistent with the adjacent stairwell windows, in terms of size, colour and the requirement for the windows in the northern elevation to be inserted with purpose made obscure glazing.

6.4.6 The new AOV windows given their increased height, siting, and tilted opening design means they now appear more visually apparent than what would likely have been the case if the original permitted windows were installed. It is further acknowledged that their visibility from properties on Ebury Way will change depending on the time of year given the patchy vegetated coverage along the boundary with the application site / Town Ditch. However, whilst larger and visually more apparent, the windows are not considered to be un-neighbourly or have a detrimental impact on residents' outlook. However, it is recognised that the impact arising from the windows presence within the northern elevation is mitigated significantly by the window's obscurity, as this ensures that privacy levels are maintained and the intensity of the internal lighting is suitably mitigated to prevent any harmful impacts. Whilst residents from Ebury Lane have highlighted concerns with the level of internal lighting omitting from these windows, this was prior to the application of an obscure film. Additionally, the applicant has confirmed that corridor lights will be operated as motion sensors when the building is operational.

6.4.7 In terms of the obscured nature of the windows, it is noted that they have not been installed with purpose obscure windows as required, but instead applied with an obscure film which is not a permanent solution. Policy DM9 sets out that appropriate mitigation measures can be put in place but must be permanently maintained. It is recognised that a suitably worded planning condition can ensure that the film is always maintained and from an internal site

visit the film applied is difficult to remove and serves a communal area. However, given the siting and increased size of the windows, the concerns of residents are understood, and a more permanent solution would provide greater safeguards. The applicant has confirmed that they will be replacing the windows to ensure they are inserted with purpose made obscure glazing. To ensure that the residents privacy levels are permanently maintained, a suitably worded condition has been applied to require the windows to be altered.

6.4.8 In terms opening abilities of the AOV windows, as approved they should have been top-opening only. However, the windows are now able to tilt open for its full height, however, importantly this will only occur in the case of an emergency and is mechanically operated. On the basis that the windows are likely to remain shut, a suitably worded condition can be applied to safeguard privacy levels.

6.4.9 The change to AOV windows on the western elevation has had no detrimental effect on the residents of Goral Mead as they overlook the adjacent road and parking areas.

Stairwell windows to northern elevation:

6.4.10 The stairwell windows have been inserted with purpose made obscure glazing and whilst bottom opening, a restrictor has been applied which significantly restricts the ability to open the windows by more than 50mm. Additionally, the windows serve stairwells and do not form part of the flats. Therefore, subject to a suitably worded condition, these windows are acceptable and do not harm residential amenity.

Safety railing added to eastern elevation:

6.4.11 The addition of the metal balustrades to the eastern elevation serving a flat roof area do not affect neighbouring amenity. A condition previously applied to the original planning permission in respect of the use of the flat roof would continue to be applied to prevent use by residents.

Addition of roof hatches:

6.4.12 The roof hatch adjacent to the northern elevation is visible, but generally only glimpsed when at ground level, unless at a significant distance away. The rooflights are relatively minimal in scale and do not adversely affect residential properties on Coral Mead or Ebury Road.

Omission of external stack balconies to western elevation and corner elevations:

6.4.13 The omission of the balconies does not affect neighbouring amenity given their siting relative to residential properties.

Summary:

6.4.14 To summarise, the changes are considered acceptable with the exception of the use of film to the AOV windows at first, second, third and fourth levels within the northern elevation which has subsequently been agreed to change to purpose made obscure glazing. The development subject to conditions is therefore considered to comply with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

6.5 Design, impact on the character of the area and towards heritage assets (Rickmansworth Conservation Area and Locally Important Buildings)

6.5.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context

and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

- 6.5.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.
- 6.5.3 Policy DM3 of the Development Management Policies document states that within conservation areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area and does not harm important views into, out of or within the Conservation Area. The policy is silent with regards to the impact on the setting of Locally Important Buildings (referred to as non-heritage designated assets within the NPPF).
- 6.5.4 Policy BW DE1 of the Batchworth Neighbourhood Plan states that development shall respond to local character and wherever possible, contribute towards improvements to character.
- 6.5.5 In close proximity to the application site and fronting Bury Lane are Beresford Almshouses and The Gables, both Locally Important Buildings (non-designated heritage assets).
- 6.5.6 The building is not located within the Rickmansworth Conservation Area but it is visible from views within, especially from Bury Lane and gaps between dwellings in Ebury Way. Whilst visible from Ebury Way, given the wider backdrop of the building and distances involved, the change to the fenestration detailing, addition of rooflights and balustrades do not adversely affect the setting of the Rickmansworth Conservation Area.
- 6.5.7 It is recognised that the larger windows are now no longer consistent with other permitted windows within the northern elevation, however, when considered against the whole building it is not considered that they are out of character or incongruous.
- 6.5.8 The introduction of the metal balustrades to the front elevation, facing Chesswood Court are largely screened by the parapet wall. Nevertheless, their design is consistent with the privacy screens and stacked balconies which are evident elsewhere on the front elevation ensuring that their introduction is in-keeping.
- 6.5.9 The omission of the balconies towards the rear of the building has meant that the length of the building is now not broken up as well as it would have been with the introduction of the stacked balconies which were to provide some visual contrast and interest. However, this part of the building is not readily visible from the adjacent conservation area and is primarily viewed from Goral Mead. When viewed from Goral Mead, there is one stacked balcony and Juliet balconies have been installed which does provide some degree of visual variation. That said, the omission of the balconies and replacement with Juliet balconies has still ensured that the quality of the design of the development has not been materially diminished and does not have a harmful impact on the character of the area.
- 6.5.10 To summarise, it is not considered that the changes adversely affect the setting of the Rickmansworth Conservation Area and non-designated heritage assets, nor do they unacceptably erode the character of the development as initially approved nor harm the character of the area. As a result, the changes to the original planning permission accord with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, Policy BW DE1 of the Batchworth Neighbourhood Plan and the NPPF.

6.6 Affordable Housing

- 6.6.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.
- 6.6.2 The original planning permission was supported by a Viability Assessment which was independently reviewed. Upon initial review the Council's Independent Viability Assessor concluded that the applicant should provide the full provision of 19 1 bed and 2 bed flats with a tenure split of 70/30. However, the applicant disagreed with the assessor's Benchmark Land Value (BLV) amount of £750,000. Due to the disagreements, an Independent Commercial Expert was instructed to review the BLV. The findings of the Commercial Expert agreed with the applicant and thus it meant that it would not be viable for the scheme to provide a policy compliant amount of affordable housing. However, the Independent Viability Assessor through his amended review concluded that the scheme could provide for 5, 1 bed flats and 5, 2 bed flats for shared ownership.
- 6.6.3 Nevertheless, due to the nature of the development whereby service charges will be applied to future residents as well incorporating the cost of the private waste collection, on-site affordable units were not considered appropriate in this instance. With this in mind and further to additional guidance received from the Council's Independent Viability Assessor, it was considered that an off-site financial contribution of £549,603 (index linked from the date of the deed), as concluded by the Independent Viability Assessor in their final review, would be the most appropriate means of securing affordable housing (a policy compliant off-site contribution would equate to £3,316,612.5).
- 6.6.4 It was agreed that the contribution should be paid in two instalments, 50% at commencement and 50% prior to occupation, in lieu of any late stage review mechanism.
- 6.6.5 At time of this report, 50% of the contribution has been paid to due with final 50% due prior to occupation. To secure the outstanding affordable housing payment, a deed of variation is required to the section 106 agreement relating to planning permission 22/1148/FUL.

6.7 Living conditions of future occupants

- 6.7.1 Policy CP12 of the Core Strategy states that development must protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 6.7.2 Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, contribute to formal spaces/settings for groups of buildings or existing mature trees.
- 6.7.3 When applying the development to the indicative standards for flats there would be a requirement for 1,083sqm. From the plans previously approved the total amount of amenity space equated to approximately 700sqm which took into account the communal gardens, private amenity spaces and external balconies (excluded attenuation pond). The resultant external amenity area as built is largely as approved.
- 6.7.4 One of the changes which impacts the quality of accommodation provided is the loss of the stacked balconies which means 21 out of 43 flats would no longer have their own private amenity area, as the balconies have been replaced with Juliet balconies. As permitted, only eight had no private amenity area.

- 6.7.5 Notwithstanding the further loss of private balconies, the corner flats will now benefit from greater light reception which enhances the quality of accommodation on offer. Additionally, whilst recognising the level of amenity space for the original planning permission fell short of the indicative level required by Appendix 2, it was acknowledged that the application site is within a town centre location where there is a general acceptance that developments have smaller amenity spaces given the site constraints and higher densities. In addition, the site is within a short walking distance (8-10 mins) of the Rickmansworth Aquadrome and close to other local public open spaces within Rickmansworth such as The Bury Gardens, Rose Garden and Rickmansworth Park.
- 6.7.6 Additionally, there are a number of distinct areas whereby residents will be able to use, including a landscaped garden with benches/covered seating, and areas of lawn areas. Whilst not sizable in their own right they will still provide spaces for residents to use and full walking connectivity around the entire building will be possible. Consequently, the loss of private balconies is not considered to be detrimental to the living conditions of future residents.
- 6.8 Impact on trees / landscaping
- 6.8.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- 6.8.2 Due to the built-up nature of the application site the majority of trees and landscape features were prior to the redevelopment found along the site's perimeter to the north.
- 6.8.3 In order to facilitate the new building the hedging within the site was removed as approved; with new trees and soft landscaping areas to be introduced to compensate any loss. Two trees along the northern boundary were also shown to be retained and these have remained in situ throughout construction works.
- 6.8.4 Condition 21 of the original planning permission required the submission of a hard and soft landscaping scheme, based on the details provided on drawings PL 500 Rev A & MCS23387 10A (Landscape Masterplan) of the original planning permission which was indicative, to some degree.
- 6.8.5 This application has been supported by a comprehensive landscape proposal which includes the required details secured by Condition 21 of the original planning permission. This has been amended during the application process to retain two existing trees along the northern boundary, which provide valued screening for residents on Ebury Road.
- 6.8.6 Whilst trees have been omitted from the boundary with Chesswood Court, it is not considered that this erodes the quality of the landscaping proposal, especially when considering that this boundary is already well vegetated from the Chesswood Court side.
- 6.8.7 The development proposal would therefore be acceptable in accordance with Policy DM6 of the Development Management Policies LDD.
- 6.9 Impact on highway safety and parking
- 6.9.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.9.2 The application site is served by a single vehicular access from Bury Lane.
- 6.9.3 Internally within the site and along the access road the defined pedestrian route has been removed. There is no objection to this change.
- 6.9.4 With regards to parking, Policy DM13 and Appendix 5 of the Development Management Policies LDD states that for C3 residential (elderly person's accommodation / retirement dwellings) there should be 1.5 spaces per unit for 1 and 2 beds flats which includes a 0.25 allowance for a visitor space. When applied to the development as approved there was a requirement to provide 65 spaces (rounded up from 64.5). The development provided for 30 on-site parking spaces, resulting in a shortfall of 35 spaces.
- 6.9.5 As justification for the shortfall, it was accepted that visitors will attend the site; however, the surrounding roads are all permit parking (or 1 hour no return within 1 hour (Mon-Sat 8.30 to 6.30pm)) meaning the majority of visitors will either park on site, use the parking bays on local roads for an hour or use the local public car parks, of which there are plenty within a short walking distance. The existence of permit parking and 1 hour return was also considered to deter future residents from parking here as they would need to park outside the parking zone which is a significant walk from the site. Notwithstanding the above, to ensure that residents and staff are unable to park on the surrounding road networks, a legal obligation was secured preventing those associated with the development from applying for a permit. The deed of variation to the legal agreement would need to secure the parking permit controls to prevent the permanent use of the permit parking spaces along Bury Lane and other nearby roads as well as ensuring that parking in the area is not displaced or put under further pressure as a result of this development. Secondly, the development will be age restricted where car ownership is statistically lower. Additionally, all residents will be aware of the parking requirements on site; however, importantly the site is well connected to local amenities and transport connections. Lastly, the development would be served by an electric car club on site which will enable a vehicle to be shared and offer greater choice for future occupiers. The details of the car club have been secured by condition and will be re-imposed as a compliance condition.
- 6.9.6 In respect of cycling parking, Appendix 2 sets out that for retirement dwellings there should be 1 short-term space per 3 flats and 1 long-term space per 5 flats. When applied to the development 22.6 cycle spaces (14 externally and 8.6 internally) should be provided. Externally, there would be a cycle rack for 4 cycles, while none are currently provided internally. However, the buggy store could be used flexibly to cater for demand amongst residents. Whilst the external storage is lower than required, it is recognised that the development can be flexible to increase storage if demand requires. Therefore, no objection is held in this regard.
- 6.10 Waste Management
- 6.10.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 6.10.2 The proposal development falls within a residential use whereby there is an obligation for the residents to have their waste collected by the Council. However, due to access

constraints given the location of the parking bays on Bury Lane, the vehicles used by the Environmental Protection department would be unable to enter the site to collect waste.

- 6.10.3 When looking at alternatives as part of the original planning permission, there was insufficient room within the internal access road to provide a bin collection point which could have been collected by the Council. This part of the site is also within the Rickmansworth Conservation Area where such a collection point may be visually unacceptable. As a result, it is considered that the only option was for the waste and recycling to be collected by a private contractor. The details of which were secured by a Waste Management Scheme which formed part of the S106 agreement. Such details would need to be re-secured prior to the grant of this application.
- 6.10.4 In light of the above, subject to the agreement of a deed of variation to the S106 agreement the use of a private contractor would, in this instance due to the site circumstances, be acceptable and would ensure acceptable waste management in accordance with Policy DM10 of the Development Management Policies LDD.
- 6.11 Flooding and Drainage
- 6.11.1 The NPPF at paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.11.2 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs).
- 6.11.3 Policy DW CC3 of The Batchworth Neighbourhood Plan 2023-2038 (Referendum Version) states that the design of SuDS should reflect best practice and follow the SuDS hierarchy as set out in the LLFA Summary Guidance for Developers.
- 6.11.4 There are no changes to the approved drainage strategy which is in the process of being implemented on site. Conditions have been applied which requires the drainage strategy to be constructed as originally approved and that details of the completed drainage works are submitted to the Council.
- 6.12 Wildlife & Biodiversity
- 6.12.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 6.12.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. Policy DM6 sets out that development must conserve, enhance and, where appropriate, restore biodiversity. It refers

to measures that relate to protection, compensation and management of habitats and species, amidst others.

6.12.3 Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused, b) development on land or outside of a Site of Special Scientific Interest, and which is likely to have an adverse effect should not normally be permitted, c) development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and d) development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.12.4 The changes proposed have no detrimental impact on biodiversity.

6.13 Biodiversity Net Gain (BNG)

6.13.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% biodiversity value. This is subject to exemptions as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

6.13.2 Policy BW GB1 of The Batchworth Neighbourhood Plan 2023-2038 (Submission Version) states that development proposals must manage impacts on biodiversity and secure a minimum net biodiversity gain of 10%.

6.13.3 This application is exempt from BNG as it is a variation to a planning permission which was granted prior to the mandatory BNG taking effect.

6.14 Sustainability

6.14.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

6.14.2 Policy BW CC1 of The Batchworth Neighbourhood Plan states that the design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for water and energy efficiency.

6.14.3 The development has been incorporated by energy efficient building fabric, double glazed windows, low energy lighting, high efficient heating systems and solar panels (located on the roof) which combined exceeded the policy standard.

6.14.4 The changes proposed under this application do not effect compliance with the previous requirements.

6.15 Planning Balance

6.15.1 The NPPF at paragraph 11 states the plans and decisions should apply a presumption in favour of sustainable development. For decision making in this means (c) approving development proposals that accord with an up-to date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most

important for determining the application are out-of-date, granted planning permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.15.2 The above assessment has found that the development is acceptable in accordance with the development plan. However, if an alternative view was taken, paragraph 11 of the NPPF and the presumption in favour of sustainable development must be considered.

6.16 Summary, Conditions and S106

6.16.1 The changes proposed and as amended during the course of the application are acceptable and planning permission should be granted subject to conditions differing from those subject to which the original planning permission was granted.

6.16.2 As the building has been built many previously imposed planning conditions now fall away. However, it is important that the conditions listed at section 7 are imposed to ensure an acceptable form of development which safeguards neighbouring amenity and preserves the character of the area. The majority are compliance conditions as details have previously been approved by Approval of Details Applications (commonly referred to as discharge of condition applications). Additionally, the suggested amendment to Condition 25 by the applicant has been amended and is now listed as Condition 20 at section 7.

6.16.3 A deed of variation is required to the Section 106 Agreement which was secured via planning permission 22/1148/FUL. The heads of terms remain the same as those previously secured. The affordable housing contribution (£274,801.50) due prior to commencement and the contribution towards the amendment to the traffic regulation order (£2,000) have already been paid. The S106 will however need to secure the remaining 50% of the affordable housing contribution (£274,801.50), controls on parking permits, occupancy age restrictions, and the submission of a Waste Management Scheme for agreement.

7 **Recommendation**

7.1 That **PLANNING PERMISSION IS GRANTED**, subject to the completion of a Deed of Variation to a Section 106 Agreement pursuant to planning permission 22/1148/FUL dated 18 December 2023; and the following conditions:

C1 In accordance with plans:

The development hereby permitted shall be carried out in accordance with the following approved plans:

*LP 01 (site location plan); LP02 (Site Context - Conservation Area Plan); LP 03 (Site Context Plan - Building Heights); LP 04 (Combined Title Information Plan); TS15129X1 (Existing Floor Plans 1); TS15129X2 (Existing Floor Plans 2); TS15129X3 (Existing Floor Plans 3); TS15129X4 (Existing Elevations); **PL 500 Rev B (Proposed Site Plan); PL 503 Rev F (Proposed Ground & First Floor Plans); PL504 Rev F (Second & Third Floor Plans); PL505 Rev C (Proposed Roof Plan); PL506 Rev H (Proposed South & Eastern Elevations); PL 507 Rev H (Proposed Northern & Western Elevations); PL 509 (Sub-station Elevations); SV 01 (Topographic Survey); MCS23387 11M (Landscape Masterplan); MCS23387-15D (Landscape Boundary Details); 1691-KC-XX-YTREE-TPP01 Rev 0 (Tree***

Protection Plan).

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA2 of the Site Allocations Local Development Document (adopted November 2014), and Policies BW GB1, BW CC1, BW CC2, BW CC3, BW C07, BW CO8, BW DE1 & BW AM1 of the Batchworth Neighbourhood Plan 2023-2038 and the NPPF (2024).

C2 Construction Management Plan:

The construction of the development shall only be carried out in accordance with the Construction Management Plan agreed via Approval of Details Application 24/0148/DIS, granted by the Local Planning Authority on 28 March 2024.

Reason: In order to protect highway safety and to mitigate the impact of construction activity on adjacent residential properties, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM9 and DM10 of the Development Management Policies LDD (adopted July 2013).

C3 Archaeology Written Scheme of Investigation including post investigation assessment:

The development shall be carried out in accordance with the Written Scheme of Investigation for an Archaeological Evaluation (December 2023), agreed via Approval of Details Application 24/0148/DIS granted by the Local Planning Authority on 28 March 2024 and the Archaeological Evaluation (November 2024), agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 3 April 2025.

Reason: To evaluation/mitigation necessary to protect any archaeological remains present within the development site in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

C4 Remediation Strategy:

The development shall be carried out in accordance with the Remediation Strategy and Verification Plan (June 2024) prepared by Crossfield Consulting, agreed via Approval of Details Application 24/1131/DIS granted by the Local Planning Authority on 12 August 2024.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C5 Surface Water Drainage Scheme:

The development shall be carried in accordance with the Detailed Surface Water Drainage Scheme (Issue 1 dated 19 January 2024) prepared by Infrastructure Design Limited and letter dated 8 May 2024 from Infrastructure Design Limited, agreed via Approval of Details Application 24/0660/DIS granted by the Local Planning Authority on 5 June 2024.

Reason: To ensure that the development would not be subject to unacceptable risk of flooding in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038.

C6 Construction Ecological Management Plan:

The development shall be carried in accordance with the Construction Management & Construction Ecological Management Plan (March '24 WT V3), agreed via Approval of Details Application 24/0148/DIS granted by the Local Planning Authority on 28 March 2024.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C7 Contamination:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Materials:

The development shall be carried in accordance with the External Finishes Schedule Rev A (Document reference: NL-2783-04-AC-1987), agreed via Approval of Details Application 24/1313/DIS granted by the Local Planning Authority on 11 November 2024.

Reason: To ensure that the external appearance of the building and site in general is acceptable and preserves the character and appearance of the Rickmansworth Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C9 Biodiversity Enhancements:

The development shall be carried in accordance with drawing number NL-2783-05-AC-001 Rev C01, agreed via Approval of Details Application 24/1313/DIS granted by the Local Planning Authority on 11 November 2024.

The approved measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure biodiversity net gain and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and Policy BW GB1 of the Batchworth Neighbourhood Plan 2023-2038.

C10 Energy Measures:

The development shall be carried in accordance the Energy Statement (August 2024) prepared by Focus, agreed via Approval of Details Application 24/1313/DIS granted by the Local Planning Authority on 11 November 2024.

Reason: In order to ensure that the development will meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

C11 Travel Plan Statement:

The approved Travel Plan Statement (February 2025), agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 3 April 2025, shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013) and Policy BW AM1 of the Batchworth Neighbourhood Plan 2023-2038.

C12 Archaeology Post Investigation Assessment:

The development shall be carried in accordance with the Archaeological Evaluation (November 2024).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (3) and the provision made for analysis and publication where appropriate.

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C13 Parking Management Plan:

The allocation of the parking spaces to be provided on site for residents of the development and visitors to it (including the allocation of spaces for disabled persons and members of the development's electric car club), and the car park management and operation shall accord with the agreed Parking Management Plan dated May 2024 (as agreed by 24/0890/NMA granted by the Local Planning Authority on 1 July 2024) which shall be adhered to at all times throughout the lifetime of the development.

No dwelling shall be occupied until the access road, on-site car parking spaces and turning areas to be provided on the site have been laid out, demarcated, levelled, surfaced (and drainage measures installed) in accordance with approved plan reference PL500 Rev C and the agreed Parking Management Plan. Thereafter the access road, on-site car parking spaces and turning areas shall be permanently retained.

Reason: To ensure the on-site parking spaces are made exclusively available only for residents and visitors to the site to enable adequate supply of parking having regard to Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C14 External Cycle storage:

Prior to the first occupation of the development hereby permitted, the external Sheffield cycle stands as shown on drawing number PL500 Rev B shall be erected and permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy BW AM1 of the Batchworth Neighbourhood Plan 2023-2038

C15 Hard and Soft Landscaping including maintenance:

Prior to the first occupation of the development hereby permitted, all hard landscaping works shall take place in accordance with drawing numbers MCS23387-11M and MCS23387-15D.

All planting, seeding or turfing comprised in drawing numbers MCS23387-11M and MCS23387-15D shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The external areas of soft landscaping shall be managed in accordance with the Soft Landscaping Specification, dated March 2024.

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C16 Flood Warning Measures (Emergency Plan):

Prior to the first occupation of the development hereby permitted, an Emergency Plan based on the Draft Emergency Flood Response Plan V2 dated May prepared by SLR Consulting document shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow guidance set out within the Flood Risk emergency plans for new development and include:

- measures to ensure occupiers are aware of the likely frequency and duration of flood events; and
- safe access to and from the development

The plan shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure that the development would not be subject to unacceptable risk of flooding in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C17 Electric Car Club:

The Electric Car Club shall be implemented and managed in accordance with the details set out within the Travel Plan Statement (February 2025), as agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 3 April 2025

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013) and Policy BW AM1 of the Batchworth Neighbourhood Plan 2023-2038

C18 Obscure Privacy Screens:

The privacy screens shall be implemented and permanently retained in accordance with drawing numbers 508-01 P01 and 508-04 P01, agreed via Approval of Details Application 25/0106/DIS granted by the Local Planning Authority on 13 October 2025.

Reason: To protect neighbouring privacy levels in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C19 AOV Obscure windows within the northern elevation:

Prior to the first occupation of the development hereby permitted, the Automatic Opening Vents windows in northern elevation (closest to the northern boundary of the application site) above ground floor level, shall be fitted with purpose made obscured glazing with the level of obscurity at level 5, and, shall only be openable in the case of emergencies. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C20 Staircase windows within northern elevation:

The windows serving the stairwell within the northern elevation (closest to the northern boundary of the application site) above ground floor level, shall be fitted with purpose made obscured glazing and shall be top level opening at 1.7m above the floor level, or, fitted with a restrictor to ensure that no part of the windows below a height of 1.7m (measured from the internal floor level) can open outwards by more than 50mm past the external frame. The windows shall be maintained thereafter in accordance with the above details. In the case whereby a restrictor is removed or broken to enable emergency access, the restrictor shall be re-installed or a new one installed as necessary in accordance with the above details within 1 MONTH with this process maintained thereafter in perpetuity.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Use of Flat Roof

The flat roof immediately adjacent to Flats labelled RL13R-SB and RL21 SB on the submitted plans at third floor level of the building hereby permitted shall only be accessed for maintenance purposes. The roof shall not at any time be used as a balcony or for amenity purposes.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C22 External Lighting Details:

The external lighting installed on the site and affixed to the building shall be undertaken in accordance with the details set out within the document titled "2783 – Rickmansworth_External Project" and be installed before the first occupation of the development hereby permitted.

No other external lighting shall be installed on the site or affixed to the building on the site unless the Local Planning Authority has first approved in writing details of the

position, height, design and intensity. The submitted lighting details shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, to preserve the character and appearance of the Rickmansworth Conservation Area, safeguard biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C23 Retention of existing signage:

The existing signage above the access into the application site shall be retained (or if temporarily removed during the construction phase it shall be re-installed prior the first occupation of the development) and be permanently maintained thereafter following completion of the development.

Reason: To preserve the character and appearance of the Rickmansworth Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C24 SuDS Infiltration of surface water into ground:

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Policy DM9 of the Development Management Policies LDD (adopted July 2013), Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038 and the NPF (2024).

C25 In accordance with drainage strategy:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 05, dated: May 2022) and the response to the LLFA's Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022) and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 1.0/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in lined geo-cellular crates, lined permeable paved area and a pond/wetland area.
3. Discharge of surface water from the site into the Town Ditch main river at a restricted rate of 1.0l/s

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038

C26 Verification Report:

The development hereby permitted shall not be occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and Control mechanism.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C27 Management and maintenance plan for the SuDS:

Upon completion of the drainage works for each site in accordance with the timing/phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the drainage strategy can be maintained throughout the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and Policy BW CC3 of the Batchworth Neighbourhood Plan 2023-2038.

7.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows: All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations.

Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start.

Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

(a) Making a Non-Material Amendment

(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>)

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at:

<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

12 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- a) the application for planning permission was made before 2 April 2024
- b) planning permission is granted which has effect before 2 April 2024; or
- c) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates was exempt by virtue of 3 (a) or (b).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 13 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

- 14 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 15 Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comment

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotectionposition-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or w_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

16 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

17 Highway Authority:

Storage of materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Obstruction of public highway land:

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

Road Deposits:

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Estate Road Adoption:

The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. The developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Works within the highway (section 278):

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and

specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Travel Plan (TP):

- i) A revised and approved Travel Plan at least 3 months before first occupation, consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's Travel Plan Guidance (March 2020) or any subsequent replacement guidance.
- ii) The Travel Plan is subject to an 'Evaluation and Support Contribution' totalling £6,000 (index linked by RPI from March 2014), payable before first occupation of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. The applicant's attention is drawn to Hertfordshire County Council's guidance on Travel Plans in this respect.
- iii) A Travel Plan Remedial Measures Notice clause within the Legal Agreement, enabling the County Council to serve notice in writing on the Owner via the Travel Plan Co-ordinator where the Owner has failed to meet one or more of the targets identified in the Travel Plan, and specifying the remedial measures and/or actions required to be taken by the Owner to remedy the failed implementation towards the agreed targets with a reasonable time provision.

18 Environment Agency Advice:

We note that a Generic Quantitative Risk Assessment (GQRA) has been provided in the Phase II Geoenvironmental Assessment prepared by Delta Simons (Ref: 98854.599535, dated June 2024). The GQRA ruled out risks to groundwater quality as no groundwater strikes were encountered during the investigation works. However section 2.5.1 Ground Investigation Works of the report titled 'HCP Watford - Surface water drainage strategy' prepared by Evolve (Ref: 3681-EVE-00-XX-T-C-0130 dated June 2024) provides evidence for the existence of a licensed groundwater abstraction for spray irrigation located on-site, and data from nearby adjacent sites indicate that the permanent water table varies from a depth of approximately 5 – 12 m bgl in the vicinity of the site. As such, we are not comfortable that the hydrogeological situation beneath the proposed development site has been adequately assessed. Given the industrial usage of the site we feel that groundwater quality information from beneath the site will be required to inform the risk assessment and remediation strategy to enable the redevelopment of the site.

Due to vulnerability of the principal chalk aquifer, its limited natural protection to Groundwater, the site investigation would need to cover the entirety of the developing area, including all areas of the proposed buildings to be demolished, in order to satisfy (3).

The use of piled foundations and other types of intrusive groundworks have the potential to create new pollutant linkages, potentially resulting in the deterioration of groundwater quality beneath the site.

If piling techniques will be used during the construction of this development, information to address the above issues will need to be included as part of a risk assessment and should consider the following:

- identification of relevant receptors and baseline monitoring;
- determination of contaminants of concern and establishment of trigger values;
- a monitoring strategy to be implemented during and after piling;

Deep-piled foundations that could penetrate into the sensitive chalk aquifers that underlie the site would significantly alter the risk profile with respect to groundwater quality for this development, and we strongly recommend exploring the feasibility of shallower foundations as much as possible.

Water Resources

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

Commercial/Industrial developments

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the BREEAM 'excellent' standard for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at:

<https://www.gov.uk/government/publications/planning-advice-environment-agencystandard-terms-and-conditions>.