

PLANNING COMMITTEE – Thursday 18 June 2026

23/0483/FUL: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

23/0484/LBC: Listed Building Consent: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

Parish: Croxley Green
Expiry of Statutory Period: 21st June 2023
Extension agreed to 24th June 2026

Ward: Dickinsons
Case Officer: Claire Wilson

Development Type: Major Application

Recommendations:

23/0483/FUL: That Planning Permission is granted subject to conditions.

23/0484/LBC: That Listed Building Consent is granted subject to conditions as set out below.

Reason for consideration by the Committee: Planning application 23/0483/FUL had been called in by three members of the Planning Committee because of the access across the Green to the site. In addition, this planning application had been called in by Croxley Green Parish Council for the reasons set out at 4.1.2 below.

Whilst Listed Building Consent application 23/0484/LBC had not been called into Planning Committee, it is considered appropriate for the applications to be considered together.

To view all documents forming part of these applications please click on the relevant link below:

23/0483/FUL: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUW00>

23/0484/LBC: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUY00>

Officer Update: The applications were brought to Planning Committee in November 2023. In accordance with the officer recommendation, members resolved to grant both planning permission and Listed Building Consent which would have allowed the conversion and extension of the building for use as a children's nursery.

The resolution to grant for the planning application was however subject to the completion of a S106 Agreement as required by Hertfordshire Highways. At the time of the application, HCC advised that a full travel plan would be required and should be secured via a S106 agreement which would also include a £1,200 per annum Evaluation and Support Fee index linked to RPI March 2015 in accordance with Hertfordshire County Council's Travel Plan Guidance. The Travel Plan was required in order to incorporate measures to promote sustainable transport. In addition, the S106 agreement would have secured the above monitoring fees. The requirements for the Travel Plan are set out in full at HCC's consultee comments as per paragraph 4.1.7.1 of the officer report.

Since November 2023, the LPA has allowed the applicant a significant and reasonable length of time to progress and complete the S106 Agreement. However, to date, this has not been completed, and it is understood that this is due to issues with the existing landowner. Given the length of time that has passed, it is highly unlikely that a S106 agreement will be progressed or completed. As such, officers have had further discussions with HCC who have re-considered the application and their requirement for a Travel Plan to be secured via a S106 Agreement. Whilst a S106 agreement would have been the preferred mechanism to secure the Travel Plan and monitoring fee, they have confirmed that they would not be able to defend a reason for refusal regarding the failure to complete a S106 agreement. They have therefore confirmed that they would be content for the Travel Plan to be secured via a condition only. As such, this application is returned to committee for members to agree to the removal of the requirement for a S106 agreement, and for the travel plan to be secured via a condition only.

It is advised that the grant of planning permission does not override the requirements to obtain other necessary consents.

1 Relevant Planning History

There is an extensive planning history with the most recent as follows:

- 1.1 14/2141/FUL: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.2 14/2142/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.3 16/0963/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.4 16/0964/FUL: Variation of Condition 2 (Approved Plans) of planning permission 14/2141/FUL to allow alterations to the footprint and layout of the approved care home. Application permitted.
- 1.5 18/1738/LBC: Listed Building Consent: Reconstruction and repairs to boundary wall. Application permitted.
- 1.6 20/1868/FUL: Variation of Condition 2 (Approved Plans) and removal of Condition 6 (Panelling) pursuant to planning permission 16/0964/FUL to allow alterations to the approved layout to retain existing panelling. Application permitted.

- 1.7 20/1961/LBC: Listed Building Consent: Variation of Condition 2 (Approved Plans) and Condition 5 (Panelling) of Listed Building Consent 16/0963/LBC to allow alterations to the internal layout including alterations to the existing Panelling.
- 1.8 20/2366/LBC: Listed Building Consent: Construction of an outbuilding. Application permitted.
- 1.9 20/2371/FUL: Construction of an outbuilding. Application permitted.
- 1.10 21/2851/NMA: Non-material amendment to planning permission 20/1868/FUL: Alterations to wording of Condition 13 (parking and turning spaces) to allow for changes to the surface material and layout. Application permitted.
- 1.11 22/0746/ADV: Advertisement Consent: Installation of two freestanding directional signs at the junction of Croxley House, Sarratt Road and The Green. Application withdrawn.
- 1.12 25/1346/FUL: Conversion of existing building into 6no. (Use Class C3) residential units with associated bike store, parking and landscaping works. Application permitted April 2026. Permission not implemented.
- 1.13 25/1347/LBC: Listed Building Consent: Conversion of existing building into 6no. (Use Class C3) residential units with associated bike store, parking and landscaping works. Application permitted April 2026. Permission not implemented.

2 Description of Application Site

- 2.1 Croxley House is a Grade II Listed Building located within the Croxley Green Conservation Area and the Metropolitan Green Belt. The building was previously in use as a residential care home accommodating 33 rooms, however, it is noted that the building has remained vacant since January 2021.
- 2.2 Croxley House is red brick, two storey building with a single storey projection to the east, set within a landscaped setting. It is noted that the building has been historically extended. The listing for the property describes it as:

Large house, now old people's home. c.1770, extended late C19 and C20. Red brick, once stuccoed. Shallow hipped slate roof. 9 bays, 1:2:3:2:1. 2 storeys. Garden front: central 3 bays project slightly with a full height bow window. 3 ground floor French windows. First floor glazing bar sashes with stone sills, all with gauged brick flat arched heads. Flanking bays have glazing bar sashes, 16 pane on first floor. Outer bays have blocked basement, plinth, glazing bar sashes and an oriel on the ground floor to right. Original end bays project slightly. Boxed eaves. Central axial and flanking cross axial stacks. Link to 3 bay C19 addition to right, porch to entrance with pilastered surround, corniced hood, sashes, roof hipped to right. 2 extruded stacks on right return. To left 4 bays, 2 phases of C20 additions. Entrance front: late C19 ground floor projection to central 3 bays. Entrance to left with keyed segmental head. Double sash to right with twisted colonnette mullion. Dentilled brick course below cornice. Outer bays set back, large stair window to left with Gothic glazing. Some 16 pane sashes to right. End bays project slightly. End stacks on main block. C19 block to left has a semi-circular bow, French windows, casements, dentilled brick eaves. Interior: moulded plaster ceiling, late C19 carved chimneypiece with caryatids. (VCH 1908: Pevsner 1977).

- 2.3 To the north of the building is an area of hardstanding used for parking, with large areas of soft landscaping beyond. Within the garden area to the north of the site, is the Well House which is Grade II Listed in its own right. The southern and eastern boundaries of Croxley House are formed by mixed vegetation and an existing brick wall which is acknowledged to be in a poor state of repair. The main entrance to Croxley House is located within the northern elevation of the existing building, facing away from The Green and towards the

existing garden. To the south of the building adjacent to The Green is an existing area of soft landscaping.

- 2.4 In 2014, planning permission was granted for the construction of a new care block within the walled garden which provides 40 bedrooms, with ensuite wet rooms, communal spaces and administrative and staff facilities. This permission was amended in 2016, with the new building known as Clarendon Lodge opening in January 2021. It is noted that the planning permissions for the site also included internal alterations to the Listed Building to allow it to continue operating as a care home. However, it is understood that the works were not undertaken due to viability concerns. In addition, an Inspection was made by the Care Quality Commission in December 2020, with the full inspection report being published in May 2021 which found that Croxley House was inadequate.
- 2.3 Croxley House is served by an existing vehicular access road, accessed from The Green. This access road is shared with the existing care home known as Clarendon Lodge, which is located to the west of the site and has its own separate parking area.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission and listed building consent for the change of use of the existing building from a care home (Class C2) to a nursery (Class E (f)) including partial demolition of the existing extension and construction of two storey extension, provision of spiral stairs, ramp access, green roof, rooflights and vents, repair to boundary wall with associated parking and landscaping works, widening of existing access track, internal alterations, and alterations to fenestration.
- 3.2 It is proposed to change the use of the existing building from a residential care home to a children's nursery. The nursery would provide 122 places catering for children from the ages of 3 months to pre-school age (under 5). It is proposed that the nursery would operate Monday to Friday from 7am to 7pm all year round, with the exception of public and bank holidays. The submitted planning statement specifies that the new nursery would provide 43 full time equivalent jobs.
- 3.3 In order to facilitate the proposed use, internal alterations would be made to the existing building. This would include the removal of internal partitions to provide the new nursery spaces including a baby room, pre-toddler room, toddler room and preschool room as well as additional areas including a sensory room, kitchen, staff room and meeting rooms.
- 3.4 The building has been historically extended, and part of the proposal would involve the demolition of the existing two storey extension (the applicant has advised that this dates from the late 20th Century) located to the west of the building adjacent to the access road. The proposed extension would consist of two parts. The first is a two storey 'link' which would have a width of 3m and a depth of approximately 8m. The front and rear building line of the link would be set back from the main front and rear elevation of the building by approximately 1.2m. The link would have a flat roof form 6.3m (when measured from the highest level adjacent to the extension on the southern elevation) which would set down from the eaves of the existing host building. In terms of design, the 'link' would consist of two casements of full height glazing with the flanking bays consisting of solid timber panels.
- 3.5 The second part of the extension would comprise a two storey extension linked to the main house via the 'link' extension described above, which would have a width of approximately 6.3m and a maximum depth of approximately 15.3m. The southern elevation of the extension would be in line with the main southern building line of the existing host building. The extension would have a flat roof form with a height of approximately 6.7m (when measured from the highest level adjacent to the extension). The extension would have a brick external finish with glazing to all elevations.

- 3.6 To the east of the building, there is an existing stepped roof form at two storey level described on elevation as a 'late Victorian addition'. As part of the development, the stepped roof form would be removed, resulting in the formation of one single consolidated flat roof form which would remain subordinate to the main roof form of Croxley House. The applicant is also proposing to remove the existing flat roofed porch canopy to the southern elevation.
- 3.7 To the north of the building an existing external stair case would be removed, and a new spiral stair case would be installed in the same location. Other external alterations to the main building include the removal of two concrete access hatches to the basement, removal of external lights, and the rationalisation of services and drainage runs. New steps would be installed to the south and northern elevations of the building.
- 3.8 To the south of the building, fronting The Green is an existing amenity area which mainly consists of grassland with pathways and railings evident. The applicant is proposing to subdivide this area to create three garden areas serving the separate nursery rooms, with the boundaries between the garden areas consisting of chestnut pale fencing. The applicant has advised in writing that the likely height of the fencing would be approximately 0.9m. The garden areas would remain as grassland. The woodland planting along the southern boundary would be enhanced with additional woodland planting.
- 3.9 To the north of the site, three new car parking areas are proposed. The main car park would be to the eastern side of the building and would have a depth of approximately 23m, and a width of approximately 16.2m. This car park would provide approximately 14 spaces. The two further car parking areas would provide 6 tandem spaces adjacent to the access, with a further five spaces centrally.
- 3.10 At present, Croxley House is accessed via a single access track from The Green. This is not of consistent width at present with the minimum width being approximately 3.3m closest to the entrance to the site, and approximately 4.1m closest to The Green/Sarratt Road. The applicant has confirmed that the majority of the track is approximately 3.5m as existing as evidenced on drawing SK07 which provides a comparison between the existing and proposed. The applicant is proposing to widen the access track to a consistent width of 4.5m. It would be re-surfaced; however, it would not contain any road markings. A new pedestrian access is proposed within the south eastern corner of the site and a new gate would be installed which would provide access to an internal footpath which would be located to the east of the building. Full details of the proposed gate have not been provided at this stage.
- 3.11 The proposals also include the restoration of parts of the historic boundary wall within the applicant's control, to prevent further damage and to restore the areas where damage has already occurred. The Design and Access Statement specifies that two sections of wall are recommended for restoration and referred to as a) leaning wall at the site entrance and b) collapsed wall on the eastern boundary. The leaning wall at the site entrance is currently fenced off in the interests of safety. The details submitted specify that the proposed restoration will straighten the leaning pier and wall at the site entrance. With regard to section b), sections of the wall where in a poor state of repair are to be rebuilt using reclaimed materials. The Design and Access Statement specifies that all salvageable bricks will be reclaimed and used in repairs, and any new bricks required will be sourced to match the existing as closely as possible. The new works will be done in lime mortar to match the existing and lime washed as the existing to ensure a consistent finish to the wall. The coping where missing will be reinstated to match the existing.
- 3.12 Amended plans have been received during the course of the application. The amendments are as follows:
- Recessing the proposed 'link' extension from the southern and northern elevations of the building.
 - Removal of the roof capping from the proposed two storey extension.

- The width of the proposed windows in the proposed extension have been revised to match the width of the window openings in the original house.
- The door within the southern elevation has been re-sited centrally to mirror the central door proposed to the eastern 'interwar addition';
- The fenestration to the western link has been revised to reduce the extent of glazing to this element. For both the northern and southern elevations, the link is divided into four equal bays within the flanking bays consisting of solid timber panels;
- The existing windows will be repaired and secondary glazing installed rather than replacement windows being sought.
- The stepped roof form within the eastern 'Victorian addition' has been revised to be a level flat roof form;
- The modern fenestration detail sought at ground floor level within the existing eastern extensions has been revised to be more traditional in appearance;

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [No objection to 23/0484/LBC].

4.1.2 Croxley Green Parish Council: [Objection to 23/0483/FUL]

Croxley Green Parish Council object to the application.

Although fully supportive of the change of use, great concerns are held over the access the site including the widening of the access track which results in the loss of village green space and the safety of road users at junctions. We believe that TRDC should commission an independent assessment of the Transport Statement, the Framework Travel Plan, and the Car Parking Management Plan.

Concerns are also held over The Green being used for construction related parking. The Construction Management Plan must include full provision for protecting The Green, both from overrun off the access road, and from overspill parking or material storage.

If the officer minded to approve the application, CGPC request that is called into the TRDC Planning Committee.

Officer comment: During the course of the application, amended documents have been received and therefore the Parish Council have provided additional comments as follows:

4.1.2.1 Croxley Green Parish Council object to the application. Although fully supportive of the change of use, we have the following concerns:

Inaccurate/insufficient study of vehicle movements on/off the site and would recommend using a Traffic Micro Simulation to assess how the junction would operate with vehicle movements on/off the site.

There is no contingency parking if the number of vehicles arriving at the same time exceed the stated 8 drop off spaces. A Cllr recently conducted an hour assessment of the number of drop offs at Croxley Park that has space for 72 children and witnessed 9 vehicles dropping off at the same time. Croxley House would have space for 122 children which suggests that more drop off parking spaces would be required.

Officer comment: In respect of the above, Herts Highways have been consulted and have fully assessed the application with regard to the impact on the highway. The off street car parking provision will be assessed within the analysis section of this report.

In addition, the applicant has provided the above comment:

In response to the Parish Council's recommendation for a Traffic Micro-Simulation, the application follows pre-application engagement with the Highway Authority to agree the scope of assessment which has been provided as part of the application to the satisfaction of the Highways Authority. There is no need to undertake Traffic Micro-Simulation given how low the traffic flows are, and it would be unreasonable to require it. The Highways Authority as the statutory consultee has not required this and has agreed with the applicants assessment that the volume of traffic generated by the proposals is so low as to have no material impact upon the highway.

Notwithstanding that we do not agree with the assumptions made by the Parish Council that there may be insufficient car parking, there is circa 35m of two-way road space between the entrance to the site (i.e. beyond the access Road to the Green) and the start of the drop-off/pick-up spaces, meaning that in the exceptional event of there being short periods of time when those spaces are taken, there is space for up to six additional cars to queue within the site, without any impact upon the Green, driveway across the Green or areas of landscaping/trees. Notwithstanding this, the application demonstrates that there is adequate parking provision to accommodate the drop-off/pick-up requirements of the development.

4.1.3 Three Rivers District Council Property Services: [Objection]

The Property Services Department, acting on behalf of Three Rivers District Council in its capacity landowner of the Croxley Green Common Objects to the Planning applications 23/0483/FUL & 23/0484/LBC.

Croxley Green Common is registered Common Land and belongs to Three Rivers District Council. With the exception of the current, narrow access track measuring 3.9 metres at its widest point, which is specifically excluded from the Common Land register, and is the proposed main access to the application site. Whilst the applicant has made contact with the Council via the Property Services Team, there is no agreement for an easement for access to the application site via the access track as shown on the application plan.

The Council's objections as landowner are raised on the following grounds:

- The access track, forming part of the application area is incompatible with the proposed increase in usage of the proposed development;
- The Applicant does not have an easement for access to the proposed development site;
- The Transport Assessment states that there will be an increase to average vehicle movements along the track, creating an average of 48 additional vehicle movements per hour. It is anticipated that during morning, lunch and early evening peak times there is likely to be a much greater frequency of traffic movements over the access track;
- The track is already heavily used by the operators and occupiers of Clarendon Lodge care home. The track is not constructed to withstand the levels of traffic it currently experiences, the proposed development would cause substantial detriment to the condition of the track;
- The design of the access track has evolved, from a simple cart track to a metalled surfaced track. The current condition of the access track is poor because it accommodates traffic it was never designed to;
- TRDC are solely responsible for the repair and maintenance of the track – additional traffic will place further burden upon the taxpayer;
- The design of the existing junction between the track and Baldwins Lane does not include suitable splay lines, this would result in overrunning of the Common Land;

- We are concerned that the levels of traffic accessing the site over the track will lead to increased risks of collisions and traffic congestion as it enters and leaves Baldwins Lane and already well-used junction, close to the crossroads junction with The Green;
- The proposal to widen the track to permit two-way traffic significantly alters the character of the track and adjacent Common Land;
- The suggested widening of the track from 3.9m to 4.8m would impinge upon the Common land and this is not permitted without the removal of the 'additional' land from the Common Land register, which only the Secretary of State can provide consent for;
- Existing pedestrian access is provided by the track and the application states there is no new pedestrian access however this is incorrect. Reference to a separate pedestrian access is referred to within the Design & Access statement. The applicant does not have an easement for this additional access.

The application raises significant concerns, which include the considerable increase in the volume of vehicle movements across the Common, which in our opinion risks negatively impacting upon the character of the Common and the surrounding Conservation Area. We therefore wish to register an objection on behalf of the Council as landowner.

Officer comment: The applicant submitted a written document providing a response to the above consultee comments. The applicant's comments are summarised below:

- The widening of the access is considered non-material in the context of the Green as a whole and will provide a benefit to its longer term management and maintenance;
- The easement to the access is a legal matter, and is not a material planning consideration;
- The vehicle movements within the Transport Statement have been misinterpreted. The Transport Statement identifies the peak hourly increase to be 35 vehicle movements (AM peak hour) and peak increase in flows at lunch time to be 13 vehicles with evening peak increase being 35 vehicles. This equates to approximately one vehicle every two minutes which is a low frequency of traffic in terms of road usage/capacity is not high flow. Flows throughout the rest of the day would be much lower due to the proposed nature of the use;
- The minor widening of the access road would allow two way traffic which is suitable to accommodate the above.
- The proposals include resurfacing of the track to ensure that it is in a suitable condition. Appropriate surveys and the construction specification of the track can be secured via a condition; so that works can be undertaken to ensure that an appropriate access is secured;
- With regard to the issue of the TRDC being solely responsible for the repair and maintenance of the track: This can be discussed and secured outside of planning to ensure that there is an appropriate management arrangement in place. It is the intention for the applicant to resurface the track when it is widened. A future repair and maintenance agreement can be secured via a legal agreement. Notwithstanding this, on completion of the works, no further works are expected to be required for 20-30 years.
- With regard to the issue of the design of the existing junction not having suitable splay lines: There are suitable radie on each side of the access, with the access being circa 13m wide where it meets the public highway;
- With regard to the issue of increased risk of collisions and traffic congestion: As set on in HCC comments, ample visibility is available in all directions from the junction. There have only been two collisions of slight severity within the last five years near to the site but not fronting the access. The Highways Authority considers that the proposed development will not increase the risk of collision.
- With regard to the issue of road widening altering character: The widening would ensure a consistent width of the access road and would prevent vehicles from running onto the grass verge. There would be an improvement in the overall character.

- With regard to the issue of common land: The correct procedure is being followed. Planning permission is being applied for first and notice served accordingly. A separate application would be required to be made to the Secretary of State via the Planning Inspectorate. This matter is not a matter for consideration under this application.
- With regard to pedestrian access. All works are within the site boundary. The pedestrian access is to encourage walking, cycling and to reduce reliance on the car.

Officer comment: Following the receipt of this document, TRDC Property Services were reconsulted and their comments are summarised below:

- The Council objects to the principle of the removal of Common Land status from the adjoining land. Overrunning or damaging Common Land without the owner's authority is an unlawful act and can be punishable by prosecution.
- The fact that the Council as landowner objects to the widening of the track to facilitate the planning application is a material consideration.
- The Council objects to the increase in traffic levels intending to use the widened track.
- The track would need to be widened and substantially re-constructed (including substructure and base courses) in order to accommodate the increased frequency of the weight of the traffic proposed. Such substantial works and the resultant widening will substantially alter the character of the Common Land.
- Whilst it may be the opinion of the applicant that the works are minor, in the opinion of the Council, the proposed works would be substantial. Failure to adequately construct the track to a suitable standard would rapidly increase the deterioration and cause major inconvenience to existing users of the track. The Council has already spent £11,000 in the last three months repairing damage to the track.
- Notwithstanding the comments from the Highway Authority, the proximity of the access track to the acutely angled crossroad junction between The Green, Sarratt Road and Loudwater Lane remains a cause for concern. Whilst recognising that the visibility is good, the additional traffic movements and interaction with the surrounding highway network and track remain a safety concern.
- The applicant is correct that a separate application would need to be made to the Secretary of State via the Planning Inspectorate with regard to the Common Land status. However, the Council as landowner would have to apply to the Secretary of State and as indicated in earlier responses, the Council objects to the widening of the track and the removal of land from the Common Land designation.
- Whilst there are a series of defined pedestrian routes across The Green which radiate from the north eastern corner of the site, as far as the Council is concerned, there are no pedestrian rights of access to the application site as indicated. There is no desire to create or allow further access points between The Green and the application site.

Officer Comment: Rights of access (both vehicular and pedestrian) are not a material planning consideration. Planning permission can still be granted, with the rights of access remaining a civil/legal matter between the landowner and the applicant.

The application to remove land from the Common Register is a separate process which is not a consideration under this planning application

4.1.4 Three Rivers District Council – Planning Policy: [No objection]

The application seeks permission for the change of use of an existing Care Home (Use Class C2) into a Day Nursery (Use Class E(f)).

Policy CP1 'Overarching Policy on Sustainable Development' of the Core Strategy (2014) states that new development, in contributing to the sustainability of the District, needs to take account of protecting and enhancing existing community facilities and providing new facilities. The proposed Change of Use from a Care Home to a Day Nursery would provide a new community facility therefore, the proposal is compliant with Policy CP1. Policy

DM12(c) states that where proposals are submitted for new or improved community facilities they should be accessible by sustainable modes of transport. The site is located within proximity to local bus services and local facilities along Baldwins Lane. Whilst Croxley Green Station is relatively accessible, this is still approximately a 15-20 minute walk away.

The application form states the existing site currently consists of a 33-bed care home; applying the Council's conversion ratio of 1.9 C2 bedrooms to 1 market dwelling means that the care home provides the equivalent of 13 dwellings on the site. Therefore, the application would result in a net loss of 17 C3 dwellings and would exacerbate the District's current local housing need figure of 633 dwellings per year. There would be an in-principle objection to a net loss in housing, given that Policy SA1 (Housing Site Allocations) states that permission will not be granted for development resulting in a net loss of housing.

Policy CP6 states that development will be supported where it provides employment opportunities and promotes skills and learning. The proposed Day Nursery would cater to 122 children's places, operating from Monday to Friday (0700 to 1900) which would contribute towards employment opportunities and the promoting of skills and learning. Subsequently the pre-application complies with Policy CP6. Policy CP6(g) also states proposed development should align economic growth with housing growth in the area in order to balance the provision of homes and jobs and reduce out-commuting. The proposed Day Nursery may positively contribute towards sustainable economic development as two residential development sites within proximity to Croxley House have been approved at appeal (20/1881/FUL and 20/0467/FUL). Therefore, the Day Nursery may serve nearby residential development.

Policy DM3(b) 'The Historic Built Environment' states Listed Buildings in the District should be preserved, including through Change of Use, which would preserve the character and historical interest of the building as well as ensure its continued use and viability. Croxley House is a Grade II Listed Building, and the proposed Change of Use would ensure the continued use of a Listed Building, as the site is currently vacant. However, the policy also states that demolition of a Listed Building will only be granted in wholly exceptional circumstances. In order to keep heritage assets such as Listed Buildings in use and thereby secure their contribution to the character and distinctiveness of the area, allowing alternative uses or sympathetic development or alteration may be acceptable, providing that the new extension would not adversely affect the character of the building, both internally and externally as well as in its wider setting.

The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The application would exacerbate existing needs for older persons' accommodation; however the care home is a vacant site and the submitted documents state that the existing care home has been found to be of inadequate quality in a Care Quality report.

Therefore, the proposal to redevelop the existing site into a Day Nursery would not result in an objection, as the provision of a new community facility which would contribute towards employment opportunities and the continued use of a Listed Building, outweigh the loss of vacant care home on the site.

4.1.5 Three Rivers District Council Conservation Officer: [Objection]

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183).

Internal alterations: It is positive that the modern internal partitions would be removed as a result of the proposed. The proposal results in the loss of some late nineteenth and early twentieth century fabric, however, the loss of fabric is minimal; this aspect of the scheme would not raise in principle objections when considering the benefits of the proposed improvements to the internal layout of the listed building.

Notwithstanding this, the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. The removal of modern partitions at first floor would be undermined by the creation of a lobby within the proposed staffroom. In addition, there are in principle concerns regarding the loss of historic fabric within the nineteenth century extension. This would undermine from the legible phasing of the building, detracting from the archaeological and architectural significance of the listed building.

Further information would be required relating to the proposed fan coils prior to agreeing the principle; services routes and outlet vents have the potential to affect the architectural and aesthetic interest of the property.

External alterations: The removal of clutter from the elevation would be positive. The proposed replacement staircase would be acceptable. However, there are in principle concerns regarding the proposed fenestration within the nineteenth/ early twentieth century link extension. The proposed fenestration would be overly modern and architecturally incongruous to the derivation of the extension and character of the property. This aspect of the scheme would also potentially result in the loss of the extensions original fenestration composition which would detract from the architectural and archaeological interest of the property. There is a lack of justification for this given this serves a WC.

The loss of historic fabric and erosion of the late nineteenth century and early twentieth century composition would detract from the legible phasing of the listed building, thus harming its archaeological and architectural significance. The proposed pre-cast concrete canopy would also appear at odds with the architectural context of the listed building, I recommend that this aspect of the scheme is omitted.

Proposed Extension: The existing extension derives from the late twentieth century; it is set over two storeys constructed of red brick with a hipped roof form. There would be no objection to the sympathetic replacement of the extension.

It has been previously noted that there would be no in principle objection to the replacement of the existing extension and there may be scope for a well-designed contemporary extension. However, the form, increased height and depth, roof detailing and fenestration of the proposed extension would result in a more bulky and prominent addition to the listed building. The visual impact of the extension is exacerbated by the two-storey link extension. Overall, the extension would architecturally compete with the host building and appear as an overly dominant addition.

There is a preference for the depth of the extension to be reduced by one bay which would work to reduce the mass. There are also concerns regarding the roof capping detailing of the extension, this appears to add unnecessary bulk and height to the extension. I recommend that the height of the extension is reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance.

Pre-application advice noted there may be scope for a small, well-detailed single storey link. I recommend that the link is reduced in height, is recessed from the front and rear elevation and the timber frame omitted. This would result in a more discrete and lightweight extension.

The fenestration within the proposed extension would appear disproportionate to the windows and the wall to glazing ratio would also appear at odds with the host; I recommend that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor.

Windows: It is proposed to replace some historic windows, including some late-nineteenth and early-twentieth century windows. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building.

As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement. Replacement is only considered acceptable if it can be demonstrated that they are beyond economical repair. The condition survey demonstrates that some windows have areas of defects, however, they appear to be in a repairable condition.

There are concerns regarding the appearance of double glazing situated within the same elevation of single glaze; double and single glazing have different reflective properties which can detract from the appearance of the listed building. Additionally, double glazed windows would likely require thicker glazing bars to accommodate the additional glazing; this can detract from the character and architectural interest of the listed building. Furthermore, with regard to the leaded lights, there are concerns regarding the compatibility of double-glazed windows, as this would require stuck on lead comes which would result in an untraditional detail and finish. This loss of historic fabric and detailing would alter the appearance of the listed building and detract from its significance.

There may be scope to thermally upgrade the existing windows through draft proofing, inserting double glazing within existing frames (granted the existing glazing is not of historic interest and the frames are thick enough) or installing secondary glazing internally.

Please refer to page 62 and 63 of Historic England's Traditional Windows guidance which can be accessed here: <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/hea039-traditional-windows-revfeb17/>

Landscaping: It is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge that there is an opportunity to improve the surface of the access track which is currently in a poor state of repair. However, the proposed widening of the access track raises concerns. Whilst this would only be a minor extension to the existing hardstanding, there is a lack of guarantee that this would resolve issues with cars driving onto the Green given the access road would still be a single track.

Conclusion: There are enhancements arising from this scheme, however, such enhancement would not completely outweigh the harm identified arising from other aspects

of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

The proposal would be contrary to Section 16(2) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the level of harm to the listed building and conservation area is considered to be 'less than substantial' as per paragraph 202. Paragraphs 200 and 206 would also be relevant.

Officer comment: In response to the Conservation Officer's original comments, the applicant submitted amended plans and an additional addendum to their Heritage Statement. The Conservation Officer has assessed the submitted details and the following comments received:

4.1.5.1 Conservation Officer – Second Comment:

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183). The property is located within the Croxley Green Conservation Area. Due to the openness of the Green, there are long views of Croxley House from within the conservation area, the area appraisal notes that Croxley House 'has a powerful presence at the northern end of section C and the whole area'.

This is the second consultation within this application.

The existing twentieth century extension to the west elevation, by virtue of its scale, form and appearance, makes a neutral contribution to the significance of the listed building. It is of a modest scale and appearance, utilising materials that relate to the host. This ensures that it does not visually detract from or compete with the host building.

Extension

As noted within previous advice there would be no principle objection to the removal of the existing extension and its replacement with a sensitively designed extension that preserves the significance of the listed building. However, the proposed extension due to its scale, massing, form and appearance would result in a visually prominent and dominant addition that would architecturally compete with the listed building, impacting the ability to appreciate its architectural interest.

The scale, form and massing of the proposed extension would result in a more bulky and dominant extension when compared to the existing extension. The CGIs within the Heritage Note illustrate how the increased massing and depth would result in a visually prominent and competing addition. Furthermore, the height of the extension would sit above the eaves of the host building, this would result in an awkward relationship between the host and the extension.

I acknowledge that the existing extension projects beyond the principal elevation building line, however, those elements that do are single storey which does minimise their visual impact. The proposed extension would sit flush with the principal elevation building line and whilst this does better respect the principal elevation building line, the footprint removed from the front would be added onto the rear (north) at ground and it is also proposed to increase the footprint at first floor. The increase in depth and massing results in an overly dominant addition.

The host building is predominantly brick with sash windows (typically six over six with the ground floor windows larger than the first-floor windows). Comparatively the windows within the proposed extension would be larger than that within the host building and would be all the same size. Additionally, the wall to glazing ratio within the extension would relate poorly to the host building, with large areas of glazed openings with concrete lintels and cills and very little brick detailing. The proposed extension would fail to respond to the proportions of the host building, resulting in a disjointed appearance between the extension and host. It is important that the extension remains subordinate to the listed building, not just in height but also in appearance and massing.

Whilst there may be scope for a contemporary approach to an extension, it is important that any extension harmonises with and is complimentary of the host building. It was recommended within previous advice that the depth of the extension should be reduced by one bay and that the height of the extension should be reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance. It was also recommended that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor. I acknowledge that the concrete lintels at first floor are slightly large than within the initial scheme, however, this does not go far enough to address concerns.

As noted previously, there may be scope for a small, well-detailed single storey link. However, the 'link' element of the proposed extension does not appear as a link due to its height, width, and thick framing. A link would typically be a small, single storey, connecting structure that has minimal framing to ensure it remains as discrete as possible. I acknowledge that the 'link' has been set back from the front (south) elevation, but this does not address fundamental concerns regarding the height. The scale of the 'link' coupled with the large amounts of glazing exacerbates the visual impact of the extension.

The amendments to the proposed extension are minor and do not address previous concerns raised. The scale and massing, combined with the form and appearance of the proposed extension would contrast and compete with host building, detracting from its primacy and pre-eminence. This would undermine the ability to appreciate and understand the listed building's architectural interest and thereby detract from its significance. The west elevation and south elevation are visible from several views within the Conservation Area. Given the visual prominence of the proposed extension, compounded by its scale and appearance, it would also fail to preserve or enhance the character and appearance of the Conservation Area.

External alterations

The overly modern glazing in the nineteenth century extension has been omitted, and the proposed fenestration within this section is acceptable. The proposed works to the eastern, late Victorian and interwar extensions and removal of a modern window at ground floor to the north elevation do not raise an objection. The lowering of cills within the 'later/ extended wings' appears to result in the unnecessary loss of historic fabric.

Internal alterations

Previous advice stated the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. This aspect has not been addressed and it is now proposed to remove additional fabric at ground and first floor to provide wider entrance to the proposed extension.

There is still a preference to remove the lobby entrance to the staff room; the benefits of removing modern partitions to improve the floorplan would be undermined by this aspect. There are also some concerns that the proposed layout for the stairs, platform lift and storeroom as this would result in fireplaces/chimney breasts being within ancillary spaces

and covered over, further information should be provided to understand the impact of these works.

Landscaping

As per previous advice, it is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the surface treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge the benefit of removing the railings. However, the existing steps and ramps are being replaced, not removed in entirety. The existing pathway to the front is separated from the listed building by planting, which works to soften the appearance of hardstanding. Comparatively, the proposed steps and ramps would be more visually prominent due to their scale and would abut the listed building. Whilst concerns have not been raised regarding this aspect, the removal of existing steps and ramps cannot be considered an enhancement taking into consideration their proposed replacement.

Advice provided within the first consultation response relating to this application (provided on 09/05/2023) regarding the access track remains relevant.

Heritage Benefits

As noted within previous advice, there are enhancements arising from this scheme, however, such enhancements would not completely outweigh the harm identified arising from other aspects of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

It is acknowledged that the building is currently unoccupied, and the proposal does present an opportunity to bring it back into use. However, I consider there to be scope for a more sensitive scheme. It has not been demonstrated that the proposed use is the one that would cause the least harm to the listed building's significance or that the extension, in its current form, appearance and scale, is fundamental to securing the listed building's optimum viable use.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199. Paragraph 200 would be relevant.

Officer comment: In response to the Conservation Officer's objections, the applicant has provided the following statement:

We do not agree with the harm alleged by the proposed extension and link and highlight that the link is lower than the roof of the existing extension and represents an improvement over the clumsy and poorly designed existing extension. Fundamentally, we believe that the significant benefits, including heritage and wider public benefits, outweigh the harm, and the balance is tipped by our different assessment of the extension. Even if there is still a low level of residual heritage harm, that would need to be weighed against the benefits of the scheme.

The statement that it is considered that there is scope for a more sensitive scheme is immaterial. There is no fallback option and no alternative scheme for this building. The building has been vacant for an extended period with no other viable scheme or occupier being brought forward. Alternative, vague and untested schemes or designs cannot be put forward as a reason for refusing the current, very detailed scheme that would secure the future of the building and provide significant heritage benefits, reversing the fortunes of the building which has deteriorated into a state of disrepair.

It is also noted that following on from discussions with officers, the applicant has submitted further amendments. Planning Officers have considered the amended plans, and documentation provided and are of the view that the proposals do overcome the Conservation Officer's concerns. This shall be discussed within the analysis section.

4.1.6 Three Rivers District Council Tree and Landscape Officer: [Objection]

Recommend: Refusal

The site is within the Croxley Green Conservation Area and Metropolitan Green Belt, and there are numerous trees on-site protected by Tree Preservation Order (TPO239). The location also borders a local wildlife site (08/013).

The site is situated at the northern end of The Green, an extensive area of Common Land, within the parish of Croxley Green. It comprises of a country house within landscaped gardens, that is accessed via a single-track road across The Green. The house is partially screened from The Green by mature trees, but is a prominent feature due to the flat, open nature of The Green. The grounds of the house are relatively extensive, and contain many mature trees, in particular two very large and impressive specimen Cedars close to the northern facade of the building. To the south and eastern boundary of the site the trees form a continuous shelter belt along Little Green Lane.

The proposed redevelopment and change of use from a residential care home to a children's day nursery would indicate that there will be a significant increase in the number and frequency of vehicle movements, with significant numbers entering, exiting, and moving around the site on a daily basis.

Even with the re-design of the landscape around the building, the relatively narrow entrance with a sharp right-hand turn into the site, would appear to be unsuitable for large numbers of vehicles. This may be further exacerbated by the shared access for the neighbouring residential care home, whose service entrance opens on the driveway and could lead to additional traffic congestion during deliveries.

In addition, due to the number and proximity of mature trees on the site, the amount of parking that can be provided for the pick-up and drop off of children is severely limited and could lead to over spill parking in unauthorised areas, including The Green. This could be damaging for protected trees on the site, particularly the prominent Cedars, leading to additional encroachment into Root Protection Zones and /or future applications for additional parking provision.

The plans indicate that the access road across The Green would be widened to accommodate two vehicle lanes. This may require some encroachment into the adjacent Common Land that is owned by a third party (TRDC), which the applicant presumably has a right of access over. It is not clear from the plans whether permission has been sought for this or whether this would be granted by the landowner. As a result, it may not be possible to widen the access road to accommodate additional traffic. The widening and formalising of the road (such as curbing and road markings) could also have an urbanising effect and have some visual landscape impact on The Green.

A new pedestrian access point at the southeast corner of the site is also proposed. This would require some surface and level improvements of the existing informal path on The Green to make it accessible for parents and young children, again this would require permission from the landowner. The transport statement includes details of highways improvements on Little Green Lane associated with the neighbouring Killingdown Farm development. This suggests that the intention may be for Little Green Lane to be used for parking by users of the nursery to gain access to the site via the pedestrian entrance. Hence development of an entrance in this location, could also result in additional traffic and congestion issues on Little Green Lane, particularly once the residential development at Killingdown Farm is completed.

Refusal is recommended due to the sensitivity of the surrounding landscape, and its limited ability to accommodate the increased traffic generated by the proposed development, without it resulting in unacceptable impacts to protected trees and the visual amenity of The Green and the Croxley Green Conservation Area.

Officer comment: In response, the applicant submitted a letter in response to the Landscape Officer's objections and the comments are summarised as follows:

- The comments relate to transport matters and not landscape. The proposed development will not result in significant vehicle movements around the site on a daily basis. The nursery use will be limited to five days a week, with movements limited to certain times of the day.
- The comments in relation to access are a transport matter and have been reviewed by HCC who have raised no objection. The entrance width to the site will be 4.5m and at the northwestern corner of Croxley House there will be a passing width of 6m. This is more than adequate for a safe passage of two way traffic.
- No evidence has been provided to suggest that parking will overspill in unauthorised locations.
- The landscape proposals have been designed with the inclusion of physical measures to ensure that vehicles cannot encroach upon the landscape and root protection areas. The landscape levels ensure no dig construction over the roots of trees. Installation of a permeable surface in place of the current impermeable tarmac over the roots of prominent cedars will be of benefit to the trees.
- Right of access is not a material planning consideration. The applicant is following the correct procedure by first applying to for planning permission for the widening of the road.
- There will be no curbing and road markings and the road will not be formalised. This would be secured by planning condition.
- No surface or level improvements to the existing informal path on the Green are required or proposed. Therefore, no permission from the landowners are required.

The Landscape Officer has provided the following comments in relation to the additional information, raising concerns:

- 4.1.6.1 The additional information provided by the applicant reiterates the transport and parking studies previously submitted, which confirms that there will be additional vehicle movements in around the site, focused on peak times at the beginning and end of the day, but that this will not negatively impact trees and the landscape. Despite this concerns still remain over the possible impact during peak times, and particularly during times of inclement weather when there may be increased drop offs by car.

The applicant's studies at other sites suggest that the parking provision should be adequate for this location, although there does not appear to be any suitable space to increase parking provision, without an impact on trees and the landscape if this is not the case.

The information indicates that the access road across The Green to the site is not a planning consideration. This suggests that if planning permission were granted, the site could operate without any need to widen or upgrade the existing access road, which as previously mentioned could be detrimental to the landscape of The Green.

The information also indicates that the pedestrian entrance to will not require any level or surface improvements across The Green, this would suggest that access to the site by pedestrians with young children maybe undesirable during the winter and spring months and during periods of unsettled weather, due to muddy and wet conditions and overhanging vegetation, which as above may increase drop offs by car during these times.

If the application is approved, a detailed tree protection method statement should be required. This would need to be closely integrated with detailed landscaping plans to ensure that trees are fully protected during construction. There should also be a specific condition requiring arboricultural supervision on-site during key phases, such as demolition, excavation and laying of new surfacing. A long-term landscape plan should also be required setting out how new planting will be successfully established and how different areas will be maintained into the future.

4.1.7 Hertfordshire County Council – Highway Authority: [No objection]

Recommendation: Recommended Amended Details

Comments: In order for HCC as the Highway Authority to feel satisfied with the application an amendment is requested. It is outlined within the Transport Assessment that the width of the access route into the site is to be widened to 4.5m rather than the 4.8m which was requested within the pre application advice. The 4.8m is once again requested as this will ensure that two cars can pass comfortably, as shown in Manual for Streets figure 7.1. Without an appropriate width, which ensures that wing mirrors are accounted for, which figure 7.1 does not, it is likely that vehicles would overrun the common land, causing more damage than an additional 0.3m widening would.

Furthermore, it is unclear the exact current width of the proposed internal footway which connects to the new pedestrian crossing. According to drawing number AR-00003 Rev P01, the footway is approximately 1.3m wide. A 2m would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Once these amendments and clarifications have been made, HCC as the Highway Authority will be in the position to submit a full response.

Officer comment: The applicant discussed the proposals directly with Herts Highways and the following comments were received:

4.1.7.1 Hertfordshire County Council – Highway Authority (Second comment)

Recommendation: Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:

Construction Management Plan / Statement

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan /Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) 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 County Council website at:

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

AN2) Obstruction of highway: 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 County Council website at:

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

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be

mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN5) Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consents that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Comments/Analysis

Description of Proposal

Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition, construction of extension; ramp access; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, and alterations to fenestration

Site and Surroundings

The Green is a classified C local distributor route subject to a 30mph speed limit which is highway maintainable at public expense. The access is close to the junction of The Green with Sarratt Road, which is also a classified C local distributor, and Loudwater Lane, which is an unclassified local access route, all of which are subject to a 30mph speed limit and are highway maintainable at public expense. The site is located on the north-western edge of Croxley Green, fronting the green itself. Therefore, the area to the front of the site on which the access route is located, is an area of common land, CL035.

The closest bus stop to the site is located on The Green, approximately 575m to the south of the site. The nearest train station is Croxley which is approximately 1.2km from the site and is served by the Metropolitan line. Both of these lengths exceed the recommended walking distances for walking to transport connections outlined in Planning for Walking (CIHT). Therefore, the site would not be considered to be in a sustainable location in relation to sustainable transport links. A Travel Plan has been provided in relation to improving the sustainability and active travel options to the site; comments relating to the Travel Plan are discussed below.

Travel Plan

A Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless, a full TP would need to be updated and secured via a Section 106 planning obligation. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum index-linked RPI March 2014 Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.

Full guidance is available at: www.hertfordshire.gov.uk/travelplans or for more guidance contact: travelplans@hertfordshire.gov.uk

The submitted travel plan (TP) will need the following additional information, prior to approval:

- Secondary contact details should be provided along with full travel plan coordinator details once appointed.
- Time allocated to TPC role and where they are based should be specified in the travel plan.
- Please include detail on how cycle repair kits will be promoted/ claimed. How will active travel information be promoted outside of the travel information packs? Will the information be displayed on site (posters or notice boards)?
- Number of cycle parking spaces and type of cycle parking should be specified in the travel plan.
- Targets should be set for each year for the five years of travel plan monitoring.
- More detail is required for monitoring method. Monitoring surveys should take place annually for 5 years (staff surveys, facilities).
- A travel plan review should take place annually and a report should be submitted to HCC within 3 months of data collection.
- The travel plan should be secured through S106 and evaluation and support fee should be paid to HCC.

Access and Parking

The application makes use of the existing access into the site which is a bellmouth shared with the newly renovated care home, Clarendon Lodge. The driveway route is a surfaced concrete structure which runs through the common land. In the highways pre application advice, which was provided by HCC in July 2022, the widening of the existing driveway was discussed. HCC as the Highway Authority recommended that the driveway was widened to a width of 4.8m to ensure that two modern sized cars can pass each other comfortably without the need to divert onto the common land. Within the Transport Statement, it is stated that the proposed width for the driveway is to be 4.5m. 4.8m would be preferred to ensure that not only cars, but larger vehicles such as vans have the ability to pass each other, without having to overrun the common land. Although it is acknowledged that within an email from the transport planner that 4.5m would be the limit for the widening of the driveway to ensure as little works as possible occur on the common land. As it is not highway land and 4.5m would technically be plausible according to Manual for Streets, HCC as the Highway Authority would not maintain refusal on this matter. However, it is to be noted that using this smaller width, some overrunning of the common land would be expected, especially due to the large increase in trips to and from the site which has also been shown in the Transport Statement. A swept path showing two vehicles passing on the access route has been provided in appendix D of the Transport Statement although it is noted that the vehicles used are small cars. It would, however, ultimately be up to the secretary of state to approve of any works on the common land.

Regarding the aforementioned trip rate from the site, in section 5 of the Transport Statement the existing and proposed trip rates from the site have been outlined. Hertfordshire County Council as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Following consideration of the anticipated trip generation for the development, the number of vehicle trips associated with the proposed use would not be considered to be severe nor significant enough on its own to recommend refusal from a highways perspective. It is acknowledged that the trip rate at the site during the AM and PM peak will increase by a substantial, but not severe, amount, as shown in table 5.5 within the Transport Statement, contrary to paragraph 7.119 of the Planning Statement which says that there are 'low traffic volumes anticipated'. Furthermore, the site access route is shared with the recently redeveloped Clarendon Lodge. Hence, the previous points made in relation to the need for vehicles to be able to pass one another with ease on the access route into the site from the common.

The application does not propose any alterations that will impact upon the visibility splays from the existing access and due to the location of the access through common land, ample visibility is available in all directions from the nearby junction. It is noted there have been two collisions of a slight severity within the last 5 years nearby the site, but none fronting the access. One of which at the junction of Loudwater Lane and Sarratt Road, and another at the junction of The Green and Baldwins Lane.

Regarding pedestrian access, a separate pedestrian access is proposed to the existing vehicular access. As shown on drawing number 00003 Rev P01, the pedestrian access into the site is proposed in the southeast corner through the boundary treatment. A site visit confirms that the existing boundary treatment at this location is a wooden fence which has collapsed slightly, so there would not be any demolition to the historical wall required. The proposed pedestrian access would link up to an informal pathway which runs through the common land which would connect to a crossing point which is to be installed through contributions connected to the development at the adjacent Killingdown Farm site. In the initial interim response, it was noted that the internal footway at the site was shown to be approximately 1.3m wide. A 2m wide footway would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking arrangements for the site have been shown on drawing number 00003 Rev P01 and within the Parking Management Plan. There is to be a total of 25 parking spaces within the site, with 8 of these being specific drop off spaces. Within the proposed block plan, drawing number 00003 Rev P01, it is not made clear which spaces are specifically for drop off only. Drop off for the site should not occur within the highway, so HCC as the Highway Authority are supportive of the specific drop off spaces within the site. 17 of the parking spaces would be allocated for staff use. In terms of the parking layout, the 6 spaces which are located next to the proposed bin store do not seem fully accessible as vehicles in the rear 3 spaces would become blocked in by the front 3 spaces, which could cause concerns about congestion within the site. The other parking areas have the sufficient 6m behind the spaces which ensure that vehicles can manoeuvre in and out of spaces. Within the Transport Statement, electric vehicle parking has been applied using TDRC parking standards creating 5 charge points and a further 5 spaces with passive charging provision.

Cycle parking has been provided at the site with 4 long term spaces. These spaces should be covered and secure, the proposed plans do not make it evident that they are. HCC as

the Highway Authority would be supportive of any increase to the number of cycle parking spaces to encourage the use of sustainable and active transport.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location. A refuse store has been outlined in the proposed block plan, drawing number 00003 Rev P01. A refuse vehicle will have to enter the site to collect any waste as per current arrangements according to the Planning Statement. Within the Transport Statement, appendix G shows a 12.1m entering and being able to turn around within the site. It is to be noted that due to the minimal proposed widening of the access route a refuse vehicle and car would not be able to pass each other without overrunning the common land.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. Appendix H of the Transport Statement shows a swept path drawing which indicates that a fire tender can enter and turn around within the site in order to leave in forward gear.

Construction Management

A Construction Management Plan (CMP) has been requested via condition to ensure that the common land is not negatively impacted by the demolition and construction at the site.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application, subject to the above conditions and Travel Plan requirements.

4.1.7.2 Officer comment: Given the significant length of time which has passed since the resolution by committee to grant planning permission subject to the completion of a S106 agreement, officers had further discussions with HCC regarding the requirement for a Travel Plan. The following comments have been received.

4.1.7.3 Herts County Council- Local Highway Authority: Third Comment: [No objection]

I had a discussion with our travel plan team and they confirmed that if the 106 would not be possible, then they would be satisfied with securing a travel plan via condition, provided that it includes clear requirement for submission, implementation and ongoing review.

4.1.8 Thames Water: [No objection]

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed

illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. 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 network.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

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.

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/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

4.1.9 Hertfordshire County Council - Lead Local Flood Authority: [Objection]

This application is for a change of use of existing building from a Care Home (C2) to a nursery (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

We are concerned about the lack of sufficient and clear information pertaining to this sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking suitable evidence as to why they cannot be used.

We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG ○ Policy DM8 – Flood Risk and Water Resource.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](https://www.hydrosolutions.co.uk))). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Officer comment: The applicant submitted additional drainage information and the following comments were received from the LLFA:

4.1.9.1 Hertfordshire County Council - Lead Local Flood Authority (Second comment): [Objection]

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nursey (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

The LLFA acknowledge that a BRE365 testing report has been submitted for this re-consultation. However, several comments made on the original application have not been addressed. Furthermore, the report should be updated in consideration of the infiltration testing. We are still concerned about the lack of sufficient and clear information pertaining

to the sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking sufficient evidence as to why they cannot be used. Finally, this application needs to explore the incorporation of above ground SuDS into the proposal and the measures for pump failure.

- We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG.
- o Policy DM8 – Flood Risk and Water Resource

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

4.1.9.2 Hertfordshire Council Lead Local Flood Authority (third comment): [No objection]

Thank you for your re-consultation on the above site, received on 19 December 2023. We have reviewed the application as submitted and wish to make the following comments.

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nurse's residence (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

On the previous re-consultation, dated 1 December 2023, the LLFA objected to several points. After reviewing the documentation, the LLFA deems that there has been enough sufficient information provided to satisfy outstanding concerns. To see the outstanding and new comments from the LLFA, see Annex B and C respectively.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning policies CS29 Sustainable Design and Construction and Three Rivers SFRA Level 2 and we would object until such time that the details below are submitted for review.

Condition 1: Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (7 December 2023, REF RMA-RC2441) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Three Rivers Borough Council.

Condition 2: The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers Borough Council

Condition 3: Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Three Rivers Borough Council.

Condition 4:

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (7 December 2023, REF RMA-RC2441), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Three Rivers Borough Council

Informative: Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

4.1.10 Herts Footpath Section: No comments received.

4.1.11 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above.

Summary of advice

- There is sufficient ecological information to enable determination.
- The ecological information describes a biodiversity net gain (BNG) of at least 10%.
- The recommendations and enhancements in the ecology report should be followed.
- Bat roosts are present. Condition for evidence of a bat licence, or confirmation of a valid licence, to be sent to the LPA.
- Secure an Ecological Management Plan (EMP) and Construction and Environmental Management Plan (CEMP) by condition.
- The EMP should describe details of the precise impact to the grassland Local Wildlife Site (LWS) from the access widening works and any subsequent bespoke compensation / mitigation.

Comments

The application is supported by a comprehensive ecological report:

- Ecological Appraisal (EA), March 2023 prepared by Greengage

The site was visited in August 2022 and is approximately 0.96ha. It comprises the Grade II listed Croxley House (currently a vacant care home) and associated outbuildings set within hard and soft landscaped grounds (with hardstanding, woodland, scattered trees, hedgerow, neutral grassland, introduced shrubs and a small ornamental pond). Several trees in the grounds are protected by a Tree Preservation Order. Existing access is via the road from The Green.

Trees

There are 40 individual trees and 4 groups of trees on site. I am pleased to see the majority will be retained where possible; however three trees are proposed for removal and this loss should be compensated for. The Landscape Plan shows replacement and enhancement native-species planting, extension of the broadleaved woodland, and creation of an orchard - which are all welcomed.

Local Wildlife Site (LWS)

The open grassland (the Green) directly south of the site is designated as a non-statutory Local Wildlife Site (LWS) for its neutral and acidic grassland interest. The LWS covers 9.49ha and runs south away from the application site. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site.

Slight widening (and upgrading) of the existing access road is proposed and Photos 25 and 26 on page 66 in the Heritage Statement show the proposed widening. The edges of the LWS grassland at the road appear compacted and degraded. In the scheme of things, I consider the loss of approximately 0.044% of LWS grassland in this area to be minimal and of little concern.

However, I am concerned about how much of the LWS grassland will be impacted during the access improvement works by construction vehicles, storage of materials, etc. Details, including compensation / mitigation for any loss of or damage to LWS grassland, are not provided and will be required by the LPA for approval at the appropriate stage of the planning process. The EA states that: "Confirmation of the exact area to be affected will be provided at detailed design stage with appropriate bespoke compensation to be incorporated as required" (para 1, page 29) - this information needs to be secured and approved by the LPA. The EA goes on to say: "However, this could take the form of restoration of acid grassland in areas currently classified as other neutral grassland" – which would be an acceptable option to Herts Ecology. Again, details (on methodology, management and maintenance) need to be secured and approved by the LPA. This information should be included in the EMP (see below) secured by condition.

In addition to the above, care should also be taken to avoid adverse effects from dust and pollution, etc., on the habitats remaining on site and the adjacent LWS grassland from the various construction stages. A Construction and Environmental Management Plan (CEMP) should be produced by condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
 - b) Identification of 'biodiversity protection zones'*
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
 - d) The location and timings of sensitive works to avoid harm to biodiversity features.*
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) Use of protective fences, exclusion barriers and warning signs.*
- Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.*

Reason

To ensure sensible working practices which protect ecology on and adjacent to this site.

Surveys and report

Sufficient protected species surveys were completed in 2022 and no further surveys are considered necessary for the planning process. Overall, the ecological report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggest reasonable precautionary measures to ensure that legally protected species are not harmed. These are in section 5.2 of the EA and should be followed.

As bats were confirmed to be roosting in the main building, a licence from Natural England will be required to proceed lawfully with proposals that will affect the bats and their roosts. Issuing of the licence will rely on up-to-date survey information, and a licence can only be

applied for once planning permission has been granted. So if updated surveys are required by Natural England, they will need to be factored into the development timescale (they need to be undertaken between May and September).

For the planning process and this application, I advise seeing evidence of the bat licence, or confirmation of a valid licence, by condition:

Works to the main house shall not in any circumstances commence unless the local planning authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or

b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm.

The recommendations also include the need for an Ecological Management Plan (EMP), a CEMP (see above), wildlife sensitive lighting, and biodiversity enhancements - and these should also be followed.

The EMP should be secured by condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

a. A Description and evaluation of the features to be managed.

b. Ecological trends and constraints on site that might influence management.

c. Aims and objectives of management.

d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).

e. Prescriptions for management options.

f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).

g. Management responsibilities.

h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site.

BNG

The report demonstrates at least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Although not yet mandatory, this is commendable and I have no doubt that the proposed measures and suggestions, if secured in the EMP, will provide meaningful net gain.

4.1.12 Herts and Middlesex Wildlife Trust: No comments received.

4.1.13 National Amenity Society: No comments received.

4.1.14 TRDC Environmental Health (Commercial): [No objection]

Air Quality: I have reviewed the Air Quality Assessment prepared by BWB (Document ref. 232404-AQA-0001). An assessment of construction phase impacts has been undertaken and mitigation measures have been recommended to minimise emissions. With the implementation of these measures, the impact of construction phase dust emissions is considered to be not significant.

The predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of a an AQMA, therefore dispersion modelling was not undertaken. Air quality impacts as a result of additional road traffic emissions associated with the site are considered to be not significant.

The measures proposed as part of the development (discussed in section 6 of the Air Quality Assessment) that may be beneficial to air quality are welcomed.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment.

Land Contamination: Online historical mapping shows that the site had been developed by the mid-19th century, Croxley House is shown on the map published in 1868, there do not appear to have been any significant changes on site until the early 1960s, the site is labelled Croxley House (Old People's Home) on the map published in 1961, however, the layout of the site remained unchanged.

The site does not appear to have had a previous potentially contaminative use. The residential use of the site is unlikely to have given rise to anything more than diffuse anthropogenic contamination. Any unexpected contamination encountered during the development shall be reported to the LPA. Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4.1.15 Affinity Water: No comments received.

4.1.16 TRDC Environmental Health Officer (Residential): [No objection]

The Environmental Noise Assessment prepared by Entran Limited, has been demonstrated that indoor noise levels would meet the standards set out within the Building Bulletin BB 93 Acoustic Design of Schools: Performance Standards. Since the building and its grounds will be used as a nursery, Environmental Health do raise concerns that the noise assessment has not considered the impact of noise associated with 122 preschool children utilising the

outdoor gardens which you can expect would include shouting, screaming, and crying. Although justification for this has been provided within the assessor's comments in paragraph 1.4, the noise from children should be considered as part of the noise assessment.

Based on the information, provided Environmental Health do not wish to restrict planning permission but we would ask for an additional noise assessment to be completed which assesses the potential impact of noise associated with 122 preschool children utilising the outdoor spaces.

Officer response: With regard to the Environmental Health Officer's comments; the following comments were received from the applicant:

We have received the below response from our noise consultants in relation to the request for an additional noise assessment. We would be grateful if EH could review this and confirm if they are happy with the AGP noise level as a suitably cautious value and that the below methodology is accepted.

To reiterate our previous comment, there are no residential facades immediately overlooking the outdoor nursery space. The nearest residential façades are at the care home, approximately 40m south west of the garden area (based on the ground floor plan obtained from planning application 16/0964/FUL). The care home rooms are partially or completely screened by the Clarendon Lodge building. The main care home amenity area is completely screened as it is sited within an enclosed courtyard. Additionally, we would not expect 122 children to be outside shouting, screaming, and crying at all times.

Turning to the noise from the garden area - There is no generally adopted source level for children playing outdoors. As a cautious consideration, I suggest we might adopt a level such as the average level attributed to outdoor AGP sports pitches as provided by Sport England (typical sports sessions - football, hockey, rugby, including perimeter strike boards). This level is given as 58 dB at 10m from the halfway sideline.

If we apply this as a continuous LAeq,T at 10m from the boundary of the garden, applying a simple $10 \cdot \log r$ distance correction results in an indicative level of 52 dB at the nearest residential façade. The residential facades appear to be either inwards facing or screened by the Clarendon Lodge and Croxley House buildings. If we apply a cautious -5dB correction for partial screening we arrive at a value of 47 dB LAeq,T. A further -15 dB due to partially open windows gives a level of 32 dB LAeq,T. The residential criteria for daytime resting is 35 dB LAeq,16hr with a desirable guideline value of 50 dB for outdoor amenity space. Both of these values would be attained at the nearest residential façade, based on the calculation above.

With further reductions due to distance and screening the noise levels at Clarendon Lodge are unlikely to be significantly high.

4.1.16.1 Officer comment: The Environmental Health Officer has provided further comments as follows:

Having reviewed the comments from the noise consultant provided below, my concerns around the potential impact on Clarendon Lodge have been satisfied. As such, I do not have an objection to the proposal.

4.1.17 National Grid: No comments received.

4.1.18 TRDC Environmental Protection: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 No of responses received: 106 in support.
1 objection.

4.2.3 Site Notices for both applications: Expired: 13.05.2023

Press notices for both applications: Expired 06.05.2023

4.2.4 Summary of Responses: [Objection]

No objection to principle of change of use, however, the proposed elevations/extensions are not in keeping with a Grade II Listed property.

4.2.5 Summary of Responses: [Support]

Will provide much needed childcare for local residents in a wonderful setting.

Will bring a now disused building and bring it back to life and modern standards.

The site is large and offers a space for children to learn without the need for mass redevelopment.

The development will provide investment in the fabric of Croxley House and the immediate surrounding area.

The benefits to the local economy and community are also clear, providing additional jobs and supporting productivity of parents who are then able to return to work.

Support application to support the provision of high- quality childcare in our local community.

Imperative to ensure children have the best possible start to life and for parents to be able to access high quality childcare provision in order to work and support local infrastructure.

Boys and Girls Croxley is a valuable addition to the existing Croxley Community, support this much needed asset to the local community.

Boys and Girls Nursery are a well known local organisation who are integral to the local economy, community, childcare solutions and lifeline to working parents;

Boys and Girls Nursery is a wonderful place and want to ensure it has a secure long term future in our community.

The documents propose a long term solution to a local business which supports the local community. Local nurseries have faced a lack of support when most needed such as Morris Minors.

As a member of staff and as a parent of a child attending this nursery, I full support the application.

The Council has a duty to support the application especially in view of the new government policy giving free childcare to 1 and 2 year olds.

The demand for places will increase as the government's plans for extended 'free' childcare come into place.

There are few places where childcare facilities are able to be set up locally.

Imperative to provide access to early years provision, to ensure that children have best start to life, and for parents to be able to access high quality childcare to return to work and support the local infrastructure. Without this, does the Local Authority have alternative plans to support working parents and support the growth and education of the youngest stakeholders in the community.

Childcare in the areas is sparse at best and with new development in the area, the need for more options will increase.

There is a long waiting list at the Nursery in its current location and the local population is only set to increase due to the large development approved at Killingdown Farm.

The Council has let 2 local nurseries close recently for example Morris Minors (rated Outstanding by Ofsted), which closed as they could no longer lease the building. I hope the Council will compensate for this by supporting Boys and Girls application to ensure their long term future.

The plans are sympathetic to the existing building and will provide a fantastic setting for the children.

Having worked for the company for more than 10 years, 7 of which were with the current Croxley Branch, I can say with confidence that the renovations and changes will be made with respect to the character of the existing building.

The proposal gives minimal impact to the area that would have otherwise been there in its previous uses. Any impact there may be, will be outweighed by the benefits they will provide.

Childcare in the area is sparse at best and with new development in the area (Killingdown Farm) the need for options will increase.

Without nurseries in our area; there would be a significant reduction in childcare provisions, job losses and local people having to look further afield to find childcare provisions.

New location will be an improvement to the facility that if not approved would be a great loss to the community.

Large site and would offer a great place for children to learn and grow without the need of mass redevelopment.

Will make use of a disused building and bring it back to life and modern standards.

Research shows that high quality Nursery Education and care has positive and long lasting impacts on our children's outcomes.

Benefits to the economy including additional jobs and supporting parents who are then able to return to work.

4.2.6 Herts County Council (Children's Services): Whilst not formally consulted by TRDC, Children's Services provided comments in support of the application.

I am writing this email in support of the above applicants planning application.

As a local authority we have the statutory requirement to ensure that working parents have access to good quality childcare to enable them to work and or study. In this area of Three Rivers there is a need for childcare which is currently provided by your applicant for working parents. If this childcare provision planning application was to be rejected this will have a

detrimental impact on those parents currently in receipt of this childcare and impact on their working ambitions.

Long term this planning application will support the governments ambitious childcare expansion plans for working parents.

5 Reason for Delay

- 5.1 To allow for issues identified by officers and consultees to be addressed and further amendments to be sought.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. 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”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 Legislation

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).

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.

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

The Wildlife and Countryside Act 1981 (as amended), 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.

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP6, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM8, DM9, DM10, DM11, DM13 and Appendices 4 and 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Policies CA1, CA2, H01, H03, RE3.

6.4 Other

The Croxley Green Conservation Area Appraisal

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

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

The Wildlife and Countryside Act 1981 (as amended), 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.

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people wanted and are able to live and work. The priorities for the future are amongst other things, to provide growth required to support local communities and provide for their needs in the most sustainable way possible, to improve access to housing and affordable housing and to recognise opportunities to improve and enhance the built, historic and natural environment wherever possible. In order to implement and deliver the Local Development Framework's Vision, Strategic Objectives have been identified which include; to balance the community's need for future homes and jobs by providing sufficient land to meet a range of local housing needs.
- 7.1.2 Policy CP2 (Housing Supply) of the Core Strategy states that providing sufficient housing to meet the needs of local communities in a sustainable way is one of the key challenges facing Three Rivers. It further states that, amongst other things, development in the District, needs to provide an adequate and continuous supply of housing, provide a range of types and sizes of homes to meet needs at an appropriate density; and address local affordability issues. Policy CP3 (Housing mix and density) sets out that the Council will require housing proposals to take into account the range of housing needs in terms of the size and types of dwellings as identified by the Strategic Housing Market Assessment and subsequent updates. This includes the provision of housing for the elderly, and supported and specialist housing which will be encouraged in suitable and sustainable locations.
- 7.1.3 Policy SA1 (Housing Site Allocations) of the Site Allocations LDD (adopted 2014) states that, in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council's starting point is to protect existing housing in the District. Furthermore, it is noted that the LPA cannot currently demonstrate a 5 year land housing supply.

- 7.1.4 The existing building historically provided an elderly person's care home accommodating 33 bed spaces. However, the most recent planning permission for Croxley House, resulted in alterations to the existing building and a reduction in the number of bed spaces within Croxley House itself to 24 beds. In addition, the permission included, the provision of a new 40 bed care home facility known as Clarendon Lodge being located immediately adjacent to the host building. This permission has been implemented and is therefore a material planning consideration. It is noted that Care Homes do contribute towards the District's housing stock and when applying the Council's conversion rate of 1.9 C2 bedrooms to 1 market dwelling, it would mean based on the most recent permission, that the current proposal would result in the net loss of 13 residential dwellings. In addition, it is acknowledged that there is a need for facilities such as care homes within the District. This is clearly stated in the Croxley Green Neighbourhood Plan which states that housing proposals should consider the needs for priority groups, one of which is identified as the *'aging population which specially design accommodation including residential homes'*. Consequently, the proposed development would result in an objection due to the net loss of housing, and elderly persons accommodation which would be contrary to Policies CP2 and CP3 of the Core Strategy (adopted October 2011) and Policy SA1 of the Site Allocations Document.
- 7.1.5 With regard to the loss of elderly persons accommodation, it is noted that Croxley House has remained vacant since January 2021. The supporting information sets out that Croxley House as currently existing does not meet the required care standards and legislation. In addition, the last Inspection Report published by the Care Quality Commission in May 2021 (visit undertaken in December 2020) identified that the overall rating for the care home was inadequate. Officers have visited the site and viewed the building internally; and have observed that the corridors are narrow, that there is not level access with varying floor level changes throughout the building. Some of the rooms within the building are considered small, and do not have full ensuite facilities. Prior to its closure, planning and listed building consents (see para 1.3 and 1.4 above) were granted for works to the existing Listed Building to allow the building to meet modern standards. The works included the widening of existing corridors, the provision of level access and internal alterations to create rooms which met current care standards. However, the changes proposed resulted in a reduction in bedrooms from 33 to 24. It is understood that these changes were never implemented due to viability concerns regarding the changes and the loss of bedrooms.
- 7.1.6 Following the closure of the Care Home, Croxley House was marketed from 4th November 2021-4th May 2022. Whilst it is not considered that this is a significant period of time, there is not a set period defined in National or Local Policies as being suitable for marketing a property. Furthermore, it is noted that during this period a total of 112 enquiries were received, there were 31 viewings and a total of 9 offers. The supporting information highlights that the majority of initial interest was from residential developers, however, the general feedback was that there were concerns regarding the listed status of the building, its layout and that it would be too challenging to convert it into residential dwellings. Other developers considered the possibility of a conversion to 9 flats, however, the overall cost of conversion raised concerns that such a development would not be deliverable. An initial offer was accepted from a residential developer, however, this offer was subsequently withdrawn due to funding issues. The supporting information also notes that enquiries were received from care providers, some of which withdrew interest due to the location of the building as it is now adjacent to the new care home 'Clarendon Lodge'. Other care providers raised concerns that due to the buildings' listed status and the cost of modernisation, that the development would not be viable. As such, weight must be given to the significant length of time that the building has remained vacant for, the length of time the building was marketed for and that the existing building is not fit for purpose for use as a modern care home. It is acknowledged that since this application was first considered by Committee in November 2023, that a subsequent application for residential development has now been granted. However, as this permission has not been implemented to date, the building remains vacant and therefore this is still afforded weight.

- 7.1.7 Whilst the net loss of housing is acknowledged, Policy SA1 (Housing Site Allocations) does state that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided that the surrounding residential area is not adversely affected. In this case, the applicant is seeking planning permission to change the use of the building to a nursery. The supporting information provided by the applicant sets out that the redevelopment of Croxley House would provide a new setting for the existing Boys and Girls Nursery which currently operates from Croxley Business Park. The existing nursery offers 72 registered places (the nursery caters for 72 full time equivalent spaces on site at one time) and serves local residents within the district and surrounding areas. The current site at Croxley Business Park is within the freehold of Watford Borough Council and the current nursery only has a three year lease on the site. The site owner is not considering a long term nursery use of the site, and has instead signalled an intention to redevelop the site for employment purposes. Therefore, there is a need to relocate the existing nursery and for it to remain local in order to continue to serve existing users of the nursery.
- 7.1.8 Furthermore, the existing nursery at Croxley Business Park is operating at capacity, and it is understood from the supporting information that the owners turn away 25-30 enquiries per month, with their existing site in Rickmansworth also turning away 40-55 enquiries per month. Therefore, there is a demonstrated demand for this type of child care within the area. The applicant also notes the closure of another local pre-school within the area, St Oswalds Preschool in Croxley Green was operating at capacity and closed in 2022 which, along with the ongoing construction of other housing developments in the vicinity will likely increase the demand further. Herts County Council have also provided comments in support of the application stating that in this area there is a need for childcare which is currently provided by the applicant for working parents. The Development Officer at HCC notes that the loss of the nursery would have a detrimental impact on existing parents currently in receipt of this childcare and their working ambitions. It is understood that the applicant has searched for some time for other suitable sites to accommodate the nursery use. However, for varying reasons, these sites have not been deemed as suitable. Croxley House is viewed by the applicant to provide the best location and setting for this use as well as providing space to cater for existing and future demand. It is however, noted that since the time the original planning application was considered by Committee, that a further pre-school for children from age 2 has opened at Malvern Way School in Croxley Green.
- 7.1.9 The applicant suggests that the proposed development would provide a community facility in accordance with Policy DM12 of the Development Management Policies LDD. The supporting text to Policy DM12 does set out schools to be a community use and it is viewed that a nursery/preschool would also fall under this category. In addition, the supporting text to Policy DM12 states that the Council *'will support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities'*. Policy DM12 also states that *'where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport'*. In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible. Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 93:
- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*

7.1.10 It is also noted that in the March 2023 Budget, the government announced that they would be extending free childcare to support more parents being able to return to work after their parental leave ends. At present, parents who work more than 16 hours a week, and earning less than £100,000 are entitled to 30 hours free childcare for children ages 3-4. This will be extended so that working parents of all children over 9 months will be entitled to 30 hours of childcare and this will be rolled out in a staggered approach, commencing in April 2024. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work. The Development Officer at HCC has also stated that 'long term, this planning application will support the government's ambitious childcare expansion plans for working parents'. Since the time the application was originally brought to committee, it is noted that free childcare has been extended for children aged over 9 months. Consequently, it is still considered that the redevelopment of Croxley House as proposed by this application would ensure that the service would be retained for the benefit of the community in accordance with the provisions of the NPPF.

7.1.11 In summary, it is considered that significant weight must be afforded to the fact that the site has been vacant for a considerable length of time, and that the building as existing is not fit for its purpose as care home. It is also noted that prospective buyers have raised concerns about the potential use of the building for a residential use because of its listed status and current condition. Indeed officers note that often the conversion of a house, particularly a listed house, can result in the original plan form being lost into discreet flats which does not preserve the significance of listed buildings. Whilst the loss of housing is acknowledged, Policy SA1 does allow for this where conversion to other uses is necessary to provide a small scale facility. In this case, the building has been vacant for two years, and it has been demonstrated that the provision of a nursery in this location would provide a service to residents of the district and the wider locality. The importance of such a service has been signalled by the Government in the 2023 budget and its announcement to extend free childcare provision from April 2024. Consequently, based on the site circumstances, it is considered that using the existing building as a nursery would outweigh the loss of dwellings, and the lawful use of the site as a care home particularly given it is highly unlikely that the existing building would be used as a care home in the future. Consequently, the principle of the proposed use is acceptable, subject to the relevant material planning considerations outlined below.

7.2 Impact on the Green Belt

7.2.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.2.2 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out a number of exceptions to inappropriate development which include:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.**

7.2.4 Paragraph 154 of the NPPF also advises that ‘other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in it’. This also includes engineering operations and the reuse of buildings provided that the buildings are of a permanent and substantial construction.

7.2.5 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of Green Belt in the District and ‘will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Development Management Policy DM2 notes that “As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is B) Extensions to buildings in the Green Belt which states that extensions which are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building’s proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

7.2.6 Policy DM2 of the Development Management Policies LDD also relates to ‘reuse- and conversion of buildings in the Green Belt. This sets out that the following:

The Council will only support applications for the re-use/conversion of buildings in the Green Belt where:

- iv) the form, bulk and general design of the building is in keeping with the surroundings
- ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent
- iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)
- iv) the building is suitable for reuse/conversion without extensive alteration, rebuilding and or extension

7.2.7 Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded weight.

- 7.2.8 In this case, it is considered that the proposed development can be considered under criteria 154 (g) of the NPPF which relates to the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green. In this case, the application site would be considered as previously developed land which is defined by the NPPF as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.

In this case, the application site consists of a large two storey detached building and its associated curtilage which was most recently used as a care home. As such, it is officers view that the proposed development can be considered under exception 154 (G). In addition, alterations to the access road which shall be discussed below are considered as an engineering operation which is appropriate under paragraph 149 of the NPPF.

- 7.2.9 The proposed use: The applicant is seeking to change the use of Croxley House to a nursery accommodating 122 spaces. In this case, Croxley House is an existing Grade II Listed Building of substantial construction and consequently, it is considered in principle, the building is suitable for conversion to an alternative use. As set out in paragraph 7.2.6, Policy DM2 of the Development Management Policies LDD sets out a number of criteria for the conversion of buildings to be assessed against and these shall be discussed below:

- 7.2.10 With the exception of the extension which shall be discussed later, the main part of Croxley House would remain relatively unaltered externally. The main alterations to the existing building would include alterations to fenestration detail. In addition, there would be a focus on decluttering the site, through the removal of some of the existing outbuildings on the site, the removal of metal railings, the removal of a number of obsolete features fixed to the building and the rationalising of services and drainage runs. Such alterations are not considered to adversely affect the openness of the Green Belt and thus no objections are raised to these external alterations. The decluttering of the site through the removal of outbuildings is considered to be a benefit to the openness of the Green Belt and would enhance the visual amenities of the site. In addition, the plans include alterations to the existing eastern link, resulting in the removal of the existing stepped roof form and creation of a single flat roof form. This alteration would result in reduction in overall height, bulk and massing and is viewed to minimise harm to the Green Belt. As such, there would not be substantial harm to openness in this regard.

- 7.2.11 The proposed development would also include landscaping alterations in order to facilitate the nursery use. The garden to the south of the building would be altered to provide separate play spaces for children of different ages. The plans indicate that the area would generally consist of soft landscaping with additional planting adjacent to the southern boundary. In addition, some of the existing tarmac pathways within the existing garden area to the south would be removed, and further soft landscaping reinstated. These alterations would be considered appropriate and would not impact on the visual amenities or openness of the Green Belt. In order to provide separate play spaces, the plans do indicate the subdivision of the existing garden with 'demountable chestnut pale fencing' of modest height which would be softened with planting. Whilst it is acknowledged that the provision of new fencing would generally be considered inappropriate, its actual harm to the Green Belt is limited given it would be low level, would be dismountable, and would have an open appearance which would respond to the rural setting of the site. It would also be positioned within a well enclosed site. As such, officers do not consider this aspect of the proposed landscaping to result in substantial harm to openness in accordance with Paragraph 154 (G) of the NPPF.

- 7.2.12 In addition, the applicant is proposing to make alterations to the existing hard surfacing on site. This would include the removal of a number of pathways in and around the site which would be considered a benefit and an enhancement to the openness of the Green Belt.
- 7.2.13 Proposed Extension: The proposed development would also involve the demolition of an existing two storey extension located to the west of the building and its replacement with a two storey extension.
- 7.2.14 In terms of floor space, the existing extension to be demolished has a floor space of approximately 240square metres, whilst the proposed extension would have a floor space of approximately 246 square metres. The submitted Planning Statement also notes that the replacement extension will result in a minimal decrease in the overall building footprint from 711 square metres to 708 square metres. It is therefore acknowledged that the proposed replacement extension would not significantly increase the built form on the site. With regard to its siting, the proposed two storey extension would be located in a similar location to existing. It would be no wider than existing and therefore would not result in a further spread of development towards the access road in what is considered an open part of the site. Consequently, it is not considered that there would be increased harm in this regard. The plans also indicate that the extension would not project further forward than the existing front wall of the building when viewed from The Green. In contrast, the existing extension projects forward of the main building line at ground floor level and the Planning Statement notes that there is a very small reduction in the gross external footprint at ground floor level.
- 7.2.15 However, it is acknowledged, that the two storey extension would project further to the north of the site relative to the existing extension. As such, there would be a further spread of development to the north of the site. However, , it is not considered that this would result in substantial harm to openness given that proposed extension would not project beyond the building line of the deepest single storey element which is located to the other side of the building. As such, it is viewed that there would still some containment of built form to the north, and the development would not significantly encroach into the verdant setting to the north.
- 7.2.16 Turning to the appearance, the existing extension has a hipped roof form which steps down from the main roof form. In contrast, the proposed two storey extension would have a flat roof form which would be of lesser height; it is therefore considered that this has resulted in some reduction to the upper bulk and massing of the roof level. It is also noted that during the course the application, the originally proposed capping at roof level has been removed from the plans which creates a more subservient appearance. The design also includes a 'link' element which would be recessed from the main front and rear building line of the extension and the main building, this has the effect of further breaking up the visual massing and bulk of the built form, particularly when viewed from The Green.
- 7.2.17 It is therefore considered that the redevelopment of the site including the proposed extension would not result in substantial harm to the openness of the Green Belt taking into account the scale of the existing building including the existing extension.
- 7.2.18 The Car Park: The main car park would be sited on existing garden land located to the north of the existing host building. In addition, the plans include formalising existing hardstanding to the north of the building in order to facilitate drop off bays. The area of land in which the main car park would be sited would be largely free from built form with the exception of some low-key ancillary structures. The northern boundary of the site also adjoins open fields, and therefore the character of this area of the site and its surroundings are considered to be predominately open. The proposed car park would extend some 23.5m in depth into the garden land, and with its rectangular footprint would appear urbanising within this open and verdant setting. This harm would be exacerbated by the presence of parked vehicles which would also have a physical impact on openness. As such, it is considered that the proposed car park would result in a spread of urbanising development which would result in some spatial and visual harm. However, the site is contained when considering its

location immediately adjacent to Clarendon Lodge and its associated facilities and being bound by Little Green Lane. Whilst the rear boundary is more open, there is vegetation along the boundary which visually contains the site. In addition, the car park would be set within the landscaped setting with significant amounts of soft landscaping retained on the site. Furthermore, the applicant has put forward the proposals as a whole will result in the total area of impermeable and permeable surfaces decreasing from 2,617sqm to 1954sqm, a reduction of approximately 25%, although it is noted that some of this as a result of the removal of relatively low key pathways. It is therefore considered that there would be a moderate level of visual and spatial harm to openness of the Green Belt as a result of the proposed car park. However, given the context of the site, and the siting of the car park, it is not considered that the harm would be substantial in the context of Paragraph 154 (g) of the NPPF.

- 7.2.19 Alteration to access road: The existing building is served by a narrow access road which extends across the existing common. It is low key in its appearance, with no road markings, and does not have a visual impact at present on the openness of the Green Belt.
- 7.2.20 In order to serve the proposed use, the applicant is proposing to make alterations to the existing road, which would involve increasing its width from its existing maximum width of 4.1m to a maximum width of 4.5m, and undertaking resurfacing works. The alterations to the access road would constitute an engineering operation. Under paragraph 154 of the NPPF, such operations are considered to be an appropriate form of development so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.2.21 The submitted plan demonstrates that the widening would be minimal when viewed in the wider context of The Green; and consequently, officers consider that the modest increase in width would not result in a spatial or visual impact to the openness of the Green Belt and consider that this alteration would not materially impact on the Green Belt in this location. Furthermore, whilst the road would be re-surfaced in order to ensure a suitable condition; it would not be formally marked in any way which would prevent the visual appearance of the road from being urbanised or unduly prominent within this semi-rural context. Given the minimal alterations, it is not considered that the visual appearance of the road would appear dissimilar to the existing situation. A condition could be attached to a consent to require full details of the proposed surfacing of the access road to be submitted prior to any works. As such, no objection is raised to the physical widening of the road from a Green Belt perspective. The proposed development is therefore considered to be acceptable and in accordance with paragraph 150 of the NPPF and Policy CP11 of the Core Strategy.
- 7.2.22 Use of the access road: As set out above, the alterations to the access road are required in order to facilitate the provision of two-way traffic to and from Croxley House and the adjacent care home. Whilst, no objection is raised to the physical alteration of the road, one must also consider whether the actual use of the road would result an impact to the openness of the Green Belt. Policy DM2 of the Development Management Policies sets out that the scale of a proposed use should not have a detrimental impact on the locality e.g., by bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land.
- 7.2.23 At the present time, the existing access only serves Clarendon Lodge, the new care home sited adjacent to Croxley House (due to the currently vacant status of the host building). However, it is noted that the implemented planning permission for Clarendon Lodge would have allowed for the use of the access road to serve both buildings as care homes. The Transport Statement does not set out the total trip generation for the authorised use of both buildings had the most recent planning permission been implemented in full (64 bed spaces). Instead, the Transport Statement only sets out the trip generation for the pre-existing 33 bed care home operating from Croxley House historically. Paragraph 5.5 of the submitted Transport Statement sets out *that 'the weekday trip generation associated with the existing 33 bed care home should only generate approximately 68 vehicle two way trips*

a day of which less than 5 vehicles two way trips would be generated during the AM peak and 4 vehicle two-way trips during the PM Peak'. However, as set out, the actual trip generation associated with 64 beds operating across both sites would be increased relative to the above figures.

- 7.2.24 The Transport Statement notes that the trip generation associated with a nursery would be increased relative to the lawful use of the site as a care home. Paragraph 5.10 of the Transport Statement notes that the weekday trip generation association is therefore anticipated to generate approximately 237 vehicle movements of which 40 would be generated during the AM Peak and 30 in the PM Peak. Paragraph 5.11 of the Transport Statement goes on to say that *'over the course of the period analysed from 0700-20.00 there is a total increase of 173 vehicle movements, this equates to an average increase of 13 vehicle movements an hour'*.
- 7.2.25 Based on the above, it is therefore acknowledged that there would be a significant intensification of use of the access road. However, it is considered that the impact on the Green Belt would be minimised by the nature of the proposed use of the site. The nature of the use of the building as a nursery means that whilst vehicle movements would be significantly intensified at certain peak times of the day, the use of the access road would be minimal at other points during the day, with no use of the road to facilitate the nursery use after staff had left for the day. Furthermore, the nursery would not operate at the weekend, which means that there would be no vehicle movements associated with the use for two days of the week. It is therefore acknowledged that whilst there would be an intensification of use, given the nature of the intensification, it is not considered that this would result in significant adverse harm to the openness of the Green Belt.
- 7.2.26 Summary: In summary, Croxley House is considered to be a previously developed site within the Green Belt which currently contains a large two storey building. The site is currently vacant and has been most recently used as a Care Home. It is acknowledged that the proposed development including the extension, car park and increase in activity by reason of the proposed use would result in some harm to the openness of the Green Belt. However, as set out above, it is considered that given the existing site circumstances including the existing scale of the development, its siting and contained nature of the site, that the proposed development would not result in substantial harm to openness which is the test set out under paragraph 154 (g) of the NPPF. As such, the proposed development is considered to be an appropriate form of development and in accordance with Paragraph 154 (g) of the NPPF. In addition, the alterations to the access road are also considered to be appropriate and would be in accordance with the provisions of paragraph 154 of the NPPF/

7.3 Impact on Heritage Assets.

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.2 The host building is a Grade II Listed Building and also located within the Croxley Green Conservation Area and as such Policy DM3 of the Development Management Policies LDD is relevant. With regard to Listed Buildings, it advises;

The Council will preserve the District's Listed Buildings and will only support applications where:

i) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting

ii) any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability.

7.3.3 With regard to Conservation Areas, Policy DM3 of the Development Management Policies LDD, advises that development will only be permitted where:

i) is of a design and scale that preserves or enhances the character or appearance of the area

ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context

iii) Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges

iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention

v) Does not harm important views into, out of or within the Conservation area

vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area

vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

7.3.4 The Croxley Green Conservation Area Appraisal is also relevant and sets out the following with regard to Croxley House:

'Opposite Killingdown Farmhouse stands the grand grade II listed late eighteenth century Croxley House. This substantial red brick house has a powerful presence at the north end of Section C and the whole area. In the recent past, Croxley House has been extended using appropriate materials. However, the wall which surround the entire house and estate, being not only an integral part of the Conservation Area but also the curtilage of a Listed Building, has been allowed to deteriorate and decay and is now in an appalling condition.....

In the grounds of Croxley House stands an important Grade II listed well house, complete with its original winding gear. Opposite the well house, and possibly part of an original farm stands an unlisted barn with visible timber framing. This barn is sadly at risk, a portion of having already collapsed at the time of writing'.

7.3.5 The Croxley Green Neighbourhood Plan also refers to Croxley House as dominating the northern end of The Green.

7.3.6 Proposed Extension: The proposed development includes the replacement of an existing two storey extension which derives from the late twentieth century. It is set over two stories and is of red brick construction with a hipped roof form. This extension is located to the west of the existing building, adjacent to the existing access road and is highly visible in long views from The Green. It is acknowledged that the existing extension has a poor and awkward relationship with the form of the original building and arguably detracts from the appearance of the Listed Building. As such, the Conservation Officer has raised no objection to its demolition and the principle of a replacement extension in the same location subject to an appropriate design.

7.3.7 The proposed two storey extension would also be located to the west of the building and is referred to as the 'Western Pavilion', with the applicant seeking a contemporary approach

to its design. The proposed extension would have a flat roof form and would be linked to the main body of Croxley House by a two storey glazed 'link' element. The Conservation Officer has raised no objection to the principle of a contemporary design approach, however, did raise an objection to the original plans, considering that the increased height, depth, roof detailing and fenestration detail would result in a more bulky and prominent extension. The extension was considered to be excessively deep, with the bulk being further exacerbated by its overall height. The proposed roof capping indicated on the original drawings was considered to add further unnecessary bulk to the extension, thereby increasing its prominence. The height of the extension was indicated as sitting above the height of the eaves of the existing host building, which resulted in the extension as having an awkward appearance.

- 7.3.8 Furthermore, the glazed 'link' was also considered to be a prominent addition by reason of its depth, height, width and design. The 'link' failed to appear as a discrete addition, and failed to function as ancillary link between the extension and host building. Rather than appearing as a subservient addition to the Listed Building, the extension as originally proposed was viewed to have a competing and prominent appearance. The proposed development therefore was viewed to adversely affect the special character of the Grade II Listed Building and would have undermined its significance, contrary to Policy DM3 of the Development Management Policies LDD. Furthermore, as already highlighted, the existing host building dominates the northern end of The Green and this area of the Croxley Green Conservation Area, with the western and southern elevations in particular being prominent from a number of long range view points. Consequently, for the reasons highlighted, it was considered that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Policy DM3 of the Development Management Policies LDD.
- 7.3.9 In response, an initial set of amended plans were received in July 2023. The amendments included the reduction in the depth of the glazed 'link', the removal of the roof capping and alterations to the proposed fenestration detail within the extension. However, the Conservation Officer continued to raise objections, stating that the extension would still be a more bulky addition. In addition, the Conservation Officer raised concerns in relation to the fenestration detail, stating that the windows within the extension would be larger than the host building; therefore the wall to glazing ratio proposed resulted in a poor relationship with the host building. With regard to the amendments to the 'link'; the Conservation Officer considers that it fails to function in this way due to its excessive height, width and its thick framing. It would fail to appear as a discrete structure, and whilst the reduction in depth is noted, it is not considered that this in itself addresses the concerns in relation to its overall height, width and its relationship with the existing building. Furthermore, it was considered that the scale of the link as currently proposed coupled with the large extent of glazing further exacerbates the visual prominence of the extension.
- 7.3.10 Following further discussions with officers, the applicant submitted further amendments in October 2023. The fenestration detail within the extension has been further revised, such that the width of the proposed windows within the main extension would match the width of the window openings in the original building. The location of the door has also been sited centrally such that it mirrors the central door in the existing eastern extension. In addition, the fenestration within the proposed 'link' has been reduced in scale. For both the northern and southern elevations, the link would be divided into four equal bays, with the flanking bay consisting of solid timber panels, with a solid timber cill added at ground floor level.
- 7.3.11 The removal of the roof capping as originally proposed has resulted in a reduction in bulk and results in the roof form being read to be more in line with the eaves of the existing building. Furthermore, the proposed building line of the southern elevation would project no further forward than the main southern building line, which is viewed to be an enhancement relative to the existing situation where the existing extension projects forwards, and sits awkwardly against the existing host building. Whilst it is acknowledged that the existing main projecting element is at ground floor level only, this still results in an unsightly and

awkward relationship with the existing host building and is also visible from within the wider Conservation Area. The proposed extension should also be viewed in conjunction with other external alterations to the southern elevation. The applicant is proposing to remove the existing stepped roof form over the existing 'late Victorian addition' to the east of the building and a linear flat roof form would be created. Consequently, this creates a more balanced appearance to the building and emphasises the original core of the host building.

- 7.3.12 The revised fenestration detail would appear more modern, however, would reflect the widths of the existing openings within the building, such that the visual appearance would not compete with the detailing of the existing Listed Building. With regard to the proposed link, it is acknowledged that the Conservation Officer has raised concerns regarding a two storey addition in this location, however, officers consider that its visual impact would be minimised given it would be of lower height than the main body of the extension and would be of reduced depth and would be recessed such that it would not be viewed to be competing with the Listed Building. Furthermore, the reduced extent of glazing and the addition of timber panels, would further reduce its visual prominence and it is officers view that it would appear more discrete. It is therefore considered that the proposed amendments have overcome concerns, and it is not considered that the proposed development would significantly adversely impact on the visual appearance of the Listed Building and would conserve the character and appearance of the Croxley Green Conservation Area. A condition shall be attached to any consent requiring full details of external materials to be submitted and approved in writing.
- 7.3.13 External Alterations: Alterations to fenestration detail are proposed as part of the application. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building. As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement.
- 7.3.14 The original plans proposed alterations to glazing within the 19th century extension. The Conservation Officer raised objections to this, considering that it was overly modern and did not reflect the character of the host dwelling. This aspect of the proposal has now been omitted and thus no objections are raised in this regard. Likewise no objections are raised to the alterations to the eastern, late Victorian and interwar extensions, with the removal of modern windows in the ground floor northern elevation raising no objections. However, the plans still include the proposal to lower cill heights within the later extended wings, and the Conservation Officer considers that this would still result in the unnecessary loss of historic fabric. In response, the applicant has stated that the intention is to salvage the bricks so that they can be used to block the up the non original window in the northern elevation. The blocking of the window is considered to be an enhancement as it will enhance the appearance of the building elsewhere. As such, it is not considered that the proposal would result in significant harm due to a further heritage benefit to the external appearance of the building.
- 7.3.15 Other external alterations include the removal of railings associated with the previous use of the site. There is a heritage benefit in this regard as it results in the removal of visual clutter around the building which at present detract from the setting of the Listed Building and the visual amenities of the Conservation Area. The submitted Design and Access Statement Addendum Document (October 2023) also highlights that over time, the existing building has accumulated varying components fixed to the façade, including rainwater pipes, soil vent pipes, external lights and two concrete access hatches to the basement. It is acknowledged that the piecemeal nature of these additions results in a cluttered appearance which further detracts from the appearance of the Listed Building. The removal of these obsolete features and rationalising services and drainage runs would allow historic features such as the existing bow window to become unobstructed. These alterations would

therefore enhance the character and appearance of the Listed Building and must therefore be viewed as a further benefit of the proposal.

- 7.3.16 In addition, the proposals also include the replacement of existing steps and ramps. The existing are acknowledged to be unsympathetic additions, however, the Conservation Officer has objected to their replacements considering that these would be visually prominent due to their scale and their siting as abutting the existing building. However, whilst the concerns are acknowledged, officers consider that the proposal would still result in a reduction in visual clutter to the building itself and across the site. Officers consider that the provision of steps to the northern and southern elevations of the building would not significantly detract from the character and appearance of the Listed Building and that this would still represent an enhancement relative to the existing appearance of the building.
- 7.3.17 Internal Alterations: The former use of the building as a care home has resulted in unsympathetic internal alterations of the Listed Building to facilitate the use. As such, the removal of modern partitions within the building is welcomed and viewed as an enhancement to the building. However, the original comments received note that the derivation of the ground floor wall where a platform lift would be inserted has not been determined. In addition, the Conservation Officer notes that the plans also now include the removal of additional fabric at ground and first floor level to provide a wider entrance into the proposed extension. In response, the October 2023 addendum to the Design and Access Statement advises that this area has been partially opened by removing the render to expose the underlying brickwork. This has revealed a patchwork of older brick, modern brick and infilled openings- where historic brickwork survives, it is damaged and incomplete. As such, it is officer's view that it would be unreasonable to object to the proposed changes in this regard. In addition, some concerns were raised with regard to chimney breasts being covered over as a result of some of the internal changes. The Addendum to the Design and Access Statement October 2023, specifies that the chimney breasts would not be covered over.
- 7.3.18 With regard to internal alterations, the Conservation Officer notes there would be a preference to remove the lobby area to the staff room at first floor level. In response to this, the applicant has advised the following:
- 'This once large room has been subdivided and compartmentalised into seven different rooms, including Three WCs and two bedrooms as well as a corridor. The proposal is to removal all of this, aside from one small entrance lobby. In heritage terms, this is a material enhancement.*
- The proposed staff room at first floor level is located above the primary heritage room and three existing risers required to access this room. A door is required for this space for the purpose of fire safety and to allow the space to be private for staff. As a consequence, a lobby is required at the top of the stairs. This small lobby does not impact the internal elevation where the windows are located and thus the room can still be read as a whole'.*
- 7.3.19 Officers consider that the removal of a number of existing partition walls to open up the majority of the room would be an enhancement relative to the existing situation and the justification for this is noted. As such, it is not considered reasonable to object to this element of the proposal.
- 7.3.20 Landscaping: Policy DM3 of the Development Management Policies LDD requires development to 'protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area. The main landscaping alterations would include the provision of a car park to the north of the building. This area currently functions as a garden, and forms part of the setting of the Listed Building. The Conservation Officer notes that the proposal would result in the loss of verdant landscaping within the immediate setting of the building and as such there would be a preference for a reduction in the amount of hardstanding, although the

comments received acknowledge that the layout of the car parking has been dictated by the location of the existing trees. As such, the Conservation Officer has confirmed that the car parking may be considered acceptable depending on the surface treatment, and that less formalised bays would be preferred. In response, the applicant has advised that the bays would be marked by low key red pavements, surrounded by landscaping. In addition, they have advised that it would not be practical for parking bays to be unmarked, however, that it may be possible to soften the markings of the bays further so that they would appear less formal. In summary, subject to a condition to provide further details of the surfacing of the car park and its markings, it is not considered that the car park would result in significant demonstrable harm to the setting of the Listed Building to justify refusal.

7.3.21 With regard to the access road, the Conservation Officer considers that there is an opportunity to improve the appearance of the access track which is considered to be in a poor state of repair. The original comments received from the Conservation Officer raised concerns in relation to the widening of the access track given that this would not guarantee that vehicles would not encroach onto The Green. However, the Conservation Officer does acknowledge that the widening of the access road would be minimal and as such, it is officer's views that the physical widening of the road would not have any material impact on the character of Conservation Area. In addition, it is acknowledged that the use of the building as a nursery would result in an increased use of the access road. However, as already set out, the peaks in traffic would be contained to certain times of the day and there would be no use at the weekends or in the evenings when the nursery would be closed. It is therefore acknowledged that whilst there would be an intensification of use of the access road, given the nature of the use of the building, it is not considered that this would result in detrimental harm to the character and appearance of the Conservation Area and therefore on balance, no objections are raised in this regard.

7.3.22 Reinstatement of the boundary wall: The boundary of Croxley House consists of a historic brick wall. Certain parts of the wall are in a poor state of repair, and as such, the submitted Design and Access Statement proposes works to two areas of the wall within the application site and the applicant's control, referred to as Section A and Section B. Section A consists of an area at the site entrance where the wall is leaning and is currently fenced off in the interests of safety. Section B consists of an area to the east of the site where certain areas of the wall are part collapsed and in a poor state of repair. The works would therefore involve works to repair and restore the brick wall to its original form using reclaimed bricks, and matching mortar. This is viewed positively and would contribute positively to the visual amenities of the Conservation Area and to the setting of the Grade II Listed Building. It is considered that full details of any new brick work and of the mortar mix can be secured via condition.

7.3.23 Summary: Paragraph 210 of the NPPF states that '*in determining applications, local planning authorities should take account of:*

- *The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality and*
- *The desirability of new development making a positive contribution to local character and distinctiveness*

7.3.24 Croxley House is currently vacant and is in need of maintenance and repair works. The redevelopment for use as a nursery (which is already an established business) would secure and safeguard the viability and future of the Listed Building and would ensure that it continues to contribute positively to the Conservation Area. Significant weight should be attached to putting the building to a viable use and to maintaining the building for the future. Furthermore, in accordance with (b) of Paragraph 210 of the NPPF, it is considered that the use of the building as a nursery would ensure that the Heritage Asset is able to make a

positive contribution to a sustainable community including their economic vitality (as set out economic benefits of an approval on this site would be job creation and in addition assisting parents in returning to their workplace)

- 7.3.25 The proposed development would involve the replacement of an existing two storey extension. No objection is raised to the demolition of this extension as it is not considered to enhance the appearance of the building for the reasons set out above. Whilst the Conservation Officer has raised no objections to a contemporary form of design, concerns were raised with regard to the bulk, massing and visual appearance of the extension with particular reference to the fenestration detail. The October 2023 amendments to the scheme are considered to address the concerns raised, by reducing the bulk of the extension and ensuring that the fenestration detail aligns more closely with that in the original building. In addition, the scheme also would result in significant enhancements to the building including the removal of unsightly railings and ramps within the grounds of Croxley House. The plans would also result in the removal of a number of obsolete features across the elevations of Croxley House and the rationalising services and drainage runs. The above are all viewed to be enhancements and would weigh in favour of the scheme. In addition, the amended plans indicate the rationalisation of the stepped roof form to the existing link to the eastern extension which is viewed positively.
- 7.3.26 With regard to the landscaping alterations, officers do not consider that the alterations to the access road would materially change the physical appearance of the track and its relationship with the wider Conservation Area or the host building. Furthermore, due to the nature of the proposed use as a nursery, whilst there would be some intensification of use during certain times of the day, for significant times of the week, the use in comparison to existing use as a care home would not materially increase to a significant degree. As such, it is not considered that the increase in traffic movements would have an urbanising impact on the Conservation Area.
- 7.3.27 It is therefore considered that the proposals when viewed in their totality would preserve the character and appearance of the Grade II Listed Building and the character and appearance of the wider Conservation Area. The development is therefore considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Development Management Policies LDD sets out that the development should not result in loss of residential amenity to neighbouring dwellings and should not result in a loss of light or be overbearing.
- 7.4.2 The development would result in a material change of use of the existing building, through the provision of a 122 place nursery. It is acknowledged therefore, that this would result in an intensification of use of the site by reason of increased comings and goings from the site during the week and through the increased use of the building and associated outside spaces to the north and south of the buildings. The nearest neighbour to the site, is located to the west and is the existing care home known as Clarendon House. Policy DM9 of the Development states that *'the Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings, hospitals, residential institutions, nursing homes, hotels, guesthouses, schools and other educational establishments'*.
- 7.4.3 Due to the adjacent noise sensitive use, an environmental noise assessment has been submitted with the application. This concludes that the noise levels arising from the proposed use is unlikely to be significant. Any increase in the ambient noise levels would also be minimised as the eastern part of Clarendon Lodge contains ancillary support facilities including the reception and office. In addition, the external amenity space serving

the building is located within a central enclosed courtyard with adequate screening which further minimises harm to the enjoyment of this neighbouring amenity area. The Environmental Health Officer has been consulted and has confirmed that no objections are raised to the proposed development. In addition, a condition shall be attached to any consent, requiring details of any additional plant and machinery associated with the development to be approved in writing by the LPA.

- 7.4.4 It is acknowledged that the proposed development would result in increased vehicular movements to and from the site. However, the generation in traffic in itself would not result in harm to residential amenity. Whilst there would be increased vehicular movements in the morning and evening, the latest pick-up time would be 7pm which would also minimise impacts on adjacent residents. In addition, there would be limited vehicular movements at the weekend given that the nursery would be a use operating Monday to Friday only. A condition shall be attached to any planning permission which would restrict the opening days/and hours of use of the nursery.
- 7.4.5 It is noted that to facilitate the development, the existing extension to the west of the building would be demolished and replaced with a new two storey extension. Due to the existing access road, it is not considered that the development would result in any increased harm to Clarendon Lodge relative to the existing situation. Due to the siting of Croxley House, it is also not considered that any other nearby residents would be affected by the proposed development.
- 7.4.6 In summary, it is not considered that the proposed development would result in harm to the residential amenity of nearby residents. The proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.5 Highways

- 7.5.1 Access: Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 116 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe'.
- 7.5.2 The site is served by an existing driveway accessed from The Green; and it is proposed to widen this as part of the works to a maximum proposed width of 4.5m. Herts Highways advised in their initial comments that the preferred width to allow the passing of two way traffic would be 4.8m, as this would ensure that vehicles would not encroach onto the adjacent common land. In response, the applicant has advised that 4.5m would be the limit for widening works to ensure minimum works to the adjacent common land. A swept path analysis has been provided which demonstrates the ability for two small vehicles to pass one another on the access road. The Highways Officer continues to note that due to the increase in trip numbers, there would be some likely overrunning of vehicles onto the common, however, the Highways Officer also notes that given this is not highway land, a width of 4.5m would be technically plausible according to the Manual for Streets and thus Herts Highways would not maintain refusal on this issue. Officers also consider that given vehicles would be able to pass one another on the access road, it would not be reasonable to maintain refusal on this ground.
- 7.5.3 The Highways Officer acknowledges that the proposed use would generate a significant increase in trip numbers in comparison to the existing lawful use of the building as a care home. However, the Highways Officer also emphasises as per paragraph 111 of the NPPF, refusal can only be recommended where there would 'be an unacceptable impact on highway safety', or the residual cumulative impacts on the road network would be 'severe'. Whilst the Highways Officer acknowledges that the trip rates during the AM and PM peaks

would increase by a substantial number, this would not be severe and thus would not generate a highways reason for refusal. Furthermore, officers also note that at other times of the day, and at the weekends, there would be more limited vehicle movements from the site.

- 7.5.4 During the course of the application, TRDC Property Services as landowner have raised concern regarding the safety of the access and whether there is adequate visibility from the access road. In response to this issue, Herts Highways note that there would be no alterations to the access which would impact upon the visibility splays. Due to the location of the access through common land, it is considered that there is ample visibility available in all directions. As such, the proposal is acceptable and in accordance with Policy CP10 of the Core Strategy in this regard.
- 7.5.5 A Travel Plan has been submitted to support the promotion and maximisation of sustainable travel options to and from the site. At the time of the original report to committee, the Highways Officer considered that this was generally acceptable for this stage of the application, however, a full travel plan would need to be updated and secured via a S106 Agreement. This would be required to be in place from first occupation of the bursary until 5 years post occupation. The Highways Officer has advised that a £1,200 per annum index RPI March 2014 Evaluation and Support fee should be secured via the S106 agreement in accordance with HCC Travel Plan Guidance. Since the time of the original committee resolution to grant, the applicant has been seeking to progress and complete a S106 agreement in respect of the Travel Plan and the associated monitoring contributions. However, a significant length of time has passed and the applicant has been unable to complete the S106 agreement and it is understood that this is due to issues with the landowner. Consequently, in view of this, officers have had further discussions with HCC regarding the requirement for a S106 agreement. HCC have reviewed the application and whilst a S106 agreement would be the preferred mechanism for securing this, they confirmed that they would not be able to defend a reason for refusal in relation to the failure to complete a S106 agreement. They consider that the provision of a Travel Plan can be secured via a condition with details to be submitted to HCC for consideration. This would therefore still enable the promotion and maximisation of sustainable travel options to and from the site and officers consider that this would be an acceptable solution.
- 7.5.6 The Highways Officer has raised no objection to the proposed pedestrian access at the south east corner of the site. The new access would link to an informal footway on the Green which would then connect to a new crossing point to the adjacent Killingdown Farm site. With regard to the internal access pathways, the Highways Officer initially noted that a 2m wide pathway would be recommended to ensure that two buggies could pass one another, however, 1.5m would be the minimum recommended. In response, the applicant has confirmed that the pathway would be 1.5m wide and thus this is viewed as acceptable
- 7.5.7 In summary, the Highways Officer has raised no objection to the development, and although acknowledges that there would be a substantial increase in trip numbers at certain times of the day, this would not result in any severe impact to the highway network. Furthermore, the existing access to The Green from the site would not be altered, and there is ample and safe visibility. The adequate visibility from the site has been confirmed by the Highways Officer. Whilst it would be preferable for the existing driveway to be increased to a width of 4.8m, a width of 4.5m would still allow vehicles to pass. It is acknowledged that the Highways Officer notes that there would still be likely overrunning of vehicles on to common land in certain instances, however, this is the case at present. The increase in width and the condition of the driveway would be improved which would be a benefit. Officers therefore consider that it would be unreasonable to refuse planning permission on this basis. The development is therefore considered acceptable and in accordance with the provisions of the NPPF and Policy CP10 of the Core Strategy.

7.6 Car Parking

- 7.6.1 Policy DM13 of the Development Management Policies LDD states that Development should make provision for parking in accordance with the parking standards and, the zone based reductions set out in Appendix 5 until such time as set standards are revised. Appendix 5 states that for nursery schools and play groups, 1 car parking space should be provided per 4 pupils.
- 7.6.2 As noted previously, the development would result in the creation of a 122 space nursery, thus generating the requirement for 30.5 car parking spaces. The submitted plans indicate that there would be a total of 25 spaces provided on site, which would be provided through the creation of a new car park to the north of the building. The proposals would therefore result in a shortfall of 5.5 car parking spaces contrary to Policy DM13 and Appendix 5 of the Development Management Policies LDD. In terms of their allocation, the submitted Planning Statement specifies that 17 of the spaces would be allocated for staff use, with a further 8 spaces allocated as drop off/collection spaces.
- 7.6.3 The Planning Statement seeks to provide justification for the proposed level of parking, setting out that proposed parking level has been informed by parking surveys at their other local nursery sites, at both Croxley Business Park and in Rickmansworth. It is noted that the Croxley Green site currently has a total of 27 spaces, and across the two days surveyed the maximum stress was 52% (14 cars parked). At the Rickmansworth site, there are 20 spaces, and the parking stress was 90% (18 cars parked). Paragraph 7.1.20 of the Planning Statement sets out that following:
- 'When factoring in the capacity of the surveyed nurseries, the survey suggests that the peak demand at the application site could be up to 25 spaces, as a worst case. Therefore, the provision of 25 spaces is considered adequate to ensure that all parking associated with the use can be accommodated on site'.*
- 7.6.4 In addition, paragraph 7.1.22 of the Planning Statement provides justification for the 8 drop off spaces provided, stating the following:
- 'The provision of 8 drop off and collection bays will be sufficient to accommodate up to 48 drop offs/collections per hour, based on an average turnaround time/duration of stay on site of 10 minutes (which is considered generous based on the operator's experience). This is well in excess of the anticipated peak hour demand, which is 23 vehicles, including staff. As a sensitivity test, if we were to assume 15 minutes for drop off/collection, the 8 bays could accommodate 32 cars per hour, therefore the 8 bays would still be more than required in order to accommodate drop off and collection activity'.*
- 7.6.5 At paragraph 7.1.21, the applicant also refers to the zonal reduction in parking standards as outlined in Appendix 5 of the Development Management Policies LDD. Policy DM13 states that the standards for car parking (except for C3 Residential) may be adjusted according to which zone the proposed development is located in. In this case, the application site is located outside of any of the defined parking zones. However, the applicant considers that given the site is directly adjacent to parking zone 3, the parking requirement can be adjusted to 50-75% of the demand. This would therefore result in a reduced number of spaces of 16-23 spaces, with the proposed parking being proposed at 25. In addition, the applicant states that the site of the nursery is better located in relation to the catchment area of the nursery that it would replace. As such, there would be the possibility that some children in close proximity to Croxley House would arrive and leave on foot. It is noted that a car parking management plan has also been provided which sets out a number of measures to ensure that parents and staff are aware of parking arrangements and details of the nursery travel plan which would also discourage car use.
- 7.6.6 Taking all of the above into consideration, officers are of the view that the applicant has provided significant evidence as to why the parking levels proposed including the number of drop off bays would be appropriate for the use of the site. It is also acknowledged that a zonal reduction was applied in determining the appropriate parking level for the new care

home under application 14/2141/FUL, it is therefore considered that it would be reasonable to take into account the zonal reduction at the current time. As such, on balance, the proposed car parking provision is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.7 Wildlife and Biodiversity

- 7.7.1 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.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.7.3 The Ecology Officer notes that the application is supported by a comprehensive ecological report. It is noted that the majority of trees would be retained on site, although 3 trees are proposed for removal and this loss should be compensated. The submitted Landscape Plan indicates the replacement and enhancement of native species planting, extension of the broadleaved woodland, and creation of an orchard. The Ecology Officer notes all of the above are welcomed.
- 7.7.4 The open grassland (the Green) directly to the south of the site is designated as a non-statutory Local Wildlife Site for its neutral and acidic grassland interest. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site. As part of the current application, the existing access road would be widened. The Ecology Officer notes that the existing LWS grassland at the road are compacted and degraded. Consequently, the loss of approximately 0.044% of the grassland in this location to be minimal and of little concern. Notwithstanding this, concerns are raised in relation to how much of the grassland will be impacted upon during the works by construction vehicles and storage of materials. Details relating to compensation/mitigation for any loss or damage are not provided at this stage. The Ecology Officer has suggested that this could be secured via a condition requiring an Environmental Management Plan to be submitted prior to the commencement of development.
- 7.7.5 It is noted from the submitted information, that bats have been confirmed to be roosting in the existing building and therefore a licence will be required from Natural England to proceed with any works. The Ecology Officer has advised that confirmation of a valid licence from Natural England should be secured via a condition. In addition, it is suggested that an Ecological Management Plan should be submitted in order to secure ecological enhancements and management of the site for the future.
- 7.7.6 The Ecology Officer has also noted that the report demonstrates a least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Whilst it is acknowledged that this is not yet mandatory, the measures are welcomed and this net gain can be secured through the suggested Ecological Management Plan. It is noted that since the time of the original application, the requirement to secure a 10% Biodiversity Net Gain on certain types of applications is now mandatory. However, as the current applications pre-date, this requirement, BNG is not applicable.
- 7.7.7 In summary, subject to conditions, it is not considered that the development would not result in any harm to any protected species or the adjacent Local Wildlife Site. The development

is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Trees and Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies LDD advises that 'proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate'
- 7.8.2 The Landscape Officer has not raised an objection in respect of direct damage to trees which could result from the development. However, the Landscape Officer has raised objections noting that due to the presence of mature trees on site, the areas for drop off and pick up would be limited which could lead to over spill parking in unauthorised areas. The Landscape Officer notes that this raises concerns regarding potential damage to mature trees on site, in particular the prominent Cedar trees on site, due to additional encroachment into root protection areas. This may also result in future applications for further on site parking. The applicant has responded to these concerns noting that the frequency of traffic would not be high flow in terms of road usage, and advises that the proposed parking is sufficient to accommodate the demand for parking on site.
- 7.8.3 In response to these concerns, and as set out above, officers do consider that there would be sufficient on site car parking provision for the proposed use and thus there should not be overspill into unauthorised areas. It is considered that it would be unreasonable to refuse planning permission on the basis of what may occur in the future. It would be speculative to assume that there would be unauthorised parking on other areas of the site and within the wider vicinity. In addition, the applicant has noted in their response to the Landscape Officer's comments, that the landscape proposals have been designed to include physical measures (such as additional planting around the car parking bays) to ensure that vehicles cannot further encroach into the landscaped setting of the site.
- 7.8.4 With regard to the landscape setting of The Green, the Landscape Officer raises concerns that the widening and formalising of the access road (including the provision of curbing and road markings) would have an urbanising impact and therefore some landscape impact to The Green and its character. In response to these concerns, officers consider that the widening of the access road would be minimal and it is not considered that this would result in a significant urbanising impact or spread of development into the landscape. Furthermore, the applicant has clarified that there will be no curbing or road markings, and thus the existing access would not be formalised. As such, officers consider that there would be limited impact on the landscape.
- 7.8.5 With regard to the pedestrian access, the applicant has also confirmed that no surface or level improvements to the existing informal path on The Green is proposed. The proposal for a pedestrian access to the site are contained within the red line of the site. The Landscape Officer has reviewed the additional information submitted by the applicant and has raised concerns that given there would be no surface level improvements in this area, that pedestrian access would be undesirable during increment weather conditions. This would lead to more drop off and pick ups by car. Officers again emphasise that there is deemed to be reasonable on site parking to accommodate the proposed use and it would be unreasonable to refuse planning permission on the basis of what could occur in the future.
- 7.8.6 In summary, whilst it is acknowledged that the Landscape Officer continues to raise concerns regarding impact to the trees due to concerns relating to parking, and access, officers consider that it would be unreasonable to refuse planning permission based on speculation. The Landscape Officer has advised that if permission is granted then this should be subject to conditions, including a detailed tree protection method statement and

detailed landscaping plans. In addition, the Landscape Officers considers that there should be a specific condition relating to arboricultural supervision during key stages of development to ensure that trees on site are sufficiently protected. The proposed development is therefore considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.9 Contamination and Pollution

7.9.1 Policy DM9 relates to contamination and pollution control and states the following:

The Council will only grant planning permission for development, on or near to former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and*
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.*

7.9.2 An Air Quality Assessment has been submitted as part of the application which includes an assessment of construction phase impacts. Mitigation measures have also been recommended to minimise emissions. The Environmental Health Officer notes that with the implementation of these measures, the impact of construction phase dust emissions is not considered significant.

7.9.3 The Environmental Health Officer notes that the predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of an AQMA, therefore dispersal modelling was not undertaken. The Environmental Health Officer does not consider that air quality impacts as a result of additional traffic emissions associated with the site as significant. A condition has been suggested requiring the submission of a dust management plan which incorporates recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment should be submitted prior to the commencement of development.

7.9.4 With regard to contamination, the site does not appear to have had any previously contaminative uses and thus no objections are raised in this regard. A condition has been suggested which requires the reporting of any unexpected contamination.

7.9.5 In summary, subject to conditions, no objections are raised in relation to contamination and pollution control. The development is considered in accordance with Policy DM9 of the Development Management Policies LDD (July 2013).

7.10 Energy Use:

7.10.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.2 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 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. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.10.3 The applicant has submitted an Energy Statement; this sets out that the existing building is Grade II Listed and consequently, there are limitations on improvements works that can be undertaken. The submitted Energy Statement proposes a range of measures including; the provision of low energy light fittings, replacement windows and the provision of a VRF heat pump. The conclusion indicates that the development will achieve a 77% reduction in CO2 emissions, which exceeds the target of 5% set out in Policy DM4 of the Development Management Policies LDD. During the course of the current application, the Conservation Officer raised an objection in relation to the provision of replacement windows due to the impact on the Grade II Listed Building. As such, the proposals have been revised to include the provision of secondary glazing to minimise the harm. A further statement has therefore been submitted by the applicant stating that the proposed change would not have a significant impact on the proposed development from complying with the above standards and a reduction of 76% is still proposed.
- 7.10.4 Were the development to be considered acceptable, a condition shall be added to any consent, requiring the development to be undertaken in accordance with the Energy Statement.
- 7.10.5 It is noted that the block plan indicates the location of the VRF heat pump which would be housed in a timber enclosure. No objections are raised to this in principle, however, full details of the appearance of the store shall be secured by condition.
- 7.11 Flood Risk and Drainage
- 7.11.1 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 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.
- 7.11.2 Throughout the application process, the submitted drainage strategy has been reviewed by the LLFA. Concerns have been raised with regard to the lack of clear and sufficient information pertaining to the site's drainage strategy. It was viewed that the report should be updated in consideration of infiltration testing, and that the application should explore the incorporation of the above ground SuDS into the proposal and measures for pump failure. At the time of the original committee in November 2023, there was additional information which was still being considered by the LLFA. Since the time of the committee, the issues with the LLFA have been resolved and the application is now deemed acceptable in relation to drainage subject to conditions.
- 7.12 Refuse and Recycling
- 7.12.1 Policy DM10 (Waste Management) of the DMLDD 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 sight lines.

- 7.12.2 The submitted Transport Statement is accompanied by tracking plans which demonstrate that a refuse vehicle can enter and turn around within the site and thus the Highways Officer has raised no objection in this regard.

The submitted plan indicates a proposed refuse store which would be located to the north west of the building; the siting of the refuse store is considered to be acceptable and would have no impact on the residential amenity of the neighbouring care home. Full details of the appearance of the store have not been submitted, however, these could be reserved via a condition.

- 7.13 Planning Balance/Conclusion: It is considered that the proposed development represents an appropriate form of development within the Green Belt, as the development would constitute the redevelopment of previously developed land which would not result in substantial harm to openness. Likewise, the alterations to the access track would constitute an engineering operation which is also considered to be an appropriate form of development. Furthermore, it is acknowledged that the proposed development would result in a number of benefits which must be afforded weight in the decision making process. These include the following:

- 7.13.1 Community Benefits: The applicant put forward in their Planning Statement that significant weight should be afforded to the provision of nursery places including funded and special educational needs and disabled places which would serve the community within the local area. The supporting information set out by the applicant indicates that the existing nursery which currently provides 72 places is being forced to relocate; and without an alternative location, this would close, leaving the children on the register without childcare. In addition, the re-development of Croxley House would allow the nursery to deliver additional places for the community. It is acknowledged that there is a significant demand for nursery places. The supporting information sets out that the existing sites both in Croxley Green and in Rickmansworth are forced to turn away numerous enquiries on a weekly basis and at the time the application was made and considered, St Oswalds Nursery in Croxley Green. However, it is now also noted that in January 2026, Malvern Way School opened a new pre-school for children from 2 years old. Paragraph 98 (c) of the NPPF sets out that planning policies and decisions should 'guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day need' and to 'ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'. In addition, paragraph 99 of the NPPF sets out that 'it is important that a sufficient choice of early years, schools and post-16 places are available to meet the needs of existing and new communities.
- 7.13.2 In addition, the importance being attached to early years places has been demonstrated by the government extension of free childcare to support more parents being able to return to work after parental leave ends. 30 hours of free childcare has been extended to working parents for children over 9 months old. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work which would be considered as an economic development. Therefore, officers consider that the provision of childcare benefits would weigh in favour of the scheme and attract significant weight.
- 7.13.3 Heritage Benefits: The submitted Planning Statement states that; 'significant weight should be given to the overall heritage-specific benefits, including the alteration and extension of the listed building and alternative use that will help safeguard its future viability, use and maintenance'. Croxley House has been vacant since the former care home closed in January 2021 and it is clear from the site visit made by officers that it is in need of maintenance and repair works. At the time of the application originally went to committee, it was noted that the site had been deemed unsuitable for residential use by a number of developers. Since this time, a further application has been considered and approved for

development at Croxley House for residential development of six residential dwellings. This development proposes a conversion with improvements to the main building, however, without the requirement for an extension, alteration to access road or large car park.

- 7.13.4 The current application proposed would result in improvements to the existing building including the removal of clutter from the existing building, repair works to fenestration; repair works to the historic boundary wall and the removal of impermeable hardstanding. In addition, the internal works to the building would include removing modern partitions and works to restore the building to its original plan form. Paragraph 197 of the NPPF states the following with regard to heritage assets:

In determining applications, local planning authorities should take account of:

- (a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*

- 7.13.5 Based on the above, it is considered that moderate weight should be given to the need to secure the future of Croxley House as Grade II Listed Building. The weight has been reduced since the previous officer report to committee, given that an alternative scheme has been granted on the site.
- 7.13.6 Economic Benefits: acknowledged that there would be economic benefits as a result of the development. As set out in paragraph 7.21 of the Planning Statement, 'notwithstanding construction phase jobs and training, some weight should be given to the provision of jobs and training for students and apprentices'. The new nursery facility would provide 43 full time equivalent roles, with additional apprentices and students. In addition, the submitted information sets out that Boys and Girls Nursery work alongside local colleges and universities to support students, and that apprentices are also employed and trained in house. Furthermore, as emphasised above, the development would enable more parents to return to work which is also viewed to be an economic benefit of the scheme. As such, it is viewed that moderate weight must also be applied to the economic benefits of the scheme.
- 7.13.7 Landscape: The applicant states that some weight should be given to the overall reduction of hardstanding and structures on the site and the increase in permeability. Officers acknowledge that the proposal would remove additional structures on the site and therefore there would be some increase in openness. Likewise, there would be the removal of a number of pathways within the site. Given that the proposal would also involve the introduction of a new car park, it is viewed that neutral weight would be attached to the landscaping benefits of the scheme
- 7.13.8 Biodiversity and Sustainability: The proposed development would result in a biodiversity net gain of approximately 10.25% which is viewed positively and would weigh in favour of the development. Likewise, the proposal would result in a 76% reduction in carbon emissions compared to the required standard, thus exceeding the target of 5% identified in Policy DM4 of the Development Management Policies LDD; again, this weighs in favour of the development.
- 7.13.9 In summary, it is therefore considered that taking into consideration that the development is viewed to be an appropriate form of development and the number of identified benefits, it is concluded that the redevelopment of Croxley House for use as a nursery is acceptable.

8 Recommendation(s)

8.1 23/0483/FUL: To **GRANT PLANNING PERMISSION** subject to conditions as set out below:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02, 2205-028 SK07 (Existing and Widened Access Road).

Reason: For the avoidance of doubt, in the proper interests of planning, the character of the Listed Building and Conservation Area and the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM4, DM6, DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), the Croxley Green Conservation Area Appraisal and Croxley Green Neighbourhood Plan (2018).

- C3 No development shall take place until the widening works to the access road have been undertaken in accordance with the approved plans and the details agreed pursuant to condition 4 of this permission.

Reason: To prevent unacceptable harm to Common Land and to the character and appearance of the Croxley Green Conservation Area and to ensure the provision of a safe access in accordance with Policies CP10 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to any works to the access track along Common Land, a) full details of the surfacing and construction methodology and b) evidence in writing to demonstrate that the Land Owner's consent has been obtained along with consent from the Secretary of State to remove land from the Common Register, shall be submitted to and approved in writing by the Local Planning Authority

The works shall be undertaken only in accordance with the approved details.

Reason: To protect the visual amenities of Green Belt and the Croxley Green Conservation Area in accordance with Policies CP1, CP11 and CP12 of the Core

Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan /Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site; including full tracking details of vehicles and large lorries accessing the site during construction.
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

Reason: This is a pre commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP10 of the Core Strategy (adopted October 2011).

- C6 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence 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).

- C8 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of 'biodiversity protection zones'

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timings of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the commencement of development (including demolition, ground works, vegetation clearance) a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a. A description and evaluation of the features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).
 - e. Prescriptions for management options.
 - f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
 - g. Management responsibilities.
 - h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the commencement of development, a Dust Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Dust Management Plan should incorporate the recommended mitigation measures set out in Table 5.5 and 5.6 of the Air Quality Assessment (Document ref 23249404-AQA-0001) and the approved Dust Management Plan should be adhered to throughout the construction and operation of the development.

Reason: This is a pre-commencement condition to minimise any construction impacts and the amenity of other users of the public highway and rights of way in accordance with Policies CP9 and CP10 of the Core Strategy (adopted October 2011).

- C11 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (7 December 2023, REF RMA-RC2441) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C12 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C13 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 14. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C14 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (7 December 2023, REF RMA-RC2441), including appropriate flood resilience and resistance measures (such as raised Finished Floor Levels, a minimum of 300mm above any floor level and 150mm above the surrounding proposed ground levels) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with the provisions of the NPPF and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C15 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the construction of the car parking areas, full details of the surfacing material, the marking of bays and the boundaries to the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the rural character of the Green Belt, the setting of the Grade II Listed Building and to ensure appropriate drainage provision in accordance with Policies CP11 and CP12 of the Core Strategy and Policies DM2, DM3 and DM8 of the Development Management Policies LDD.

- C18 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C19 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C20 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C21 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C22 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C23 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C24 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C25 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C26 Works to the main house shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or
b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to the first use of the development, a management and maintenance agreement to ensure the ongoing maintenance of the road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unacceptable harm to the Common Land and the Conservation Area in accordance with Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C28 Prior to the first use of the development, full details of the size and appearance of refuse and recycling facilities as indicated on plan CRXH-GTA-XX-00-DR-AR-00003 Rev P03 on the premises have been submitted. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3 and DM10 of the Development Management Policies document (adopted July 2013).

- C29 Prior to the first use of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

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 October 2011).

- C30 The buggy store shall not be constructed until full details of the proposed buggy store including its size and appearance have been submitted and approved in writing by the Local Planning Authority. The buggy store shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies document (adopted July 2013).

- C31 Prior to the first use of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and measures to enclose these shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

Reason: To ensure that the nearby noise sensitive uses are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C32 Prior to the first use of the development, full details shall of the size and appearance of housing for the ASHP shall be submitted and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM4 of the Development Management Policies document (adopted July 2013).

- C33 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013).

- C34 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and to meet the requirements of Policies CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C35 No external lighting shall be installed on the site or affixed to any buildings on the site unless and until the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed only in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C36 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details and evidence regarding the allocation of visitor and employee parking provision. The development shall be implemented in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C37 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C38 The premises shall only be used as a nursery/preschool (Class E (f) and for no other purposes (including any other purpose in Class E) of the Schedule to the Town and Country (Use Classes) Order (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C39 The use shall not take place other than between the hours of 07:00 and 19:00 each weekday, and not at all on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C40 The number of children attending the nursery/preschool at any one time shall not exceed 122.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

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 £116 per request (or £34 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:

{\b (a)} Making a Non-Material Amendment

{\b (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 applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District. In addition, 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.
- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 15 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 16 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/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 17 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 Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 18 Obstruction of highway: 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 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 County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 19 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 110 Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 111 Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consent that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>
- 112 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>.

8.2 23/0484/LBC: That Listed Building Consent 23/0484/LBC be GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C2 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C7 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013)

- C9 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C11 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C12 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

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 £116 per request (or £34 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@threeivers.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:

{\b (a)} Making a Non-Material Amendment

{\b (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>).

- I2 The applicant is reminded that the development subject to this grant of Listed Building Consent must be carried out in accordance with the submitted documents including:
CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02
- I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.