

PLANNING COMMITTEE – 23 MARCH 2023

PART I - DELEGATED

7. 22/1148/FUL - Demolition of existing buildings and structures and construction of a 43-unit retirement living scheme (Use Class C3) with car parking and associated landscaping at BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1DS (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 05.10.2022
Extension of time: 01.05.2023

Ward: Rickmansworth Town
Case Officer: Matthew Roberts

Recommendation: That planning permission be granted subject to the completion of a Section 106 Agreement in respect of an occupancy restriction, restriction on ability for future residents to apply for parking permits/contribution towards traffic regulation order amendment, waste management scheme for private collection and an affordable housing contribution.

Reason for consideration by the Committee: Called in by Batchworth Community Council due to concerns that not all aspects from the previous refused application have been overcome. See detailed comments at paragraph 4.1.1.

1 Relevant planning history of the application site

- 1.1 8/393/76: Erection of porta-cabin for office use, timber storage sheds, two lavatory buildings - Refused.
- 1.2 8/545/78: Change of use light industry to offices for W.A.Heaphy - Permitted.
- 1.3 8/796/77: Retention of three temporary storage buildings – Permitted.
- 1.4 8/575/80: Erection of single storey warehouse (outline) – Refused.
- 1.5 8/799/81: Change of use of first floor from offices ancillary to builder's yard to independent offices – Refused.
- 1.6 8/65/84: Conversion into 5 factory units. Withdrawn.
- 1.7 8/46/93: Change of use of first floor to independent offices. Subsequent appeal against conditions which was allowed subject to further condition on 12 October 1993.
- 1.8 96/0117: Erection of non-illuminated signs. Approved.
- 1.9 02/00049/FUL: (1 Beesons Yard) Renewal of planning permission 8/00046/93: First floor offices. Permitted.
- 1.10 04/1204/FUL: Retention of part first floor for independent office use – Withdrawn.
- 1.11 16/2620/FUL: Demolition of existing single storey temporary storage building and construction of four storey commercial building connecting to the existing two storey commercial building. Withdrawn.
- 1.12 21/1971/FUL: Demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping. Refused, for the following reasons:

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

R2: *The proposed building by virtue of its height and the lack of separation distances to Chesswood Court would significantly alter current privacy levels enjoyed by the occupants of Chesswood Court and would also unacceptably impact the level of light reception to a number of flats within the adjacent flatted development. The reduced privacy levels would adversely affect the occupants of Chesswood Court while the loss of light would further impact the residents' enjoyment of the flats to such an extent that their living conditions would be unacceptably eroded to the detriment of their residential amenity. The development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

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

1.12.1 The appeal (APP/P1940/W/22/3300549) was allowed on 4 November 2022. Works have not commenced to date.

2 **Description of Application Site**

2.1 The application site comprises two buildings in commercial use (mixed employment use; Class E, B2 and B8) accessed by a long drive from the western side of Bury Lane in Rickmansworth.

2.2 The two buildings within the site include Enterprise House, a large two storey pitched roofed building with a yellow buff brickwork exterior which sits relatively centrally within the plot and a warehouse building towards the western part of the site. The warehouse historically formed stables and has a buff brickwork exterior with blue brickwork surrounds to the principle front windows and doors and a tackle hoist.

2.3 Within the confines of the site, parking is laid out immediately in-front of Enterprise House, within the north eastern corner and seven spaces are also laid out along the access drive. The majority of the site is hard surfaced.

2.4 The access drive abuts Gables Cottage (a Locally Important Building) and its associated garden, Chesswood Court and Bury Mews. Chesswood Court comprises two flatted developments, a two storey building fronting Bury Lane and a three storey building with its associated parking and communal gardens, the latter of which abuts the eastern boundary of the application site. Bury Mews is a collection of two storey dwellings, two of which front Bury Lane with three immediately behind.

2.5 To the immediate south of the site there is a large garage court which is accessed via Goral Mead. Further garage courts adjoin the north western boundary of the site, also accessed via Goral Mead. Within Goral Mead there are a number of three/four storey buildings with parking bays abutting the application site. To the north is the Town Ditch which separates the site from the gardens of two storey dwellings which front Ebury Road.

- 2.6 In terms of policy designations, the application site falls within the Principle Town, Source Protection Zone 1, Flood Zones 2 and 3 and parts of the access drive fall within the Rickmansworth Town Centre Conservation Area, the boundary of which abuts the Town Ditch to the immediate north of the application site.

3 **Description of Proposed Development**

- 3.1 This application seeks planning permission for the demolition of the existing buildings and structures and the construction of a 43-unit retirement living scheme (Use Class C3) with car parking and associated landscaping.
- 3.2 The scheme will comprise of 43 flats with a mix of 25 x 1 bed flats and 18 x 2 beds (a ratio of 58:42). The development would be age restricted, exclusive to the over 60s (a partner can be over the age of 55).
- 3.3 The new building will comprise of a part four and three storey building with an 'L' shaped footprint, running parallel with the southern and eastern boundaries of the site. The building would have a flat roof design at a maximum height of 12.8m (south eastern corner) dropping down to 12.6m and then 9.8m at its lowest point (northern aspect of the building closest to the eastern boundary). In terms of its design the building would take on a simple Georgian inspired approach using two contrasting bricks: the use of red facing brick and contrasting London stock brick (reflecting the brickwork of the existing buildings on site) including string courses and metal railings to the balconies along with privacy panels to a number of balconies.
- 3.4 The eastern section of the building would have a stepped form, both to its footprint and height, the latter of which would comprise a combination of three and four storeys with the four storey elements towards the southern end of the elevation as well as being recessed back behind the three storey element towards the north. There would be a minimum distance of approximately 17m between the eastern elevation and the boundary with Chesswood Court.
- 3.5 The northern section of the building would also be stepped at four storeys in height. This elevation would face towards the rear of properties on Ebury Road and would be set in from the northern boundary of the site by approximately 8m at its minimum. A number of windows would be inserted serving communal hallways and a stairwell. A number of false, blocked up windows are also proposed.
- 3.6 The western elevation would be four storeys in height, set in a minimum of 2.3m from the closest part of the western boundary to the north but increasing to approximately 16m. It would include raised balconies with red multi facing brickwork to its exterior.
- 3.7 The southern elevation would also be four storeys in height and would be set in 3.2m from the southern boundary. The western end of the eastern elevation would be set in from the boundary with Goral Mead by a minimum of 2.9m. The southern elevation would be constructed predominately out of red multi facing brickwork and would include external balconies.
- 3.8 Internally within the building at ground level there would be a main entrance, lounge, guest suite, plant room, refuse store, buggy store as well as various one and two bed flats. The first, second and third floors would provide for flats with lifts and stairwells providing access.
- 3.9 All ground floor flats would have their own small private amenity area while all first floor flats and above would be served by external balconies or Juliette balconies.
- 3.10 Approximately 58-60 solar panels are proposed on the flat roof, at a 5 degree angle, facing south.

- 3.11 Externally within the circulation space around the building there would be 4 parking spaces within the access drive and 26 spaces (including 2 disabled spaces and 2 electrical charging spaces) between the eastern elevation of the building and the boundary of the site with Chesswood Court. A cycle stand would also be erected to the south of the building, accommodating up to 4 bikes.
- 3.12 A ramped access would lead towards the main entrance within the central part of the eastern elevation.
- 3.13 Around the majority of the building there would be communal amenity space complimented by a path, new landscaping and a wetland/pond (within the north western corner) to facilitate storm water run-off. New trees are also proposed along the boundary with Chesswood Court.
- 3.14 The access into the site would remain and the internal road would be a shared surface with a demarcated footpath zone. The 'Beeson's Yard' sign is also to be retained.
- 3.15 At the end of the internal road and adjacent to the parking area, a sub-station is proposed, measuring 3m in width by 3m in depth. It would have a height of 2.5m.
- 3.16 During the course of the application the plans have been amended as follows:
- Solar panels shown on roof plan;
 - Addition of 'false' windows to north facing elevation
- 3.17 The main differences between the refused scheme 21/1971/FUL (allowed at appeal) and current scheme are as follows:
- Different use class, new development would fall within C3 (residential) rather than C2 (residential institution);
 - Removal of a number of communal facilities
 - Now age restricted to over 60s (noting that a partner can be over the age of 55) rather than 70+
 - 43 flats instead of 48 (a reduction of 5 flats);
 - Removal of hipped and crown roof sections;
 - Increase in parking spaces from 20 to 30;
 - Greater separation distance between Chesswood Court and the proposed building as well as the inclusion of new trees along the eastern boundary

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

On behalf of Batchworth Community Council (BCC) we acknowledge the changes made by the applicant in comparison to the previously refused application 21/1971/FUL and that some of the points raised have been accounted for.

BCC however does not believe that all aspects of the comments from the residents, planning officers, other thirds parties and BCC have been accounted for and we further comment as follows:

1. The boundary wall of the proposed development, to the north of the site, closest to Ebury Road, is still located too close to the amenity space of the existing houses and should be designed to step back further at second floor & above to ensure it does not impact on the privacy of these existing homes at 9-19 Ebury Road.

2. *Windows on the North elevation should be removed or frosted / opaque.*
 3. *We still believe that the overall height and scale of the development is excessive for this site and the surrounding areas, even with the change in the roof design and needs further reducing.*
 4. *Whilst it is acknowledged that this application has gone some way to reduce the bulk of the previous proposal, the scale & continued height of the building will still have a negative influence the Conservation Area as a whole and some buildings including The Gables and Beresford Almshouses. Furthermore, the design is not in keeping with the surrounding Conservation Area and the properties on Bury Lane & Ebury Road.*
 5. *With this development no longer aimed at the "Extra Care sector in Use Class C2" and now aimed at the "retirement living scheme in Use Class C3" thus reducing the age group the development is aimed at. This has resulted in the removal of certain facilities such as staff accommodation, staff rooms etc. This is in affect a normal block of residential flats with one or two additional services and should be subject to CIL.*
 6. *With the change of design and proposed use there will also be a significant need for greater car parking as the occupants are likely to be a lot more mobile, car owners etc. In addition, there will be the need for visitor car parking for family and friends visiting, on top of the needs for spaces for staff, visiting doctors and health visitors, day to day deliveries and general maintenance vehicles. This leads us to believe that there is still significant insufficient car parking on site (even with a small increase from the previous application). This needs to be resolved before consent can be given. We are of the opinion that the transport report significantly underestimates the car parking needs and trip generation.*
 7. *BCC questions the need for another retirement development of this nature with several existing facilities already operating in Rickmansworth as shown by the applicants own Marketing literature), rather than elsewhere in Three Rivers, (and currently with another 75-bed development under construction in Church Street.*
- Whilst we accept the need to meet the requirements of an aging demographic, but question the addition of a further 42 properties, and the care home being built in Church Road when already there are significant properties catering for this demographic.*
8. *Before any application is approved, we would seek agreement with the TRDC Planners Officers that a detailed Construction Management Plan is prepared, shared with neighbours and the appropriate authorities including BCC to comment upon before finalising.*
 9. *No construction should be allowed to take place (including demolition) in the quiet Town Centre location which is accessed via narrow one ways routes at any time at weekends and bank holidays. During Monday to Friday access and movement should be restricted to 9.00 AM – 6.00 PM so as to ensure that the extensive neighbours located close by are not disturbed.*
 10. *The retention and the maintaining of the existing entrance is essential and a written plan should be requested to ensure it is not only maintained but becomes a feature of the entrance to the final eventual development.*
 11. *We are still of the opinion that the removal surplus water from the site has not been resolved sufficiently and does not account for the potential knock-on effects in the immediate flood area. At the time of our submission, we note that the necessary authorities have yet to comment on this new application. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment & follow up our review.*

12. At the time of our submission, we note that the Conservation Officer is yet to comment on this new application. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment & follow up our review.

13. We await the comments from Hertfordshire County Council in respect of the traffic plan and a more realistic expectation of the real movements this development can anticipate having. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment & follow up our review.

Finally, we repeat that we would ask that this application is called in for decision by the Planning Committee unless Planning Officers are minded to refuse.

Officer comments: In response to the above points it has been confirmed by the CIL Officer that the development of this nature should not attract a payment in respect of CIL as it relates to retirement housing.

Additionally, for clarification purposes, the development permitted and currently under construction at Bridge Motors, Church Street, Rickmansworth (20/0098/FUL) was for a 42 bed care home within a C2 use class. Consequently, it is considered that there is a clear material difference between a care home, which provides significant on-site care to those in need of assistance and an age restricted retirement development, subject to this application. This point is expanding upon in more detail within the analysis section below.

4.1.2 Hertfordshire County Council (HCC) Local Lead Flood Authority (LLFA): [Comments from previous application 21/1971/FUL - no objection]

“Following a review of the submitted Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 04, dated: July 2021) and the response to the LLFA’s Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022), we can confirm that we have no objection in principle on flood risk grounds.

Subject to the conditions recommended below we can advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. The proposed drainage strategy is based upon attenuation via lined geo-cellular crate storage with a flow control device restricting discharge to 1.0l/s and lined permeable paving with discharge to the Town Ditch (a main river) via a pond/wetland area. The surface water drainage strategy will provide a minimum attenuation volume of 159.5m³.

Within our previous response (dated: 11.01.2022), we required that all proposed SuDS features are lined in order to mitigate groundwater contamination and be stable due to the potential for groundwater lifting. We are pleased to understand that all proposed SuDS features will be lined to prevent groundwater ingress.

We also highlighted that the site is currently located within Flood zones 2 and 3.

Following review of the provided response to our comments, we understand that the change in ground levels proposed on the site (which the applicant has stated that the EA have accepted in principle) will mean that the car park and all of the SuDS features are outside of the 1 in 1000 AEP flood extent and an attached plan showing an Extreme Flood Outline (equivalent to flood zone 2) along with proposed site levels (drawing no. 003, dated: Jan 22). Whilst we acknowledge that the changes to the levels may have been accepted by the Environment Agency in principle, we will require the applicant to provide confirmation from the EA that the changes and therefore the changes to their records of Flood Zones have been accepted and are represented as part of the official modelling, to be clarified by way of condition. Therefore, we have included a request for detailed modelling to be submitted and accepted by the EA within our recommended conditions below. As LLFA, we would be

looking at further detailed design stage for all SuDS features to be located outside of Flood Zone 2, following acceptance of the new modelling by the EA.

The applicant should also provide pre- and post-development modelling calculations utilising the existing and proposed ground levels. In order to confirm the final details, we therefore recommend the conditions to the LPA should planning permission be granted.”

Officer comment: The above suggested conditions are attached to the recommendation.

During the application process the Council's appointed drainage consultant was consulted and provided a response. They commented that the principles for development in terms of SuDS have already been defined. They also noted that there are a number of outstanding comments to address from LLFA's stipulated conditions. However, as per the previous application the same pre-commencement conditions will be recommended.

- 4.1.3 HCC Highway Authority: [No objection, subject to conditions (Travel Plan Statement, Provision of Parking and Servicing Areas & Construction Management Plan) and informatives].

The application comprises of the redevelopment of an existing industrial use site to a 43 unit retirement living scheme (use class C3) made up of 25 one-bed and 18 two-bed units at Beeson's Yard, Bury Lane, Rickmansworth. The site would be accessed via Bury Lane, which is a one-way road and designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

A Transport Statement (TS) has been submitted as part of the application.

Access Arrangements

There is an existing vehicle access into the site from Bury Lane through the provision of a dropped kerb / vehicle crossover (VXO), which is proposed to be retained for the proposed use. Whilst HCC as HA would normally recommend a kerbed access for a development of more than five dwellings, the existing arrangement would be considered to be acceptable when taking into consideration the expected low number of vehicle movements associated with a use of this type and the existing VXO being part of wider shared dropped kerb. The retainment of a dropped kerb arrangement would also have the benefit of giving greater priority to pedestrians using the existing highway footway.

Subsequently there are no proposed alterations to the existing highway land nor any requirement for the applicant to enter into a Section 278 Agreement with HCC as Highway Authority.

The proposed internal layout of the site is shown on submitted drawing no. PL500, which includes a shared surface access road with a width of between approximately 4m and 6.2m. Following consideration of the size and nature of the proposals, the main access road arrangements would be acceptable and enable two vehicles to pass one another along the majority of the length. The dimensions of the proposed perpendicular parking spaces and adjacent carriage width fronting the building are acceptable and in accordance with MfS.

Furthermore the length of the proposed parallel parking spaces along the access road are in accordance with guidance as recommended in MfS,

Section 8.3.48, Fig. 8.1. Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas for delivery, service and emergency vehicles.

There are existing footways on either side of Bury Lane fronting the site with a 2/2.5m wide footway on the east side of the road and 1/1.5m wide footway on the west side of the road (the redevelopment side). Whilst HCC as HA would normally require all pedestrian footways to be 2m wide, it is acknowledged that it is an existing footway and would not be feasible to increase the width of the full length of the footway as part of a development of this size.

HCC as HA would not have an objection to the proposed shared use access and is supportive of a defined pedestrian route / contrasting block pavements, although it would recommend that appropriate signage and lighting is provided to ensure that vehicles are clear that other users would also be using the shared space access.

Refuse, Service and Emergency Vehicle Access

A swept path analysis plan (drawing number 504.0036.003) has been submitted for a 8.75m long refuse vehicle as part of the TS illustrating that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear. It has previously been raised that Three Rivers District Council (TRDC) uses a 12m long refuse vehicle. However as it has previously been confirmed by the applicant proposes to use a private contract for refuse collection and therefore the Highway Authority would not have any further comment or objection in this respect.

A swept path analysis plan (drawing number 504.0036.003) has been submitted for an 8.1m long fire tender illustrating that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear and get to within 45m of all parts of the footprint of the building and be able to turn around and egress the site in forward gear whilst also not having to reverse more than 20m.

Hertfordshire Fire and Rescue have previously stated as part of the previous application that access for a pump appliance (as opposed to an aerial ladder appliance) would be sufficient for a building of this size and therefore the swept path details are considered to be acceptable in this respect.

As previously referred to, consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas for delivery, service and emergency vehicles.

Trip Generation and Traffic Impact

A trip generation assessment has been included as part of the TS (Section 3) and based on trip rate information from the TRICS database. Based on this approach, the proposed use is stated as generating 6 two-way vehicle movements in the AM peak, 5 two-way vehicle movements in the PM peak and 88 vehicle movements across a 12 hour period.

Following assessment of the details and size of the overall development, the trip generation and distribution would not be considered to be significant enough to have a safety or severe impact on the surrounding highway network, particularly as the trip rates would be lower than for the current use of the site. Therefore there is no objection to the submitted details in this respect.

Parking

The proposals include the provision of 30 car parking spaces. Following consideration of the nature of the use, parking details as submitted in the TS (including the comparison with similar developments) and potential for sustainable travel options within a town centre location, HCC as Highway Authority would not have any particular objection to the proposed level of parking.

The proposals include two car parking spaces with active electric vehicle charging provision (EVCP), which HCC as Highway Authority is supportive of encourage electric vehicle use in accordance with Hertfordshire's Local Transport Plan (LTP4) and Sustainability Strategy. A larger level of active provision would however recommended in addition to passive provision for the remainder of the parking areas. The Highway Authority is supportive of the proposed electric vehicle car club to reduce the level of car ownership whilst also providing a facility for those who need to use a car infrequently, further details of the management of which would need to be included in the recommended Travel Plan Statement.

The proposals include the provision of 8 cycle parking spaces through the provision of one space and 2 sheffield stands. The Highway Authority would recommend a higher level of secure, convenient and covered cycle parking to promote and maximise cycling as a form a travel to and from the site for residents, visitors and staff (albeit taking into consideration the nature of the use).

Three Rivers District Council (TRDC) as the planning authority for the district would ultimately need to be satisfied with the overall level of parking.

Sustainable Travel & Accessibility

The site lies approximately 150m to 250m from the High Street in Rickmansworth and therefore close to the town centre amenities and facilities, many of which are within an easy walking distance. Rickmansworth Railway Station is located approximately 500m from the site whilst the nearest bus stops are located 300m and 500m from the site. Following consideration of this, the location is considered to be acceptable with the potential to facilitate good sustainable travel options.

Following consideration of the size and nature of the proposals, a Travel Plan Statement would be required to ensure that opportunities to promote and encourage sustainable modes of travel to and from the site have been maximised. Further information on this can be found at www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx .

HCC's Travel Plan team can also provide further advice at travelplan@hertfordshire.gov.uk

Drainage / SUDs

The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to the drainage strategy or SUDs at: FRMconsultations@hertfordshire.gov.uk

Conclusion

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. Therefore HCC has no specific objections on highway grounds to the outline application and would not wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions and informatives.

Officer comments: Following a number of objections by local residents it was recognised that visibility adjacent to the access is restricted when looking left. This is due to a neighbouring hedge which falls in private ownership. The question concerning the pavement condition and widths was also posed.

In response, HCC provided more comments and stated:

The challenge is that it is limited what can be done in relation to widening the existing pavements etc. and I do not think there are reasonable enough reasons to recommend refusal for the specific proposals in this context and the NPPF. I do not consider that the visibility for pedestrians would be significant issue when taking into consideration it is an exiting access that functions safely and vehicles would be existing the site at a very slow speed (it could be argued that vehicles using the proposed use would be safer than for the existing permitted use). Ideally the hedge would be lowered but as you refer to it is 3^d party land so there is very little we would be able to recommend or insist as part of highway's response.

Hertfordshire County Council (HCC) as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111, National Planning Policy Framework (NPPF) (update 2021), 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. Indeed the anticipated number of vehicle trips is less than for the currently approved use of the site and the site is in a sustainable location in close vicinity to the town centre of Rickmansworth with the potential to reduce the need to travel and maximise / promote sustainable travel options for residents, visitors and employees of the site. The proposal are therefore in accordance with Hertfordshire's Local Transport Plan (LTP4) and the NPPF.

4.1.4 HCC Fire and Rescue: [Previous comments under 21/1971/FUL - No objection, subject to condition]

This development will require a condition for the provision of fire hydrants, including the cost and installation of fire hydrants.

This is to ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

4.1.5 Herts Ecology: [Initial objection]

Thank you for consulting Hertfordshire Ecology on the above. We previously commented on similar proposals at this address (LPA ref: 21/1971/FUL on 07/12/2021) and I have the following, updated, comments to make now:

Summary of advice:

- Bats - the application should not be determined until the recommended bat roost activity survey has been undertaken and the results submitted to the LPA for written approval.*

If / when approval is granted, I advise the following by condition:

- A Landscape and Ecological Management Plan (LEMP) to demonstrate delivery of biodiversity mitigation, enhancements and net gain.*
- A Construction Environmental Management Plan (CEMP) to protect the brook from dust, runoff, pollution.*

Comments

An ecological report has been submitted in support of this application – Preliminary Ecological; Appraisal dated 27 April 2022 and prepared by Greenlink Ecology. This appears

to be the same report from 2021 (3rd August) based on a site visit carried out in July 2021. The site comprises several commercial buildings with associated hardstanding, some ruderal vegetation and sections of hedgerows, trees on/close to the boundaries, and a shallow water course (Town Ditch) I have no reason to consider conditions at the site have changed over the last 14 months.

The site is considered to be of limited ecological value, with the main interest being the hedges/trees having potential for nesting birds and the two-story brick buildings having low potential for roosting bats.

Sensible precautionary measures are provided to avoid disturbing nesting birds.

One follow-on bat emergence/re-entry roost activity survey is recommended to further inform any use of the buildings by bats, and to provide appropriate mitigation to safeguard bats if present and affected by the proposal. Roost activity surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. This survey appears to be outstanding. As it is not considered best practice to condition bat surveys, and I am no longer accepting outline bat mitigation strategies in the bat 'off-season', I advise the bat activity survey is carried out this month as a matter of urgency if possible and whilst the weather remains warm.

The results should then be submitted to the LPA as additional information prior to determination. Otherwise, I have no alternative other than to advise there is insufficient information on bats for determination.

Reasonable enhancements have been proposed in the form of native planting / hedges and wildflower sowing (including plants attractive to pollinators), and a pond and wetland SuDS feature. Mention is made of wall-integrated bat and bird boxes throughout the new building.

The mitigation and enhancement measures in the ecological report should be followed to achieve net gain from the development. To bring all these biodiversity aspirations together, I advise a Landscape and Ecological Management Plan (LEMP) is secured by condition. This should describe the tree/shrub/hedge species that will be planted (not indicative as in the Landscape Masterplan), the species for wetland planting, the wildflower seed mix(es) that will be sown, the location of any bat and bird boxes (and any other features for protected species, e.g. invertebrate homes, log piles, hedgehog highways, etc); and how the site will be managed and maintained for biodiversity in the long term (at least 5 years). The location of any bat and bird boxes / habitat features should consider the lighting plan to avoid unnecessarily illuminating potential roost/nesting sites. Finally, the ditch should not be polluted by run off from construction activities and specific advice has been provided by Thames Water and Affinity Water. It may be appropriate to condition a CEMP to describe how the watercourse habitat will be protected from any adverse impact.

4.1.5.1 Following the submission of a further bat report, further comments were received [No objection, subject to conditions]:

Thank you for your email dated 12/09/2022. Following my comments submitted on 08/09/2022, I am pleased to see a second bat report has now been submitted in support of this application -

Bat Survey Report, 27/04/2022 prepared by Greenlink Ecology.

Summary of advice

- There is now sufficient information on bats for determination. Follow recommendations in the report.*
- My previous advice (on 08/09/2022) for a LEMP and CEMP by condition are still valid.*

Comments:

One emergence bat survey was undertaken on 30 August 2021. Low activity of three species of bats were recorded flying (foraging/commuting) across the site, but no bats were recorded emerging from the buildings previously identified with low roosting potential. As roosting is not confirmed, no further surveys or mitigation licence is required for this proposal. I consider the LPA now has sufficient information on bats to satisfy the third test of the Habitats and Species Regulations 2017 (as amended) and for determination. The Recommendations / Mitigation in section 6 on page 6 of the report are reasonable and should be followed.

My previous advice (on 08/09/2022) for a LEMP and CEMP by condition are still valid.

4.1.6 HCC Archaeology: [No objection]

The proposed development site lies less than 100m west of Area of Archaeological Significance (AAS) No. 12, as specified in the Local Plan, which represents the centre of medieval Rickmansworth. Lying downslope from the medieval core, with a nearby water source, it may be the kind of location where medieval industrial activities such as metalworking, tanning or dyeing could have taken place. In the later post-medieval period, the site was agricultural land, until development took place in the 20th century. There is therefore potential for earlier, unknown archaeological remains to survive within the site, particularly where works associated with the Town Ditch may have raised ground levels.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological field evaluation, via trial trenching, of the proposed development site, prior to development commencing, but further to the demolition of the existing buildings at the site to slab level;

2. Such appropriate mitigation measures indicated as necessary by this evaluation.

These may include:

a) the preservation of any remains in situ, if warranted,

b) appropriate archaeological excavation of any remains before any development commences, with provisions for subsequent analysis and publication of results,

c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),

d) such other provisions as may be necessary to protect the archaeological interests of the site;

3. The analysis of the results of the archaeological work with provisions for the subsequent production of a report(s) and/or publication(s) of these results and an archive;

4. Such other provisions necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

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

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

I hope that you will be able to accommodate the above recommendations.

4.1.7 TRDC Local Plans Section: [No objection]

The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- i. the location of the proposed development, taking into account the Spatial Strategy*
- ii. the sustainability of the development and its contribution to meeting local housing needs*
- iii. infrastructure requirements and the impact on the delivery of allocated housing sites*
- iv. monitoring information relating to housing supply and the Three Rivers housing target.*

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The application site is located in Rickmansworth and is comprised of previously developed land and subsequently the

proposal would comply with the Spatial Strategy. The proposal would result in a net gain of 43 dwellings and would subsequently make a positive contribution to meeting the District's current local housing need figure of 630 dwellings per year. There is a lack of a five year housing land supply in Three Rivers so the proposed development would also positively impact this position.

Policy CP3 of the Core Strategy states that the Council will promote development that caters for a range of housing needs, including the provision of housing for the elderly and supported and specialist accommodation. Planning Practice Guidance for "Housing for older and disabled people" at paragraph 014 states: "It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwelling-house) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided". Paragraph 010 of the PPG states that retirement/sheltered living housing usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.

Following from the above guidance, it is important to consider whether the proposed scheme comprises of C3 retirement living, as set out in the PPG. The planning application supporting documents state a communal residents' lounge and gardens, guest suite, Housing Manager's office, mobility scooter store, refuse room and an emergency helpline within each residents' dwelling and in communal areas, are proposed. Taking into account the above definition set out in Paragraph 010 of the PPG, it is considered the proposed development would comprise of retirement living accommodation, so long as the proposed services and facilities set out in the application document are implemented in any future scheme. Appropriate conditions should therefore be imposed to ensure that the retirement living facilities as set out in the submitted documents are integrated and retained in the development.

The South West Hertfordshire Local Housing Needs Assessment (LHNA, 2020) considers the need for units classified as 'housing with support' (retirement/sheltered) and indicates a notable need in the future for 782 retirement living units (231 rented units and 551 leasehold units) over the period 2020-2036. The scheme would positively contribute towards meeting this need and in an urban and sustainable location. The provision of these 43 retirement units may also encourage downsizing and reduce the need for additional larger dwellings, which the LHNA states should be prioritised in Three Rivers, as the district contains high rates of under-occupation of retirement living housing.

Policy CP4 of the adopted Core Strategy (2011) requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. The application would result in a net gain of 43 dwellings and subsequently would be required to contribute to affordable housing provision. For sites delivering a net gain of ten or more dwellings (i.e. the proposal site), on-site provision will be required.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floorspace within the district. The existing buildings on site comprise an office building (E(g)(i)) and a warehouse/storage building (B2/B8). The redevelopment of the existing office and warehouse/storage buildings would result in the loss of an existing business location as well as 835sqm of office floorspace and 431sqm of storage/warehousing floorspace, which would fail to meet Policy CP6. Given the significant need for industrial floorspace estimated in the South West Herts Economic Study Update (2019), it is important to safeguard existing industrial/warehousing floorspace in order to not exacerbate demand for

industrial floorspace. In terms of industrial/warehousing floorspace, the South West Herts Economic Study Update (2019) estimates a need for 21,945sqm of industrial floorspace over the period 2018 to 2036 whilst for offices, there is estimated to be an oversupply of 6,263sqm during the period. This demonstrates a need to increase employment space during this period and to safeguard existing employment floorspace, particularly in respect of industrial/warehousing uses, of which there is a significant need estimated. The planning application form states there are 34 full-time employees on the existing site and there would be a total of four full-time equivalent employees as part of the proposed development. The development of this site would result in a loss of employment and therefore, exacerbate employment needs.

The site is also located in Flood Zone 2 and 3a. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere. Advice from the Environment Agency and the Lead Local Flood Authority should be taken into account when considering the extent to which Sequential Test considerations have been satisfied and to ensure that any potential development would be flood resilient and resistant, that residual risks could be managed and that the risk of flooding would not be exacerbated elsewhere.

4.1.8 TRDC Landscape Officer: [Previous comments under 21/1971/FUL - No objection]

The site, located within the town centre adjacent to the Conservation Area currently has few trees or shrubs, the majority of which according to a desk-top study are noted as being of poor quality.

The proposal will result in their removal, as the site is particularly constrained by size. The BS5837 survey has properly considered trees growing in adjacent properties, and the resultant Tree Protection plan should provide sufficient protection for them.

The landscaping proposals are somewhat limited, specifying small, short-lived species, (and confusingly, the Landscape Masterplan drawing ref. MCS2338710 shows a picture of birch trees when none appear to be specified) however, given the constraints of the site in respect of its size, it would be difficult to amend this. Neighbouring trees have the potential to soften the hard landscaping on the eastern aspect. If the decision is made to grant consent, any trees within 15m of the site shall be protected in accordance with BS 5837(2012) Trees in Relation to Design, Demolition and Construction'.

4.1.9 TRDC Environmental Protection: [Advisory comments provided]

Looking at the Vehicle tracking I am not sure this is achievable for our dustcarts. They have used different dustcart dimensions to the ones we use (Length 8.750 actual is 10.850, Width 2.250 actual 2.500 and height 3.162 actual 3.540)

We, as a local authority, have a statutory obligation to provide a domestic waste collection to the residents of Three Rivers therefore we cannot consider passing this undertaking over to a private contractor. We are able to sub contract this undertaking in its entirety to an external service provider but we would not be prepared to transfer this undertaking to the developers who in turn may engage the services of a waste collection contractor.

The majority of our collection vehicles are of a similar type and size. We do have 2 smaller vehicles however these are fully utilised on servicing existing properties with restricted access. We will not consider purchasing additional smaller vehicles to simply accommodate a developers wish to build as many properties as possible in a smaller space as possible.

Please note that the vehicle specification and dimension contained with Appendix G of the Transport is incorrect. Please refer to the link below for the correct information (however this needs updating/tidying up) and these need to be complied with.

We also have concerns over access due to the limited amount of car parking spaces proposed. We feel that this will lead to vehicles being parked on the access road.

4.1.10 Conservation Officer: [No objection]

The site is located in close proximity to the boundary of the Rickmansworth Conservation Area and to the west of two locally listed buildings; Beresford Almshouses and The Gables. The access road lies partly within the Conservation Area boundary.

Following the refusal of 21/1971/FUL additional pre-application advice was provided on a revised scheme (19/1845/PREAPP). The revised design introduced a flat roof rather than the initially proposed pitched roofs to reduce the height and massing of the building. A flat roof design is now proposed.

In regards to the impact on the Conservation Area, there has always been a concern about the scale of the building and the view from Bury Lane looking into the site. However, due to the limited visibility (primarily from the access point on Bury Lane), the existing surrounding building stock and the set-back position of the proposed building, no objections were raised.

The revised proposal for a flat roof block further reduces its height and massing, and it is sympathetically detailed behind a parapet. Whilst the proposal introduces a roof form that is less common in the locality, the reduction in massing is considered beneficial to views of the site from the Conservation Area (which are already limited). Therefore, the proposal is not considered to have a harmful impact on the significance of the Conservation Area or the locally listed buildings and the character and appearance of the Conservation Area is preserved, in accordance with Chapter 16 of the NPPF and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If approved, it is recommended that further details of external materials (including windows, doors and balcony balustrades) are reserved by condition.

4.1.11 Environment Agency: [Initial objection]

Having reviewed the information submitted online in support of this application, we object to the planning application because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.

Objection – Unacceptable risk to groundwater quality

We object to the planning application, as submitted, because the proposed development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis. This is in line with Paragraph 174 of the National Planning Policy Framework (NPPF) and Policy DM9 of the Three Rivers Local Plan (2013).

Reasons

Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 (SPZ1) and located upon a Secondary Aquifer A within the superficial deposits, underlain by a Principal Aquifer within the Chalk

Our approach to groundwater protection is set out in “The Environment Agency’s approach to groundwater protection” (Feb 2018 V1.2). In accordance with the position statements in this guidance, we will oppose development proposals that may pollute groundwater, especially where the risks of pollution are high and the groundwater asset is of high value.

In this case position statements A4 (Responsibility for assessments) and N8 (Physical Disturbance of aquifers in SPZ1) apply.

To ensure the development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. The proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality for the following reasons:

- Currently there is insufficient information to demonstrate that risk posed by the use of piled foundations can be managed.*
- Piled foundations can result in creation of preferential pathways through confining layers. In this location there is likely to be a low permeability of layer of weather "putty" chalk separating groundwater within the superficial deposits and the underlying chalk.*
- Piling itself can cause turbidity which can impact potable abstractions and surface water features.*
- Piling fluids such as polymers and cements can contain substances which present a risk to controlled water*

Overcoming our objection:

In accordance with our Groundwater Protection: Principles and Practice guidance, we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

In the first instance, the use of a shallow foundation design would be considered preferable, particularly one which does not involve penetrating the base of the River Terrace gravels. If such a foundation design is not feasible, then we will require additional information to demonstrate that the risk associated with piling have been considered and can be addressed.

Based on experience of piling works within similarly sensitive locations (with respect to controlled waters), the level of investigation and monitoring can be extensive and have significant impacts on construction schedules. In order to ensure our requirements for the protection of controlled waters are met and that disruption to the construction schedule is minimised, it is considered pragmatic to request that a scheme of works is submitted prior to approval being granted. This should demonstrate how the following will be addressed:

- 1. Establishment of baseline groundwater conditions within the superficial and deeper aquifer system. For the deeper aquifer, this is likely to require 12 months of pre-piling monitoring. Boreholes will need to be screened at least 5m deeper than the proposed pile depth, with a minimum of 3 monitoring locations required (1 up and 2 down gradient). Boreholes will need to be retained for long term, post piling monitoring and should be located accordingly. Analytical suites should be appropriate to the industrial nature of the surrounding area include physiochemical parameters and turbidity.*
- 2. Borehole construction and management plan, to demonstrate that boreholes will be appropriately screened to target the superficial and deeper aquifers and constructed in a manner to ensure that they do not act as preferential pathways. Where boreholes are damaged or subject to relocation, details of how decommissioning of deeper boreholes will be undertaken along with details of alternative locations is required.*
- 3. Trigger values, based on the baseline conditions within the deeper aquifer. Where concentrations of compounds identified within the superficial deposits are below the LOD within the deeper aquifer, trigger values should be set at the LOD.*
- 4. Where concentrations are present above the LOD, trigger values should be set at an appropriate percentage increase of the baseline conditions.*
- 5. Mitigation measures- details should be provided for viable mitigation measures, to be implemented should trigger values be breached*

6. *Monitoring: During piling works, it is likely that monitoring will be required on a weekly basis and include any identified contaminants of concern and physio chemical parameters. Post piling, long term monitoring may be required*
7. *Timeframe for the submission of monitoring results, exceedances of trigger values and mitigation measures implemented should be detailed, to ensure that the Environment Agency is kept up to date any impacts on groundwater quality*

We understand that at this current stage it will not be possible to provide all the relevant information, therefore submission of a scheme of works detailing how these points will be addressed is considered sufficient. It is important to note, there is no guarantee that we will agree to the use of piled foundations at this location, if it cannot be demonstrated that the risks to controlled waters can be mitigated.

Following the submission of further details, the EA commented further and removed their objection:

*Based on the information provided we are now in the position to **remove our objection**. It is confirmed that shallow piling (Vibro Concrete Columns) will be used, without disturbing the chalk bedrock. Also, there won't be any infiltration of surface water into the ground.*

The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- *within source protection zone 1*
- *located upon a principal and secondary aquifers*

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Three Rivers Local Plan (2013) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 - Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. *A preliminary risk assessment which has identified:*
2. *all previous uses*
3. *potential contaminants associated with those uses*
4. *a conceptual model of the site indicating sources, pathways and receptors*
5. *potentially unacceptable risks arising from contamination at the site*
6. *A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
7. *The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
8. *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and*

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

9. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2 - Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Long-term monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - Previously Unidentified Contamination

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

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 5 - SuDS Infiltration of surface water into ground

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

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 6 - Piling/boreholes/tunnel shafts/ground source heating and cooling systems

Piling/ other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework

Condition 7 - Decommissioning of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework.

4.1.12 Thames Water: [No objection, informatives added]

Waste Comments

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

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

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

Water Comments

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/groundwaterprotection->

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

4.1.13 Affinity Water: [No objection, subject to conditions]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (1) (SPZ1) corresponding to our Pumping Station (BATC). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

1. Contamination through Ground Works

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation

strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Contamination through Surface Water Drainage

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and ensure that sufficient capacity for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme should be provided that prevents contamination of any public water supply abstractions present. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

4.1.14 National Grid: [No objection, informative added]

4.1.15 Hertfordshire Constabulary Design: [Advisory comments provided]

Communal door sets:

Certificated to BS PAS 24: 2016, or LPS.1175

Access Control to block of flats:

Audio Visual. Tradespersons release buttons are not permitted.

Individual front entrance doors:

Certificated to BS PAS 24:2016

Windows:

Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies:

Dwelling security lighting:

Communal entrance hall, lobby, landings, corridors and stairwells, and all

entrance/exit points. (Dusk to dawn lighting).

Bin stores:

Secure lock on bin store

5 **Public/Neighbour Consultation**

5.1 Number consulted: 153

5.2 No of responses received: 67 objections including from The Rickmansworth and District Residents Association (RDRA) and The Chiltern Society.

5.3 Site Notice: Expired 10.08.2022.

5.4 Press Notice: Expired: 19.08.2022

5.5 Summary of Responses:

- Concerns regarding flooding in Bury Lane
- Privacy and overlooking issues for Ebury Road and Chesswood Court
- Proposed building is excessive in scale and not in keeping
- Harms the Rickmansworth Conservation Area and locally important buildings
- Additional pressure on local services, such as GP services
- Lack of outdoor amenity space
- Noise and light pollution impacts
- Existing character buildings should be retained
- Question as to the need for the development
- No benefit or enhancement to the locality
- Poor design / featureless
- Impacts light to Chesswood Court and Goral Mead
- Loss of trees and green space
- Density is too high
- Will shadow across the rear of properties on Ebury Road
- Ecological impact to the Town Ditch

Officer comment: The above material planning considerations will be discussed within the following planning analysis sections.

6 **Community involvement:**

6.1 Prior to the submission of this application a public consultation meeting was held by the applicant on 24th May 2022 at Rickmansworth Baptist Church.

7 **Relevant Planning Policy, Guidance and Legislation**

7.1 Legislation

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

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

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

7.1.4 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.

7.2 Policy / Guidance

7.2.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 5; Chapter 9; Chapter 11; Chapter 14; Chapter 15 & Chapter 16.

7.2.2 The Three Rivers Local Development 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 PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13.

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 DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

7.3 Other

Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993)

Affordable Housing Supplementary Planning Document (adopted June 2011)

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (February 2022)

South West Hertfordshire Local Housing Need Assessment (September 2020)

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

Housing Delivery Test Action Plan (June 2022).

Housing Land Supply Update (December 2022).

Technical Housing Standards – nationally described space standards (March 2015).

8 **Reason for Delay**

8.1 Time given to overcome technical objections, viability issues and waste collection matters.

9 Planning Analysis

9.1 From the comments received and considering the previous refused planning application 21/1971/FUL it is apparent that the key areas of importance are as follows:

- Whether there is a need for retirement housing;
- Overdevelopment and impact on heritage assets;
- Impact on adjacent residential properties;
- Highway safety and parking levels.

9.1.1 The reasons for refusal pertaining to 21/1971/FUL were not upheld at appeal with the Inspector making the following points of interest within the decision letter:

- *The proposed building would be much larger than the existing buildings within the appeal site and would inevitably change the character and appearance of the area. However, a particular characteristic of the area is that the buildings are varied, with no dominant style, footprint, scale or massing. Particularly due to the five-storey element of the building, it would be higher than buildings in the immediate locality and significantly taller than the single storey garage blocks adjacent to the site. The proposed materials would be in keeping with the local area. (Paragraph 9).*
- *The proposal would make efficient use of land whilst respecting the distinctiveness (Paragraph 14).*
- *Consequently, I am satisfied that the proposed development would not adversely affect the living conditions of the occupiers of Chesswood Court to a degree that would warrant planning permission being refused, particularly in an urban area such as this. The proposed development would not have an unacceptable effect on the living conditions of the occupants of Chesswood Court, with particular reference to privacy, sunlight and daylight (Paragraph 35).*
- *The Highway Authority did not object to the proposal, and they did not challenge the findings of the transport statement or trip generations data. The number of vehicle trips associated with the proposed use would not be severe nor significant. Furthermore, the anticipated number of vehicle trips is less than the current use of the site and the site is in a sustainable location in close vicinity to the town centre with the potential to reduce the need to travel and maximise/ promote sustainable travel options for residents, visitors and employees of the site. Accordingly, the proposed development would not have an unacceptable impact on highway or pedestrian safety and would comply with both local and national planning policy. (Paragraph 44)*
- *The appellant has clearly set out benefits of the proposal in their submission. The main parties agree that the Council cannot demonstrate a 5 year housing land supply, and the Council has a 1.9 year supply. They consider that the scheme would contribute towards the Council's housing land supply by way of the provision of between 35-37 market dwellings. The development would free up market housing and provide for an identified need for C2 housing within the district. (Paragraph 52)*
- *There would also be social benefits arising and on-site care could assist to reduce the need for hospital and GP services as well as health and well-being benefits. In addition, there would be economic benefits through the construction process, job creation and use of local amenities and services. There would also be biodiversity/ environmental benefits. Collectively these benefits carry substantial weight. (Paragraph 53)*

9.1.2 The following sections set out the planning assessment of the proposed scheme against national and local planning policies and any relevant material planning considerations.

9.2 Principle of development

- 9.2.1 The application site is located within Rickmansworth, the Principal Town in Three Rivers District with the largest town centre providing a good range of services, facilities and public transport. The area is considered appropriate for continued infilling, primarily on previously developed land, subject to material planning considerations.
- 9.2.2 The application site can be considered previously developed land given it is occupied by permanent structures in commercial use. However, it should not be assumed that the whole of the curtilage should be developed.
- 9.2.3 The NPPF at paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Additionally, paragraph 123 states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs, in particular they should support proposals to 'use retail and employment land for homes in areas of high housing demand'.
- 9.2.4 In respect of achieving appropriate densities the NPPF at Section 11, paragraph 125, emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.2.5 At local level, Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. This includes provision of housing for elderly and supported and specialist accommodation which will be encouraged in suitable and sustainable locations.
- 9.2.6 The Council's Core Strategy is considered out-of-date as it is over 5 years old and the Council cannot currently demonstrate a 5-year supply of deliverable housing meaning paragraph 11 of the NPPF is engaged. As a consequence, developments should be granted planning permission unless it conflicts with the policies in the NPPF that protect areas or assets of particular importance which provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, taken as a whole.
- 9.2.7 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 and 3.25 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land' and 'The Council will need to consider solutions to accommodate more housing in the District's urban areas such as increasing density through delivering more flats and smaller homes to increase housing delivery.'
- 9.2.8 The development proposes 43 flats. The previous refused application (allowed at appeal) proposed 48 flats, but due to its C2 use classification and having regard to the Council's conversion ratio of 1:9:1 it would have been the equivalent to 35 market dwellings towards the Council's housing supply. However, in this case all 43 flats pertaining to the current scheme would positively contribute towards the Council's housing land supply given its C3 use.

9.2.9 It is therefore considered having regard to the location of the site which is largely residential in character, that it is a both suitable and sustainable location for a retirement development. The principle of the development would accord with the thrust of Policy CP3.

9.3 Need for retirement housing

9.3.1 Policy CP2 sets out that in assessing windfall sites applications will consider the sustainability of the development and its contribution to meeting local housing needs.

9.3.2 The Planning Practice Guidance (PPG) states that providing housing for older people is critical and offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems (001 Reference ID: 63-001-20190626).

9.3.3 The South West Hertfordshire Local Housing Need Assessment 2020 (LHNA) states that when compared with data for other areas that South West Herts has a slightly lower proportion of older persons (aged 65 and upwards), although the highest within South West Herts is Three Rivers which follows the national average (18%).

9.3.4 In terms of projected change in the population of older people in South West Herts it is expected that between 2020 and 2036 that there will be a 44.2% change for those 65 and over, with a 76% change for those 85 plus. When looking at the data for Three Rivers between 2020 and 2036 it follows the average detailed above. The New Local Plan Regulation 18 consultation version (June 2021) also confirms that there is a trend towards an aging population which will have implications for housing needs, health and support care needs as well as the economy and access to services.

9.3.5 The LHNA considers the need for units classified as 'housing with support' (retirement/sheltered) and indicates a notable need in the future for 782 retirement living units (231 rented units and 551 leasehold units) over the period 2020-2036. The scheme would positively contribute towards meeting this need within an urban and sustainable location.

9.3.6 It is also important to consider the characteristics of older person households which shows for Three Rivers that there is a very high percentage of older persons in under-occupied homes (approx. 86%) leading the LHNA to conclude that the District should be prioritising retirement villages with a range of different house typologies, tenures and a level of care.

9.3.7 Whilst the Parish Council have questioned the need for "another retirement development" it would appear that planning policy should be planning for a varied mix in housing options for the elderly population. The development currently under construction in Church Street, is a C2 use care home which will differ significantly in terms of its use and function when compared with a retirement living complex as proposed.

9.3.8 Based on the evidence to date, it is clear that the development would be contributing to meeting local housing needs within a sustainable location. Other benefits would arise which are discussed at paragraph 9.24. The development would therefore comply with Policy CP2.

9.4 Loss of commercial units

9.5 Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements and to provide for a range of small, medium and large business premises to future.

9.5.1 The development would result in the loss of two existing local businesses (office and warehouse/storage), neither of which are protected by an Article 4 Direction. Nevertheless, their loss would inevitably conflict with the aims of Policy CP6.

- 9.5.2 The South West Herts Economic Study Update (2019) states that it is important to safeguard industrial floorspace whilst recognising that there is an oversupply of office space of 6,263sqm. The demolition of the warehouse/storage building would result in the loss of 431sqm. Whilst recognising this loss and future need, there is some tension between Policy CP6 and the NPPF. As highlighted above, paragraph 123 of the NPPF seeks that local planning authorities support proposals to 'use retail and employment land for homes in areas of high housing demand'. In addition, there is a clear need for housing across the District.
- 9.5.3 On the basis that Three Rivers cannot meet its 5 year housing land supply, the loss of the 431sqm warehouse/storage building is considered acceptable to enable the land to come forward as housing.
- 9.6 Affordable Housing
- 9.6.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures. Having regard to the Affordable Homes Update Written Ministerial Statement (24 May 2021), this mix of tenures must include First Homes. The guidance requires that 25% of all affordable housing units secured through developer contributions should be First Homes. Therefore, in respect of major planning applications we require First Homes to be provided and expect the 45% affordable housing contribution to comprise 70% social rented, 25% first homes, and 5% intermediate. Major developments are expected to provide affordable housing units on-site. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.
- 9.6.2 The AHSPD notes that the viability implications of affordable housing provision on a development proposal will be considered by the Council where it is supported by a robust evidence base, and only where it can be demonstrated and robustly justified by viability evidence will the Council consider reducing the 45% target.
- 9.6.3 The proposed development would provide for residential flats within a C3 use class meaning that it would trigger the requirement to provide for affordable housing. In this case, policy compliant on site provision would equate to the provision of 19 affordable flats. The applicant initially proposed no affordable housing on the basis it was not viable. However, the application has been accompanied by a Viability Assessment which has been independently reviewed. Upon initial review the Council's Independent Viability Assessor concluded that the applicant should provide the full provision of 19 1 bed and 2 bed flats with a tenure split of 70/30. However, the applicant disagreed with the assessor's Benchmark Land Value (BLV) amount of £750,000. Due to the disagreements, an Independent Commercial Expert was instructed to review the BLV. The findings of the Commercial Expert agreed with the applicant and thus it meant that it would not be viable for the scheme to provide a policy compliant amount of affordable housing. However, the Independent Viability Assessor through his amended review concluded that the scheme could provide for 5, 1 bed flats and 5, 2 bed flats for shared ownership.
- 9.6.4 Nevertheless, due to the nature of the development whereby service charges will be applied to future residents as well incorporating the cost of the private waste collection, on-site affordable units are not considered appropriate in this instance. With this in mind and further to additional guidance received from the Council's Independent Viability Assessor, it is considered that an off-site financial contribution of £549,603 (index linked from the date of the deed), as concluded by the Independent Viability Assessor in their final review, would be the most appropriate means of securing affordable housing (a policy compliant off-site contribution would equate to £3,316,612.5). It has been agreed that the contribution should be paid in two instalments, 50% at commencement and 50% prior to occupation, in lieu of any late stage review mechanism. The Council having discussed the matter at length with

the Independent Viability Assessor consider that the above is an appropriate outcome to secure the maximum reasonable contribution, having regard to the latest viability assumptions and economic conditions.

9.6.5 In light of the above and subject to the signed and completed Section 106 Agreement, the development would accord with Policy CP4 of the Core Strategy (adopted October 2011).

9.7 Housing mix

9.7.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent LHNA advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

9.7.2 The development would provide 25 1-bed units and 18 2-bed units (a split of 58:42). Due to the nature of the development and its geographical location it is expected that smaller housing types would be provided. This is supported by the LNHA which identified a need for smaller homes (one to three bedrooms) across tenures in order to widen the choices of new homes in the District. Nevertheless, by introducing smaller flats this would encourage older people to downsize and release larger homes onto the market. Consequently whilst the development would not provide the required housing mix, given the nature of the development it is considered that the development would be acceptable and would provide the right type of housing to meet future need.

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

9.8.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

9.8.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.

9.8.3 Policy DM3 of the Development Management Policies document states that within conservation areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area and does not harm important views into, out of or within the Conservation Area. The policy is silent with regards to the impact on the setting of Locally Important Buildings (referred to as non-heritage designated assets within the NPPF).

9.8.4 The NPPF at paragraph 130 sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate

and effective landscaping; sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In respect of a non-designated heritage asset paragraph 203 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.

- 9.8.5 When considering the location of the application site, both within and adjacent to the Rickmansworth Town Centre Conservation Area and adjacent to Locally Important Buildings the development must be designed carefully to avoid harming heritage assets.
- 9.8.6 The only part of the application site which falls within a conservation area is the access close to Bury Lane. No physical changes are proposed and the existing signage at the entrance will remain following completion of development.
- 9.8.7 In close proximity to the application site and fronting Bury Lane are Beresford Almshouses and The Gables, both Locally Important Buildings (non-designated heritage assets), which given their vicinity to the site have the potential to be affected by the proposed development as a result of change within their respective settings.
- 9.8.8 The application site is currently largely tarmacked with the two buildings dating from the early-mid 20th Century when the site was first developed. The narrower L-shaped building towards the west of the site is the older of the two (1911-1912) which has been subsequently altered. The larger building was added during the inter-war period and formed part of a much wider complex of industrial/commercial buildings which now make up Goral Mead and Chesswood Court. From site visits the existing buildings are not detractors within the setting of the conservation area but it was evident that they had been significantly extended which has eroded any heritage potential (i.e. to consider them as non-designated heritage assets) that the buildings may have once had. As such it is considered that the site as a whole makes a neutral contribution to the significance of the conservation area and the setting of the locally important buildings mentioned above. The Conservation Officer agrees that the site makes a limited contribution to the setting of the heritage assets and thus the loss of the existing buildings on site would not be unacceptable.
- 9.8.9 The surrounding area is extremely mixed with traditional two storey development (some with roof accommodation) dominating the Bury Lane and Ebury Road frontages which fall within the Rickmansworth Conservation Area. However, the flatted development of Chesswood Court immediately behind Bury Lane is evidently present given its three storey height and design including a mix of gabled and hipped roofs and a turret style feature. To the south of the application site there is a four storey flat roofed flatted development (Bury Meadows) while to west Goral Mead is made up of a cluster of three and four storey pitched roofed flatted developments. To the south of the internal access track there are five dwellings, two stories in height (Bury Mews); two fronting Bury Lane and three set back. As such, the application site is infilled by development to all sides although building heights, designs and densities are extremely varied with limited uniformity excluding Ebury Road.
- 9.8.10 The proposed building is sizable and significant objection has been received concerning the overall scale of the development. This revised scheme has been considerably altered since the refusal of 21/1971/FUL in an attempt to mitigate the overall height, bulk and massing of the new building. The revised scheme now introduces a flat roof to the building, removing the hipped and crown roof sections which added significant elevated bulk. This has also in turn reduced the height of the building by approximately 1m and up to 4m in some areas. The proposed design is now influenced by Georgian architecture with the use of different brickwork and parapet walls and is far more simplified in its approach than the previous scheme. Whilst it is regrettable that the more traditional roof forms have been removed from the scheme, a flat roof building would not appear out of place given the variety of built form within the vicinity including the four storey flatted roofed building within Bury Meadows to

the south. It is accepted that the presence of another untraditional flat roof scheme adjacent should not automatically mean that a similar building should follow. However, it is considered that the use of red brick with complementary use of London stock brick and stone copings will ensure that an acceptable level of visual interest is retained within the facades to prevent the building from adversely affecting the visual amenity of the area.

- 9.8.11 The most visible aspect of the building from the conservation area is via the internal access track from Bury Lane. This corner aspect of the building, now flat roofed, would comprise of red brickwork (a commonly used material within the area), string courses and Juliette balconies with metal balustrades which provides an acceptable level of visual interest. When considering its considerable set back from Bury Lane, whilst four storeys in height, it would not have an unacceptable impact on the setting of the Rickmansworth Conservation Area and its reduced height would sit comfortably within the context of the area.
- 9.8.12 It is also noted that views from within the conservation area will be possible from the properties fronting Ebury Road to the north which comprise of two storey dwellings, some with roof accommodation. It has previously been recognised under planning application 21/1971/FUL that these views are sensitive so the scale of the building had been adjusted at this point to ensure it steps down to three storeys with the northern elevation stepped and hipped. Due to the revised design of the building, the northern elevation would now be four storeys in height, albeit with a flat roof rather than three storeys with a hipped roof form. Nevertheless, the most northern elevations would be stepped, would have a varied external appearance and would be separated by a distance of at least 30m to the rear of the dwellings on Ebury Road, coupled with the vegetated buffer of the Town Ditch which would be enhanced internally within the bounds of the application site. Whilst far more visible than the existing buildings from Ebury Road and private vantage points, given the separation distance and flat roof design, it is considered that the proposed building would preserve the character and appearance of the conservation area and would not have an overbearing or visually incongruous impact from adjacent neighbouring outlook.
- 9.8.13 With regards to the impact on the non-heritage assets, it is considered that in respect of Beresford Almshouses (sited in-front of Chesswood Court) that it's setting is already impacted from Chesswood Court which is a three storey building. Consequently, when considering the separation distance of the development coupled with the intervening development of Chesswood Court it is not considered that any impact on the setting of Beresford Armhouses would occur. In respect of The Gables, there will be a far more noticeable change given the co-visibility with the site in views from Bury Lane and the scale of the building within the south eastern corner. However, as highlighted above, the external appearance of the building at this visible point would be of brickwork, so as not to draw significant attention away from The Gables with the proposed building appearing in the backdrop of houses fronting Bury Lane. Furthermore, the change to a flat roof design would ensure that the building is also not as prominent as the former refused scheme.
- 9.8.14 In respect of archaeology, the Archaeological Desk Based Assessment concluded that the site is unlikely to have a significant impact on heritage assets of archaeological interest. As part of the previous planning application process, Herts Archaeology commented that as the site lies less than 100m west of an area of archaeological significance (centre of medieval Rickmansworth) it may have potential for unknown archaeological remains. As such, due to this likely impact, a number of conditions, including the requirement to submit an Archaeological Written Scheme of Investigation would be imposed.
- 9.8.15 In summary, it considered that the replacement of the existing buildings with the proposed revised building would preserve the significance of the Rickmansworth Conservation Area and would not result in any harm to the setting of the non-designated heritage assets.
- 9.8.16 Towards the southern part of the application site, away from the conservation area, the building will be highly noticeable from within Bury Meadows, a four storey flat roofed flatted development. However, given the heights of adjacent developments within Bury Meadows

and Goral Mead and the presence of garage courts to the immediate south, it is not considered that the building would appear so out of character and unduly prominent that it would harm the visual amenities of the area.

- 9.8.17 To the west, the building would be sited close to the boundary with Goral Mead and thus will significantly alter the character of the streetscene. The street facing elevations with Goral Mead (south western corner) will be stepped and will each comprise of different brick to enable a degree of variety across the elevations and add visual interest within the streetscene which is currently absent given the dominance of high boundary treatments and corrugated structures within the application site. Whilst the building will be far more dominating than the existing buildings on site, given its stepped footprint and relationship with the flatted buildings within Goral Mead, it is not considered that the new building would be unacceptable and result in an unduly prominent form of development. Further, the large garage court within Goral Mead ensures that the widest western facing elevation of the building is well set back from the road and would be viewed in conjunction with Chesswood Court and other above mentioned properties.
- 9.8.18 Within the internal access road and within the circulation spaces around the proposed building low level bollard lighting will be erected with bulkhead lighting physically attached to the lower part of the building. The details are considered acceptable and would ensure that any external light spill is kept at a lower level and to a minimum.
- 9.8.19 Whilst acknowledging the strong level of objections against the scale of the development, due to the variety and height of buildings within the immediate context and having regard to the siting and layout the proposed building with its flat roof approach, it would not appear out of character and would preserve the character and appearance of the Rickmansworth Conservation Area and the setting of Locally Important Buildings. For these reasons, the development is considered acceptable and complies with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and DM3 of the Development Management Policies LDD.

9.9 Impact on neighbouring amenity

- 9.9.1 Policy DM1 and Appendix 2 (Design Criteria) of the Development Management Policies LDD states that new development should take into consideration impacts on neighbouring properties, both within and surrounding the development. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene.
- 9.9.2 Given the location of the application site adjacent to neighbouring residential development, any proposal will be sensitive, especially in respect of the impact on properties to the north, which front Ebury Road, and the flatted development, Chesswood Court to the east. As highlighted above, the previous scheme was refused by virtue of its impact on the residents of Chesswood Court due to its former height and lack of appropriate separation distances with this flatted development it was determined that it would unacceptably harm their current privacy levels and unacceptably impact the level of light reception to a number of rooms, to the detriment of their residential amenity.
- 9.9.3 To assist in safeguarding privacy, preventing development from resulting in a loss of light or appearing un-neighbourly, the Design Criteria states that as an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which directly face one another.
- 9.9.4 The previous refused scheme had a separation distance of between 25-27m with Chesswood Court, below the guidance figure of 28m. The current proposal would have a separation distance of between 29-30m, in addition to the height of the building being reduced. All flats facing Chesswood Court would have Juliette balconies. The fourth storey

element fronting Chesswood Court is recessed back from the main principal eastern elevation by 1.6m and thus would exceed the 28m figure further. These flats would also have Juliette balconies and a condition would be recommended to ensure the flat roof could not be used for amenity purposes. In light of the above changes the revised building would exceed the guideline figure. It is important to note that the Inspector when considering the planning merits of the refused scheme in respect of neighbouring amenity stated:

“It is important to acknowledge that the Design Criteria applies a standard across the entire district which comprises both high and low densities, but predominantly is covered by low density development. The appeal site is located within the town centre where there is a higher density than other parts of the district. In urban areas such as this, the area is characterised by tighter, higher densities where there are greater degrees of overlooking than in low density areas. Furthermore, the distance is indicative. There is also competing requirements with the Design Criteria and the Council’s Housing Delivery Test Action Plan which encourages higher densities. In this regard the appellant has also drawn my attention to the National Model Design Code, the status of Appendix 2 and a legal judgement.

The separation distance between the proposed building and Chesswood Court would not be considerably less than the indicative 28m figure. Thus, having regard to the distance between Chesswood Court and the proposed building, the density of the local area (where there is an inherent degree of overlooking and separation distances which are less than 28m) and the requirements of the Housing Delivery Test Action Plan, the development would not result in unacceptable overlooking (including perception of overlooking). The distances between the buildings would be sufficient to maintain acceptable standards of privacy for the occupiers of Chesswood Court.”

- 9.9.5 Having regard to the appeal decision and the reduced distances to Chesswood Court it is considered that the proposed building would not significantly affect neighbouring privacy levels.
- 9.9.6 In respect of loss of light a Day & Sunlight report was submitted. The report comments that all but one room retains more than 80% or more of their existing levels of daylight distribution. Only one room, on the ground floor of Chesswood Court, retains 77%; however, this is not considered to result in unacceptable impacts on their living conditions.
- 9.9.7 To the southern part of the eastern elevation, a number of external balconies are proposed. However, importantly the flats within this section would overlook the car park associated with Chesswood Court and the internal access road.
- 9.9.8 In respect of the impact towards those properties on Ebury Road, the northern elevation of the building which will be four stories high would be separated from the rear of those properties by approximately 30m. This relationship is neither back to back nor face to face so a distance of at least 30m ensures that no unacceptable impacts would arise. In terms of overlooking, the windows within the northern part of the north elevation will serve either communal hallways or stairwells units. These windows will be obscurely glazed within the first and second floor levels to ensure that no direct overlooking would occur.
- 9.9.9 A distance in excess of 50m will exist between the building and the boundary with The Gables ensuring that no unacceptable levels of overlooking would arise.
- 9.9.10 To the immediate south of the access track is a small residential development known as Bury Mews, a collection of five two storey dwellings, a pair of semi-detached dwellings fronting Bury Lane and three terraces immediately behind. Due to the siting of the proposed building there will be a separation distance from the eastern elevation and the rear elevation of No.5 Bury Mews of approximately 38m. Whilst there would be external balconies are to remain towards the southern aspect of the eastern elevation, the obscurely glazed panels to the flanks will ensure that views from the terraces will not be directly towards their rear amenity garden.

- 9.9.11 Due to the relationship with the buildings on Goral Mead, the windows within the four storey western elevation of the new building would not directly face the neighbouring flats given they are orientated in a south easterly direction. As such, all outlook from the proposed windows would be across the road and parking areas with distances in excess of 28m. In terms of prominence, the corners of western end of the building will be set in approximately 20m and 15m from the flats within Goral Mead. However, given the orientation of the sun and relationships between them, it is not considered that the building would appear unacceptably prominent to the flats or result in an unacceptable loss of light to the occupiers.
- 9.9.12 To the south of the proposed building the existence of the garage courts enables separation distances in excess of 50m between the new building and Bury Meadows. As such, no harm would arise.
- 9.9.13 In terms of noise pollution Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable impact on the indoor and outdoor acoustic environment of existing or planned development. The proposed parking area for the development will be concentrated between the building and the communal garden of Chesswood Court, which is physically enclosed by close boarded fencing. As it stands this area is made up of parking spaces serving the office building which extends towards the north boundary. Whilst it is accepted that on-site movements will occur throughout the day and night it is not considered that the level of movements would arise in any unacceptable harm through noise and disturbance.
- 9.9.14 A small enclosed sub-station is proposed; however, given it would be adjacent to existing boundary treatment and would be built significantly away from residential properties it is not considered that it would harm residential amenity.
- 9.9.15 It is accepted that given the scale of the development that the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further details concerning timing of construction activities and deliveries to avoid unacceptable impacts.
- 9.9.16 To summarise, the proposed building due to its reduction in height and greater separation distance with Chesswood Court ensures it complies with the Design Criteria. In addition, given the siting and layout of the building it is considered that no other harm would arise to neighbouring amenity. The development is therefore considered to comply with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.
- 9.10 Living conditions of future occupants
- 9.10.1 Policy CP12 of the Core Strategy states that development must protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 9.10.2 In terms of room sizes local policy is silent; however, the nationally described space standards can be used as a guide. The proposed one and two bed rooms would all exceed the guidance as they range in size from 52sqm to 80sqm.
- 9.10.3 In respect of outlook, the majority of views from the units will be across the parking area towards Chesswood Court, over the garage courts to the south and north west and the communal amenity space. It is considered that outlook will be adequate given the constraints of the site and existing adjoining developments.
- 9.10.4 It is fully noted that developments should be ensuring good design and that extends to spaces surrounding the building. The level of amenity space provision has been highlighted in more detail below. Whilst concerns are acknowledged regarding the extent of outdoor space, there are a number of distinct areas whereby residents will be able to use, including

a landscaped garden with benches/covered seating, and areas of lawn areas. Whilst not sizable in their own right, they will provide spaces for residents to use and full walking connectivity around the entire building will be possible. Consequently, it is not considered that the level of external communal space, combined with the fact that the majority of units will have their own private external amenity area, will be detrimental to the living conditions of future residents.

9.11 Impact on highway safety and parking

- 9.11.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.11.2 The application site is served by a single vehicular access from Bury Lane which is to be retained for the new use. As such, no alterations are proposed nor does the Highway Authority require any further upgrading works to occur as a result of the site's redevelopment.
- 9.11.3 Internally within the site and along the access road there will be a shared surface which would be acceptable to enable two vehicles to pass one another along the majority of its length with the parking spaces proposed parallel to the access road meeting the recommended standards at 6m in depth. The Highway Authority are also supportive of a defined pedestrian route (subject to appropriate signage and lighting) which will aid connectivity between the building and Bury Lane.
- 9.11.4 As part of the submission swept path analysis plans have been submitted which confirm that refuse vehicles and fire tenders will be able to access the site and egress the site in forward gear. The Fire and Rescue service have not objected.
- 9.11.5 During the application process there has been significant objection concerning the impact on the highway and lack of appropriate visibility upon leaving the site northbound along Bury Lane.
- 9.11.6 It should be recognised the planning permission under 21/1971/FUL for a 48 extra care unit was not refused on highway grounds or due to its parking shortfall. Whilst recognising that the proposed development falls within a different use, the level of vehicular activity would likely be less given the reduction in visits from members of staff, deliveries etc.
- 9.11.7 The submitted trip generation assessment which forms part of the Transport Assessment states that there will be an estimated 88 trips generated across a 12 hour period (0800-1800). Based on the existing lawful use of the site, the proposed development is highly likely to result in fewer trips than the existing use (as well as far less than the predicted trip rates under 21/1971/FUL within the same 12 hour period). The Highway Authority agree that the trip generation and distribution would not be considered to be significant enough to have a safety or severe impact on the surrounding highway network, particularly as the trip rates would be lower than for the current use of the site.
- 9.11.8 It is acknowledged that a hedge on neighbouring land (outside the control of the applicant and HCC) limits visibility for those walking towards the access into the application site. However, following dialogue with the Highway Authority they have confirmed that they do not see this as a significant issue when taking into consideration that it is an existing access that functions safely and that vehicles would be exiting the site at a very slow speed.

- 9.11.9 With regards to parking, Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the car parking requirements for the District. Unlike the previous C2 schemes, the zonal adjustment is not applicable to C3 uses; however, there is acknowledgement that in areas of high accessibility and good service provision a reduction in the levels of parking for C3 residential may be appropriate. As the site is located within the town centre of Rickmansworth a reduction in the level of parking should be provided.
- 9.11.10 The parking standard states that for C3 residential (elderly person's accommodation / retirement dwellings) there should be 1.5 spaces per unit for 1 and 2 beds flats which includes a 0.25 allowance for a visitor space. When applied to the proposed development there would be a requirement to provide 65 spaces (rounded up from 64.5). The development will provide for 30 on-site parking spaces (including 2 disabled spaces and two electric charging spaces), therefore resulting in a shortfall of 35 spaces.
- 9.11.11 Objections regarding the level of parking have been received. Whilst acknowledged, a number of factors should be considered. Firstly, it is accepted that visitors will attend the site; however, the surrounding roads are all permit parking (or 1 hour no return within 1 hour (Mon-Sat 8.30 to 6.30pm)) meaning the majority of visitors will either park on site, use the parking bays on local roads for an hour or use the local public car parks, of which there are plenty within a short walking distance. The existence of permit parking and 1 hour return will also deter future residents from parking here as they would need to park outside the parking zone which is a significant walk from the site. Notwithstanding the above, to ensure that residents and staff are unable to park on the surrounding road networks, a legal obligation will be included with the S106 preventing those associated with the development from applying for a permit. This will prevent the permanent use of the permit parking spaces along Bury Lane and other nearby roads as well as ensuring that parking in the area is not displaced or put under further pressure as a result of this development. Secondly, the development will be age restricted where car ownership is statistically lower. Additionally, all residents will be aware of the parking requirements on site; however, importantly the site is well connected to local amenities and transport connections. Lastly, the applicant will be providing an electric car club space on site which will enable a vehicle to be shared and offer greater choice for future occupiers. The details of the car club are to be secured by condition. The Highway Authority have also therefore recommended that a Travel Plan Statement is secured by condition so as to promote and encourage further sustainable modes of travel to and from the site.
- 9.11.12 In respect of cycling parking, Appendix 2 sets out that for retirement dwellings there should be 1 short-term space per 3 flats and 1 long-term space per 5 flats. When applied to the development 22.6 cycle spaces (14 externally and 8.6 internally) should be provided. Externally, there would be a cycle rack for 4 cycles, while none are currently provided internally. However, the buggy store could be used flexibly to cater for demand amongst residents. Whilst the external storage is lower than required, it is recognised that the development can be flexible to increase storage if demand requires. Therefore, no objection is held in this regard.
- 9.11.13 A Construction Management Plan would be secured by condition and will require further details concerning construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of site entrances, and the adjacent public highway.
- 9.11.14 In light of the above, whilst recognising the shortfall in parking and cycle provision against standards, for reasons discussed the level provided would be acceptable subject to the legal agreement and conditions. There would also be no significant impact on highway safety as a result of access and trip generation.

9.12 Waste Management

9.12.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

9.12.2 Due to the current commercial uses of the application site, refuse and recycling is collected by a private contractor. The proposal development would fall within a residential use whereby there is an obligation for the residents to have their waste collected by the Council. However, due to access constraints given the location of the parking bays on Bury Lane, the vehicles used by the Environmental Protection department would be unable to enter the site to collect waste.

9.12.3 When looking at alternatives, there is insufficient room within the internal access road to provide a bin collection point which could have been collected by the Council. This part of the site is also within the Rickmansworth Conservation Area where such a collection point may be visually unacceptable. As a result, it is considered that the only option is for the waste and recycling to be collected by a private contractor. The details of which would be secured by a Waste Management Scheme which would be secured by S106 agreement.

9.12.4 In light of the above, subject to the S106 agreement the use of a private contractor would, in this instance due to the site circumstances, be acceptable and would ensure acceptable waste management in accordance with Policy DM10 of the Development Management Policies LDD.

9.13 Amenity space provision

9.13.1 Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, contribute to formal spaces/settings for groups of buildings or existing mature trees.

9.13.2 The Design Criteria is silent in respect of indicative levels of amenity space for retirement homes; however, it does provide an indicative standard for flats, as follows:

- One bed: 21sqm
- Additional bedrooms: 10sqm (space can be allocated specifically to each flat or communally)

9.13.3 When applying the proposal to the indicative standards for flats there would be a requirement for 1,083sqm. Within the applicant's statement they indicate that the external amenity space in the form of garden areas comprises 705sqm and the patio/balconies equates to 168.4sqm, a total of 863.4sqm across the development.

9.13.4 From the plans submitted the total amount of amenity space would appear to equate to approximately 700sqm which takes into account the communal gardens, private amenity spaces and external balconies. This figure excludes an area of 75sqm which covers the siting of the wetland / pond.

9.13.5 In light of the above the proposed level of amenity space would fall short of the indicative level required by Appendix 2. However, importantly it is recognised that the application site

is within a town centre location where there is a general acceptance that developments have smaller amenity spaces given the site constraints and higher densities. In addition, the site is within a short walking distance (8-10 mins) of the Rickmansworth Aquadrome and close to other local public open spaces within Rickmansworth such as The Bury Gardens, Rose Garden and Rickmansworth Park. When considering the level of amenity space it is noted that out of the 43 flats only eight will not have their own private amenity area. Nevertheless, whilst the concerns in relation to overdevelopment are acknowledged, the level of communal space in and around the building at the ground floor coupled with the internal communal lounge will ensure that an acceptable level of amenity space will be provided and would not be to the detriment of future occupiers.

9.13.6 For the above reasons, the identified shortfall is considered to be acceptable and would accord with the development plan.

9.14 Impact on trees / landscaping

9.14.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

9.14.2 Due to the built-up nature of the application site the majority of trees and landscape features can be found along the perimeter of the site to the north and some hedging to the immediate north of the existing office building.

9.14.3 In order to facilitate the new building the hedging within the site will be removed; however, a large number of new trees and soft landscaping areas will be introduced to compensate any loss. This has been shown indicatively via the submitted Landscape Masterplan and includes new trees along the eastern boundary with Chesswood Court.

9.14.4 In order to safeguard trees, it is considered important to recommend conditions relating to tree protection and the submission of a soft landscaping scheme which provides greater clarity as the current submitted landscape masterplan is only indicative.

9.15 Flooding and Drainage

9.15.1 The NPPF at paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

9.15.2 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs).

9.15.3 The application site lies within Flood Zones 1, 2 and 3a and is at very low risk from surface water flooding (via the Environment Agency mapping). The development is considered as 'more vulnerable' which are appropriate in Flood Zones 1 and 2 and are potentially appropriate in Flood Zone 3 provided that the Exception Test is passed. The site is therefore

at risk of river flooding, predominately from the Town Ditch to the north and the capacity of the culvert beneath Bury Lane being exceeded.

9.15.4 As part of the application a sequential test was undertaken which seeks to ascertain whether any other available sites have a lower risk of flooding. The sequential test confirmed that there are insufficient available sites for this type of development within the local area.

9.15.5 In terms of the exception test, paragraph 164 and 165 of the NPPF state that:

“To pass the Exception Test it should be demonstrated that:

a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

9.15.6 In respect of the part (a), the application site is located within a highly sustainable location and accords with the NPPF’s drive to encourage effective use of land. The scheme will generate an increase in 43 flats where, as identified above, there is a need, both now and in the future. Further benefits would arise from the development, including freeing up market housing in the area as well as providing economic benefits to the locality. As such, it is considered that the development has demonstrated compliance with part (a).

9.15.7 During severe flood events and when the Bury Lane culvert reaches capacity, water could flow onto the site via the site entrance. To avoid internal flooding and protect the development from inundation, finished floor levels for the building will be set 300mm above the predicted flood heights. During flood conditions the submitted information indicates that a dry access and egress into the site will not be possible, although from the available information the depth of the water would still be passable for emergency vehicles and pedestrians. Nevertheless, it will be important that an emergency flood response plan is prepared and implemented and this will be secured by planning condition in the event of an approval.

9.15.8 With regards to surface water management, the proposal seeks to replicate the existing drainage situation in which surface water runoff discharges into the Town Ditch; although flows will be attenuated before discharge (to 1.0l/s) from the site with below ground storage (geo-cellular crate) provided to accommodate excess flows. As a result attenuation storage will be provided beneath permeable paving (beneath the soft landscaping area to the north) and some additional storage capacity will be provided by a pond/wetland area, all of which will cater for all flood events including a 40% uplift for climate change. The sustainable drainage measures to be implemented will ensure a significant reduction in surface water runoff rates when compared to the current situation with improved permeability across the site when compared to the current impermeable nature of the site. There are no changes to the drainage strategy when compared to the previous no objection comments whereby the drainage consultant confirmed that the strategy was acceptable subject to planning conditions.

9.16 Contamination

9.16.1 The application site falls within the Source Protection Zone 1 and is located upon a principal and secondary aquifer. Additionally, given the previous uses at the site it presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

9.16.2 Policy DM9 of the Development Management Policies LLD states that the Council will only grant planning permission for development, on, or near to, on land suspected to be contaminated, where the Council is satisfied that:

- i) There will 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

9.16.3 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution health, living conditions and the natural environment.

9.16.4 The application was supported by a Desk Study Appraisal to identify possible constraints to the development relating to the ground conditions. It confirms given the historic use of the site that potential contaminant sources may be present and recommends that a phased ground investigation is undertaken.

9.16.5 The development would use shallow piling which prevents disturbing the chalk bedrock while the Environment Agency (EA) have confirmed that the submitted information demonstrates that it will be possible to manage the risks posed to controlled waters by this development. A number of conditions as requested by the EA have been applied.

9.16.6 In light of the above, it is not considered the risk posed from contamination would be a barrier to restricting development.

9.17 Wildlife & Biodiversity

9.17.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

9.17.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.17.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application along with a Preliminary Ecological Appraisal following a site survey which highlighted that the site had a no ecological value. The survey also recognised that the demolition of the existing buildings could result in direct impacts to bats through disturbance, which is an offence and the removal of the hedgerows must not be undertaken during breeding season (March-July / August). A further bat survey was submitted which confirmed that there were no roosting. Herts Ecology had no objection to the findings subject to the incorporation of the mitigation measures to enable a biodiversity net gain. These include at least 4 wall-integrated bat boxes, at least 8 wall-integrated bird nesting boxes and the soft landscaping scheme should specify at least 70% native species. The above is all secured by conditions.

9.18 Sustainability

- 9.18.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 9.18.2 The application has been supported by an Energy Statement which confirms that the following design measures will be incorporated into the build; energy efficient building fabric, double glazed windows, low energy lighting, high efficient heating systems and solar panels (located on the roof) which combined will exceed the policy standard (5.77%). However, due to new Building Regulation requirements (Part L) which require more stringent requirements a condition will be attached to require an updated statement to reflect any changes.
- 9.18.3 A car club, providing for the use of an electric vehicle is also proposed to enable greater sustainable ways of travel, the details of which are secured by a planning condition.

9.19 Other material considerations

- 9.19.1 The development would contribute towards the District's housing land supply, by providing 43 homes which would weigh significantly in favour of the scheme. The development would also help in meeting the Council's need for elderly type housing and providing a range of housing types within Rickmansworth.
- 9.19.2 There is also evidence that demonstrates the provision of specialist housing would have a role in freeing up under occupied family housing, facilitating downsizing, enabling housing back onto the market. Given the reasonable scale of this development these benefits can attribute significant weight.
- 9.19.3 By granting planning permission there will be short term economic benefits from the creation of construction jobs. Additionally, a development on this scale will provide a number of indirect economic benefits to the local Rickmansworth economy and other environmental factors across the site will be enhanced, from improving on-site drainage, providing greater soft landscaping and biodiversity opportunities. These factors should also weigh in favour of granting planning permission.
- 9.19.4 The above factors are all material considerations in their own right and would weigh in favour of the development. Clearly, significant benefits in favour of the development would arise from the scheme.

9.20 Summary

- 9.20.1 To summarise, whilst there is strong objection against the development the above assessment has concluded that the development accords with the development plan.

9.21 Planning balance / titled balance

- 9.21.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)).
- 9.21.2 The development has been considered acceptable in accordance with the development plan meaning there is no requirement to consider the titled balance. Planning permission should therefore be granted subject to the conditions and the S106 agreement. The obligations will include the agreed off-site affordable housing contribution, restrictions on

future occupiers applying for parking permits including a financial contribution to amend the existing traffic regulation order, occupancy restrictions given the proposed use of the development and a waste management scheme to enable private collection. These are all considered to necessary to make the development acceptable in planning terms, are all directly related to the development and are fairly and reasonably related in scale and kind to the development.

9.22 Recommendation

9.22.1 That subject to the completion of a Section 106 Agreement that PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 Time Limit

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 Plan numbers

The development hereby permitted shall be carried out in accordance with the following approved plans: LP 01 (site location plan); LP02 (Site Context – Conservation Area Plan); LP 03 (Site Context Plan – Building Heights); LP 04 (Combined Title Information Plan); TS15129X1 (Existing Floor Plans 1); TS15129X2 (Existing Floor Plans 2); TS15129X3 (Existing Floor Plans 3); TS15129X4 (Existing Elevations); PL 500 Rev A (Proposed Site Plan); PL 503 Rev B (Proposed Ground & First Floor Plans); PL504 Rev B (Second & Third Floor Plans); PL505 Rev B (Proposed Roof Plan); PL506 Rev B (Proposed South & Eastern Elevations); PL 507 Rev B (Proposed Northern & Western Elevations); PL 508 (Proposed South & East Contextual Elevations); PL 509 (Sub-station Elevations); SV 01 (Topographic Survey); MCS23387 10 (Landscape Masterplan); 1691-KC-XX-YTREE-TPP01 Rev 0 (Tree Protection Plan).

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard neighbouring amenity and preserve the character and appearance of the Rickmansworth Conservation Area in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993) and the NPPF (2021).

C3 Construction Management Plan

The development hereby permitted shall not commence until a Construction Management Plan (CMP) 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 CMP. The CMP 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);

- h) measures to control the emission of dust and dirt during construction
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This condition is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C4 Archaeology Written Scheme of Investigation

The development hereby permitted shall not commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out within the agreed Written Scheme of Investigation.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C5 Universal condition for development on land affected by contamination

The development hereby permitted shall not commence (excluding demolition works) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - i.. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

C6 Long-term monitoring

The development hereby permitted shall not commence (excluding demolition works) until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: This condition is a pre commencement condition to ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Detailed surface water drainage scheme:

No development shall take place until a detailed surface water drainage scheme for the site based on the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 05, dated: May 2022) and the response to the LLFA's Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022) and sustainable drainage principles and sent to the LPA for approval. The scheme shall also include;

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as lined permeable paving, pond/wetland areas etc. and reducing the requirement for any underground storage.
4. Detailed post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change.
5. Provision of pre- and post-development modelling of risk of flooding from surface water utilising the existing and proposed ground levels.
6. All proposed SuDS features should be lined to mitigate groundwater contamination and prevent groundwater ingress.

7. Confirmation of final acceptance of updated modelling of Flood Zone 2 by the Environment Agency, and subsequent provision of SuDS features outside of Flood Zones (2 & 3).
8. 8. Provision of overland flows and exceedance routes along with any informal flooding identified with location and depths and shown on a plan.
9. Provision of half drain down times less than 24 hours for proposed SuDS features.
10. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

C8 Construction Ecological Management Plan (CEMP)

Prior to commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall describe how the watercourse habitat will be protected from any adverse impact. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

C9 Decommissioning of Investigative Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Previously Unidentified Contamination

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

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

C11 Tree Protection

No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised

vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with Drawing Number 1691-KC-XX-YTREE-TPP01 Rev 0.

The protective measures, including fencing, shall be undertaken in full accordance with Drawing Number 1691-KC-XX-YTREE-TPP01 Rev 0 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved 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 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).

C12 Materials

Before above ground works commence, samples and details of the types, colour and finish of all external materials, shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Only the materials as approved shall be used in the construction.

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

C13 Biodiversity Enhancements

Before above ground works commence, a Biodiversity Enhancement Plan shall be submitted and to approved by the Local Planning Authority. The Biodiversity Enhancement Plan shall incorporate all the enhancement measures as set out at section 5.3 of Preliminary Ecological Appraisal, 27 April 2022 prepared by GreenLink Ecology) and detail the location and type of habitat boxes/structures within the building. The approved measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

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

C14 Fire Hydrant

Before above ground works commence, a scheme for the provision of fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C15 Energy measures

Before above ground works commence, an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The agreed energy measures shall thereafter be incorporated into the approved development prior to its first occupation.

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

C16 Travel Plan Statement

At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C17 Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Archaeology Post Investigation Assessment

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis and publication where appropriate.

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

C19 Provision of Parking Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled,

surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C20 External Cycle storage:

Prior to the first occupation of the development hereby permitted, the external Sheffield cycle stands shall be erected and permanently retained thereafter.

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

C21 Hard and Soft Landscaping Scheme

Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall also include details of all new trees including specie type and initial planting height, all boundary treatments and details of the potting shed shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme shall follow the details approved as shown on drawings PL 500 Rev A & MCS23387 10A (Landscape Masterplan).

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

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

C22 Flood Warning Measures (Emergency Plan)

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

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

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

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

C23 Electric Car Club

Prior to the first occupation of the development hereby permitted, details relating to the implementation and management of the Electric Car Club shall be submitted to and approved by the Local Planning Authority. The Electric Car Club shall be implemented in accordance with the approved details and shall be made available for the residents use prior to first occupation and maintained thereafter.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C24 Obscure Privacy Screens

Prior to the first occupation of the development hereby permitted, details of the 1.8m high obscure privacy screens as shown on drawing number PL506 Rev B shall be submitted to and approved by the Local Planning Authority. The obscure privacy screens shall be erected as approved and be permanently retained thereafter.

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

C25 Obscure windows

Prior to the first occupation of the development hereby permitted, the windows in northern elevation (closest to the northern boundary of the application site) above ground floor level; shall be fitted with purpose made obscured glazing. Any top level opening will be at 1.7m above the floor level in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

C26 Use of Flat Roof

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

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

C27 External Lighting Details

The external lighting installed on the site and affixed to the building shall be undertaken in accordance with the details set out within the document titled "2782 – Rickmansworth_External Project" and be installed before the first occupation of the development hereby permitted.

No other external lighting shall be installed on the site or affixed to the building on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The submitted lighting details shall be installed in accordance with the approved details before the use commences.

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

(adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C28 Retention of existing signage

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

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

C29 SuDS Infiltration of surface water into ground

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

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

C30 Piling / Foundation Works Risk Assessment

No works involving excavations (e.g. piling) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- Further Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
- A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant / developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C31 Finished Floor Levels

Finished floor levels shall be set no lower than 46.8m above Ordnance Datum (mAOD). Compensatory storage shall be provided around the exterior of the building

by reductions in the ground level, as stated in section 5.4.2 and Table 5-3 of the Flood Risk Assessment and Surface Water Drainage Strategy (dated May 2022). Flood End 2 storage will be preserved or increased on a level for level basis, up to the design flood height of 46.5m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C32 In accordance with drainage strategy

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

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C33 Verification Report

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

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

C34 Management and maintenance plan for the SuDS:

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

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

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

Reason: To ensure the drainage strategy can be maintained throughout the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

9.22.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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 0208 207 7456 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. 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.

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.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town

and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

14 Highways

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>

15 Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

16 Thames Water

Waste Comments

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

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

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

Water Comments

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

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

17 Affinity Water

Water efficiency

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

Infrastructure connections and diversions

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

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

18 Environment Agency

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of

pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)”

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

Residential developments

All new residential development are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Land contamination: risk management and good practice we recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Flood Risk Activity Permit:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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Drainage:

As we are aware that parts of the site are located within Flood Zones 2 and 3, we would be looking to see that overland flows and exceedance routes are provided and shown on a plan. Any informal flooding should also be identified with location and depths shown on a plan. In addition, confirmation of safe access and egress to the site should be provided.