

## PLANNING COMMITTEE – 18 January 2024

**23/1128/FUL - Demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation; new building to provide a laundry and maintenance store; and conversion of an existing garage to serve as a maintenance store and associated parking at CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 19.10.2023  
(Extension agreed to 25.01.2024)

Ward: Chorleywood North & Sarratt  
Case Officer: Tom Norris

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to the conditions set out below, and any conditions requested by the LLFA:

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse on the multiple grounds listed within their comments at 5.1.1 of this report.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RXD0X4QFGAG00>

### **1 Committee Update**

- 1.1 This application was considered by the Planning Committee on 14 December 2023. The application was deferred for a site visit to view the parking arrangement of the site. The site visit was carried out on 6 January 2024.
- 1.2 Since the previous committee meeting, the applicant has submitted a Car Parking Management Strategy. Officers were previously satisfied, and remain satisfied, that the requisite level of parking could be accommodated within the site. This report aims to provide further clarification and address any outstanding concerns of Council members. The contents of this report are discussed in further detail within the analysis section of this report.
- 1.3 At the previous committee meeting, members queried the comments of the Landscape Officer. The Landscape Officers comments are in full at paragraph 5.1.3 of this report. To provide clarification on this matter, the Landscape Officer raised no objection to the application subject to conditions. The Landscape Officer included their comments on the previous application (22/1323/FUL) within their comments on the current application.
- 1.4 At the previous committee meeting, members queried the wording of the condition relating to the hours of use of the proposed laundry and maintenance building. This condition has been amended so that the hours of use would be from 09:00 on a Saturday as opposed to 08:00. A condition has also been included in this report for the requirement of a Construction Management Plan.
- 1.5 Since the previous committee meeting, representations from residents have been received regarding the fire safety aspect of the site during and following the proposed development. Whilst this matter is covered separately under the Building Regulations, the applicant has submitted a Fire Strategy Technical Note to address this.

- 1.6 The NPPF was updated in December 2023 following the committee meeting. Whilst the changes do not affect the officer's recommendation, the analysis below has been updated to reflect changes to the paragraph numbers of the NPPF where required.

## 2 Relevant Planning History

- 2.1 22/1323/FUL - Demolition of existing garages and construction of 7no. new dwellings (use Class C3) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking - 26.01.2023 – Refused for the following reasons:
- R1 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).*
- R2 The proposed development would have a detrimental impact on protected trees and trees of visual importance on the site and the proposed mitigation measures do not serve to outweigh the proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*
- R3 The proposed development would result in an unacceptable parking arrangement across the application site and would result in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).*
- R4 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).*
- 2.2 22/1329/FUL - Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping - 30.03.2023 – Permitted.
- 2.3 22/1311/LBC - Listed Building Consent: Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping - 30.03.2023 – Permitted.
- 2.4 10/2237/FUL - Erection of 2 elderly persons dwellings and associated site works - 12.01.2011 – Withdrawn.
- 2.5 09/1828/FUL - Site 1 - Erection of two elderly persons dwellings and associated site works - 07.06.2010 – Permitted (not implemented)
- 2.6 09/1843/FUL - Site 2 - Erection of three elderly persons dwellings and associated site works - 26.02.2010 - Refused, Appeal allowed (implemented)

- 2.7 06/1284/FUL - Internal alterations to allow conversion of 2 flats into a single residential unit - 20.10.2006 – Permitted.
- 2.8 98/0095 - Erection of 3 bungalows - 10.03.1998 – Withdrawn.
- 2.9 94/135/8LB - Retirement development - comprising residential units alterations to Listed Building and ancillary work - 04.07.1994 – Permitted.
- 2.10 8/557/90 - Health Care Development comprising 124 residential units with alterations and renovations to the listed building alongside ancillary work and staff accommodation.
- 2.11 8/498/90LB - Demolition of part and conversion to 13 No. elderly persons apartments and communal facilities - 24.06.1991 – Permitted.
- 2.12 8/600/74 - 3 Staff Flats - 05.01.1975 – Withdrawn.
- 2.13 8/105/74 - Six staff flats to be formed in a new two storey building - 23.04.1974 – Withdrawn.

### **3 Description of Application Site**

- 3.1 Cedars Village is located within Chorleywood, off Dog Kennel Lane, near the M25 motorway. The site is located to the west of Chorleywood Common which consists of an expanse of common land with grass and wooded areas.
- 3.2 The site is situated within the Chorleywood Common Conservation Area and within the grounds of a Grade II Listed Mansion House known as The Cedars, formerly Chorleywood College, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). The application site is a gated residential complex, which is approximately 22 acres in area, and comprises residential uses including apartments and detached bungalows set within the grounds.
- 3.3 This application involves development works at three smaller sites within the retirement village complex, which are referred to hereafter as the Marriott Terrace site, the Badgers Walk site and the Lodge site. The Marriott Terrace site is positioned to the north of the Grade II Listed Mansion House and contains detached garage buildings and an area of lawn and trees. The Badgers Walk site is in the southern part of the village complex, away from the Mansion House. This site contains a detached garage building and an area of lawn and trees. The Lodge site is located at the main entrance directly adjoining the site of the gate lodge. This site is predominantly laid as hardstanding and contains a double garage and timber carport.

### **4 Description of Proposed Development**

- 4.1 Planning permission is sought for the demolition of existing garages and construction of 7no dwellings (use Class C3) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking.
- 4.2 At the Marriott Terrace site, two detached garage blocks, which accommodate four and five garage spaces respectively, would be demolished and five bungalows would be constructed in place. The bungalows would consist of two pairs of semi-detached dwellings and one detached dwelling. The detached dwelling and one pair of the semi-detached dwellings would be orientated to face in a western direction. The other pair of semi-detached dwellings would face to the north. The dwellings would each have a width of 7.6m and a depth of 12.1m. The dwellings would have a gabled roof form with an eaves height of 2.3m and a ridge height of 6.2m. The dwellings would contain a dormer window within their rear roofslope which would have a depth of 4.1m, a width of 3.8m and a height of 2.3m. There would be three rooflights to the front roofslopes of each dwelling. The dwellings would have a brick exterior finish and tiled roofs. Each dwelling would be afforded a private rear patio

area of 12sqm and beyond would be communal amenity garden, similar to the amenity garden arrangement to the wider village.

- 4.3 At the Badgers Walk site, a detached garage block would be demolished, and two bungalows would be constructed in place. The bungalows would consist of a pair of semi-detached dwellings. The dwellings would be of the same scale and design as set out above.
- 4.4 At the Lodge site, an existing garage would be converted into a maintenance building which would not involve any exterior alterations. A new building would be constructed to serve partly as a maintenance facility (containing office, W/C, breakout area and kitchenette), and partly as a laundry building. The building would have a width of 7.7m and a depth of 8.5m. The building would have a hipped roof form with an eaves height of 2.5m and an overall height of 4.9m. The building would have a brick exterior finish and tiled roof. The building would contain a set of doors within its front elevation and doors and windows within its western and northern flanks.
- 4.5 This application follows a previously refused application (22/1323/FUL) of largely identical character and description. The key difference between this current proposal and the previous proposal is the re-siting of two dwellings within the Marriott Terrace site, 3.0m further to the east from their previous position. A large, mature Horse Chestnut tree (T61) and its surrounding area of landscaping have been retained as a result. This application is also accompanied by updated parking, drainage, and landscape information, in addition to agreement to make an affordable housing commuted sum payment contribution, to address the full set of reasons why the previous application was refused.

## **5 Consultation**

### **5.1 Statutory Consultation**

#### **5.1.1 Chorleywood Parish Council: Objection**

*The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

- *The proposals, owing to the siting and scale of the proposed laundry and maintenance store and the siting and position of the 7 retirement village units would adversely impact the setting of the lodge and the main building.*
- *The proposal would adversely impact Chorleywood Common Conservation Area owing to the siting and design of the laundry and maintenance buildings.*
- *The proposal fails to provide sufficient car parking, whilst the Applicant argues this is a C2 offering, the residents of this development are independent and choose to move into Cedars Village because they seek to maintain their independence.*
- *The proposal would fail to provide adequate car parking to meet the needs of the residents of Cedars Village, resulting in unacceptable parking arrangement, resulting in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2012).*
- *The proposal fails to provide adequate vehicular access particularly for the proposed retirement village units - elderly residents are more vulnerable to falls and as a result of the proposal.*
- *The proposed development is contrived and ill thought out, the proposed retirement units do not have adequate outdoor space, they have been crammed into an area and detract from the setting of the listed building.*
- *The proposed units, owing to their layout would result in the loss of privacy for existing residents.*
- *The proposed laundry and maintenance unit would result in noise impacts that would harm the amenities of neighbouring residents both at Cedars Village any beyond, this*

*is especially a concern owing to the limited depth of gardens. The proposed heat pumps are especially a concern.*

- *There are significant concerns relating to the loss of mature trees to make way for a very contrived development which is simply cramming in units rather than thoughtfully considering the setting of the designated heritage assets, the density of the proposal is inappropriate within the site's context.*
- *The proposed development would have a detrimental impact on protected trees and trees of Visual importance on the site and the proposed mitigation measures do not serve to outweigh the Proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF*
- *There are concerns relating to the impact on ecology.*
- *Should the laundry and maintenance building be considered acceptable, it must ONLY be used for this site and should not be used for any other process.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

- 5.1.2 Conservation Officer: The proposals were discussed verbally with this consultee, and they confirmed that their written comments made in respect of 22/1323/FUL remain applicable to the proposed development.

*Comments of 23/09/2022 on 22/1323/FUL*

*"The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.*

*This application follows pre-application advice (ref: 22/0422/PREAPP) for a largely similar scheme.*

*The proposed laundry and maintenance facility and residential units at Badgers Walk would not raise an objection. The laundry and maintenance facility would follow the same form and appearance as the existing modern double garage and would not detract from the setting of the Entrance Lodge or the principal listed building. Badgers Walk would not result in harm to the setting of the listed building due to the scale and extent of intervening development.*

*With regard to the proposed development at Marriot Terrace; it was advised within pre-application advice that there would be concerns about the visual impact due to the proximity to the listed building. It was recommended to provide further information (visualisations or streetscene) to show the new dwellings in the context of the listed building to understand the full impact. Such information has not been presented in the full application and therefore, previous concerns have not been addressed. As previously noted, the existing garages are small scale ancillary buildings and there would likely be an impact arising from the proposal due to the change in character and increase in built form. Due to the lack of sufficient information, concerns regarding the development at Marriot Terrace remain applicable.*

*Furthermore, concerns were also raised regarding the scale of the dormers and quantity of rooflights which have not been addressed. It should also be noted that the loss of existing trees raises a concern as this could exacerbate the visual impact of the development through the loss of screening.*

*I have no in concerns upon the principle however the acceptability of the scheme is dependent upon the detail. Therefore, I request additional information, such as an indicative street scene to show the new development in the context of the listed building.*

Comments of 01/12/2022 on 22/1323/FUL

*"This application is for the demolition of existing garages and construction of 7no. new Extra Care units (use class C2) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking.*

*The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.*

*This is the second consultation within this application. Initial advice stated that there were concerns regarding the visual impact arising from the Marriot Terrace development and requested a proposed street scene to fully understand the impact of the proposal.*

*No additional information has been submitted. As noted previously the existing development comprises of small-scale ancillary buildings. There is potential for the development to be more visually intrusive than the existing development due to the increase in built form as well as the proximity to the listed building and positioning of the dwellings set at 45-degree angle. However, taking into consideration the extent of existing development within the setting of the listed building, the proposed dwellings would unlikely result in any additional harm.*

*Notwithstanding this, there is a missed opportunity to reduce the impact of this development. Were the dwellings re-positioned to sit behind the front building line of the listed building the visual impact would be mitigated. I recommend that the front rooflights are omitted to reduce the visual impact of the new dwellings."*

5.1.3 Landscape Officer: [No objection subject to conditions].

*Further to previous comments on this application, it appears amendments have been made, which will allow the retention of tree T61 (Horse Chestnut). Other than this the impact on trees appears to be substantially the same as the previous application. As with the previous application, this proposal would locate new dwellings in very close proximity to the mansion house. This would lead to further loss and damage to the landscaped grounds and, as a consequence, the setting of the main house.*

*The retention of T61 is welcomed, however remedial landscaping plans should include details of how the rooting environment of this retained tree will be improved. This should include the removal of the existing geotextile membrane and the application of composted bark mulch layer, or similar. Details should be required as part of a discharge of conditions.*

*The loss of trees to the rear of the main house, including T34 is regrettable, however their visual amenity value is limited, and substantial replacement tree and shrub planting should mitigate these impacts. Some indication of replacement tree planting has been provided, but further details of new planting should be required, particularly in the vicinity of the proposed dwellings.*

*If the application is approved, a more detailed landscaping scheme should be required by condition.*

Comments on 22/1329/FUL

*The application site (a retirement village) is within the Chorleywood Common Conservation Area and the Green Belt. The land is recognised as a wildlife site within which is a Grade II listed building. An area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site. There are a number of mature, prominent trees across the site that are visually appealing and important within the local landscape. It is noted that a large specimen tree has been*

*removed to the front of 17-19 Cedars Walk and the large Silver Lime to the front of the main building has recently lost a substantial limb.*

*The proposed development involving the construction of new dwellings and landscaping will impact directly and indirectly on trees; several mature trees are proposed for removal and a number of poorer specimens would be removed and/or pruned. The applicant has provided a tree survey and impact assessment, tree protection plan, constraints plan and a tree planting plan. Of particular note is the proposal to remove a mature Horse Chestnut tree (T61) located in a small car parking area in Marriott Terrace, to the north of the main building.*

*The tree is a mature specimen but appears to be showing signs of decline within part of its crown but the remaining canopy is showing good vigour. The submitted tree report suggests that the tree is likely to have safe useful life expectancy of less than 20 years. However, no indication of what might be causing the decline has been offered and no climbing inspection or internal decay testing has been carried out. A site visit has revealed that the rooting conditions of the tree are less than ideal, with the root zone of the tree covered with landscaping fabric tight up to the base of the main stem.*

*The application seeks to take a pragmatic view that removal of the tree and redevelopment of the area provides an opportunity to establish a replacement specimen to maintain tree cover over the long term. However, the information provided does not make a compelling case that the tree is in terminal decline and it seems possible that some remedial tree works and improvements to the rooting environment could allow the tree to be retained for at least another 20 years.*

*In addition, the layout of the proposed landscaping would not make a central feature of the replacement tree, unlike the existing Horse Chestnut and its close proximity and position to the southwest of the proposed development is likely to lead to heavy shading and nuisance issues for future residents.*

*It is also proposed to remove an early mature Norway Maple (T34) to the rear of Marriott Terrace with the tree report describing it of having poor vigour. Whilst not currently visually prominent a site visit has confirmed that the Maple appears to be in good health and condition and has good form. No signs of low or poor vigour were observed, although a row of poor-quality Lawson's Cypress are currently suppressing the Maple's growth to the north and west. The proposed removal of the Cypress could greatly benefit the Maple, which could have a safe useful life expectancy of over 40 years.*

*Other works in this area are mainly to low value category C trees including the felling of a group of Lawson cypress and the pruning of some Yew and Sycamore. Across the other side of the site, to the south-east at Badgers Walk, three category C trees are proposed for removal, a Holly, Norway Maple and Lawson cypress. Towards the front entrance of the site, a new laundry building is proposed where a number of smaller sized holly will be removed.*

*One for one replacement planting has been considered across the site to mitigate the loss of the larger tree specimens. Given the mature nature of some the trees proposed for removal, this would seem inadequate, and there are some concerns regarding the location, number and type of trees that have been proposed. Principally, new planting should not just replace but enhance the environment and landscape around it. Whilst the sourcing of extra heavy standard trees will provide immediate visual impact, it is felt that further consideration should be given to the future growth implications of the Dawn Redwood in Marriotts Terrace and the Maple at Badgers Walk. Given their close proximity to the proposed new dwellings it is likely future residents will experience the loss of light, branches touching buildings, and nuisance issues, such as leaf drop.*

*The Cedars Village comprises of a community of retirement dwellings, built within the former landscaped grounds of a grade II listed mansion house. Whilst much of the existing dwellings are within the wider grounds, this new proposal would locate new dwellings in very close proximity to the mansion house. This would lead to further loss and damage to the landscaped grounds and, as a consequence the setting of the main house.*

*In summary, refusal is recommended due to the removal of mature trees; inadequate proposals for replacement tree planting and the loss and damage to the landscaped grounds of a listed building. The proposals are contrary to Policy DM1, DM3 & DM6 of the Three Rivers Local Plan 2014. Should planning permission be granted additional proposals for replacement tree planting and remedial landscaping should be required.*

5.1.4 HCC Flood Risk Management Team (LLFA): Objection

**Officer comment:** This consultee is currently reviewing further information which was submitted by the applicant in response to the below objection.

*Thank you for your consultation on the above site, received on 25 July 2023. We have reviewed the application as submitted and wish to make the following comments.*

*The application is for the demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation, in addition to a new building to provide a laundry and maintenance store, and conversion of an existing garage to serve as a maintenance store and associated parking.*

*Full drainage network calculations should be provided to ensure the scheme will work for all return periods up to and including the 1 in 100 year plus climate change. We would usually expect provision of calculations for a 1 in 1, 1 in 30, 1 in 30 plus climate change, 1 in 100, and 1 in 100 year plus appropriate climate change as a minimum to support this. We are also concerned the calculations provided have used FSR method rather than using the latest FEH2022 rainfall data. In addition, the applicant has not provided evidence to demonstrate the proposed surface water system has applied the four pillars of SuDS as there is no information provided for biodiversity, amenity, or water quality. Provided infiltration testing is not sufficient to support current proposals.*

*We object to this planning application in the absence of an acceptable Drainage Strategy / supporting information relating to:*

- *Impacts from the development adversely effecting flood risk as runoff rates and volumes have not been provided.*
- *Insufficient supporting data to demonstrate viability of proposed drainage scheme.*
- *The development not complying with NPPF, PPG or local policies - Three Rivers Local Plan: Policy DM8 (Flood Risk and Water Resources)*

*Reason*

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

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

5.1.5 Hertfordshire Ecology: [No response received]

5.1.6 Environmental Health: The proposed development was discussed verbally with this consultee who made the following comments:

- *There are not concerns with the siting of the laundry and maintenance facility subject to conditions limiting the hours of use (i.e. normal day time working hours and not on Sundays and bank holidays).*

5.1.7 HCC Footpath Section: [No response received]

5.1.8 Local Plans Section: [No response received]

5.1.9 National Grid: [No response received]

## **5.2 Public/Neighbour Consultation**

5.2.1 Neighbours consulted: 199

5.2.2 Site Notice posted 28.07.2023, expired 18.08.2023.

5.2.3 Press notice published 04.08.2023, expired 25.08.2023.

5.2.4 Responses received: 19 (17 Objection, 1 Neutral, 1 Support)

5.2.5 Summary of responses

### Objection

- Impact upon Conservation Area
- Impact upon Listed Building
- Loss of parking
- Loss of trees
- Overlooking concerns
- Loss of outlook
- Construction disruption including traffic, dust and noise
- General increase in noise
- Impact to wildlife
- Loss of value to existing property
- Noise from proposed laundry and maintenance facility
- Concerns over fire safety

### Support

- Improved facilities for residents from the proposed development

5.2.6 Material planning considerations are addressed in this report.

## **6 Reason for Delay**

6.1 Committee cycle and deferral for site visit.

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

### Legislation

7.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within 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 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 7.1.5 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

### *National Planning Policy Framework and National Planning Practice Guidance*

- 7.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 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”.
- 7.2.2 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).

### *The Three Rivers Local Development Plan*

- 7.2.3 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.
- 7.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10 and CP12.
- 7.2.5 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. Policies DM1, DM3, DM6, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5.
- 7.2.6 Chorleywood Neighbourhood Development Plan (referendum version August 2020). Policies 1, 2, 3 and 4 are relevant.

## 7.3 Other

- 7.3.1 The Chorleywood Common Conservation Area Appraisal (adopted February 2010).
- 7.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **8 Planning Analysis**

### 8.1 Principle of Development

- 8.1.1 The proposed development would result in a net gain of seven dwellings. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through

the planning application process where it will be tested in accordance with relevant national and local policies.

8.1.2 Paragraph 123 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. The application would therefore need to be assessed against all other material planning considerations.

8.1.3 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications 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 targets.

8.1.4 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Secondary Centres are expected to contribute 60% of housing supply over the plan period. There is no objection in principle to residential development subject to compliance with other relevant policies.

## 8.2 Housing Mix

8.2.1 Policy CP3 sets out that the Council will require housing proposals to consider 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 Local Housing Needs Assessment (LHNA) (2020) 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%         |

8.2.2 The nature of the proposed development means that it would provide 100% 2-bedroom units and would not strictly accord with Policy CP3 of the Core Strategy, however it is considered that a development of this nature would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

## 8.3 Affordable Housing

8.3.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

- 8.3.2 As a net gain of seven dwellings, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the "Highest Value Three Rivers" market area where the figure is £1,250 per square metre. The Council have calculated the affordable housing payment requirement to be £656,250 (plus £387,835 indexation).
- 8.3.3 The terms of a Section 106 have been agreed between the applicant and the LPA to secure this amount as a contribution towards affordable housing. The Section 106 agreement at the time of writing this report has not been executed therefore any recommendation for approval would be subject to the completion of the Section 106. The completion of the Section 106 agreement to secure a commuted sum payment for affordable housing contribution would satisfactorily overcome the previous reason for refusal of 22/1323/FUL.
- 8.3.4 In summary, the proposed development, subject to the completed of the Section 106, is acceptable in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 8.4 Impact on Conservation Area & Heritage Assets
- 8.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 8.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 8.4.3 For new residential development, Policy DM1 states that the Council will protect the character and residential amenity of existing areas of housing from forms of "backland", "infill" or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
  - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles.
  - iii. The generation of excessive levels of traffic
  - iv. Loss of residential amenity
  - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 8.4.4 The application site is located within the Chorleywood Common Conservation Area and within the former grounds of The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore it states that development should not harm important views into, out or within the Conservation Area.
- 8.4.5 The Chorleywood Neighbourhood Plan is also relevant. Policy 1 relates to 'Development within Conservation Areas' and requires that development proposals should preserve or enhance the character or appearance of the Conservation Area and use materials that area

appropriate. Policy 2 relates to the characteristics of development and requires all developments to demonstrate how they are in keeping.

- 8.4.6 The Conservation Officer was consulted on the proposed development (under application 22/1323/FUL). As set out above, this scheme is largely identical in terms of its design with the exception of two of the dwellings at the Marriot Terrace site being sited some 3.0m further to the east. The Conservation Officer initially stated, with regard to the proposed development of five dwellings at Marriot Terrace, there would be concerns about the visual impact due to the proximity to the Grade II Listed Building. The Conservation Officer recommended at pre-application stage that information was provided at application stage, including either a ground level visualisation or street scene to show the new dwellings in the context of the Listed Building to understand the full impact. Such information has not been presented with this current application. The Conservation Officer raised concerns that there would be potential for the development to be more visually intrusive due to the change in character and increase in built form relative to the existing garage site. The Conservation Officer acknowledges, taking into consideration the extent of existing development within the setting of the listed building, that the proposed dwellings would unlikely result in any additional harm. Based on the submitted information in conjunction with visiting the site and observing the location of the development from key front and side views of the Grade II Listed Building, Officers consider that the proposed dwellings would not impact the setting of the building. Therefore, whilst street scene drawings were not submitted with this application, it is considered that a full assessment can be made, and the proposed development is acceptable in terms of its impact in this regard.
- 8.4.7 The Conservation Officer raised no objection to the two proposed dwellings at Badgers Walk. It is not considered that these would result in harm to the setting of the listed building due to the scale and extent of intervening development.
- 8.4.8 In terms of the design of the dwellings, these would be of comparable scale to those which currently exist within the village. It is considered that the proposed layout of the dwellings at both the Marriott Terrace and Badgers Walk sites would maintain the character of the area in terms of their scale and siting. It is noted that the Conservation Officer expresses some concern regarding the scale of the proposed rear dormer windows. When applying the Design Criteria at Appendix 2, which states that dormers must be subordinate to the host roof slope, set in from the flanks, set down from the ridge and set up from the eaves, it is considered that the dormers would meet this criteria and, on balance, are acceptable. In addition, whilst it is acknowledged that the Conservation Officer recommends the omission of the rooflights, it is not considered that these would result in harm which would justify the refusal of permission. It is considered appropriate to include a condition on any permission granted for full details of materials including fenestration. It is also considered appropriate to include a condition restricting further extensions to the dwellings under the provisions of permitted development to allow the LPA adequate control in preventing overdevelopment of the site.
- 8.4.9 The Conservation Officer raised no objection to the proposed laundry and maintenance facility. It is considered that the laundry and maintenance facility would follow the same form and appearance as the existing modern double garage in this location and would not detract from the setting of the Entrance Lodge or the principal Listed Building. In response to comments regarding the setting of nearby Listed Buildings within The Paddocks, the Conservation Officer confirmed that the proposed development would not harm the setting of these buildings.
- 8.4.10 It is acknowledged that the Conservation Officer expresses concern regarding the loss of tree screening. While this is noted, the proposed trees to be removed are limited to the area to the rear of the Marriott Terrace site which have limited value in their contribution to the site. It is not considered that the trees proposed to be removed would detrimentally harm the character of the site, Conservation Area or setting of the Listed Building. As discussed within the Landscape section of this report, landscape mitigation is proposed.

- 8.4.11 The impact of the proposed development on this ground was deemed to be acceptable under application 22/1323/FUL. It is not considered that the proposed minor amendments, as discussed above, would alter this consideration.
- 8.4.12 In summary, the proposed development would not result in an adverse impact on the character or appearance of the Conservation Area or Heritage Assets and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version) (2020).
- 8.5 Impact on Neighbours
- 8.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.5.2 At the Marriot Terrace site, the proposed block plan indicates that the proposed dwellings would adhere to the 45-degree splay line and are not considered to result in harm to one another in terms of a loss of light or overbearing impact. Given the siting of the proposed dwellings it is not considered that they would result in harm to existing adjoining neighbours in terms of a loss of light or overbearing impact. It is acknowledged that the proposed dwellings in this location would be visible from some of the windows to the extended residential wing of the mansion house, located directly to the south. Whilst this is factored into consideration, it is not considered that such visibility in this instance equates to harm.
- 8.5.3 It is not considered that the fenestration proposed to the dwellings, including ground floor front and rear windows, front rooflights and rear dormers, would result in overlooking to one another or existing adjoining neighbours. There would be a separation distance of 20m from the rear elevations of the three dwellings in the northern portion of the Marriot Terrace site and the dwellings to the rear within Parkfield. It is not considered that the rear dormers would harmfully overlook these neighbours given the separation distance. The rear dormers to the southernmost pair of dwellings in this location would overlook an area of grass and woodland to the rear of the mansion.
- 8.5.4 At the Badgers Walk site, the dwellings would assume a staggered arrangement however it is not considered that these dwellings would be harmfully overbearing or lead to an unacceptable loss of light to the front and rear windows of one another. It is not considered that the fenestration proposed to the dwellings, including ground floor front and rear windows, front rooflights and rear dormers, would result in overlooking to one another or existing adjoining neighbours. It is acknowledged that the rear dormers would overlook part of the shared lawn amenity space to the rear of the row of dwellings along Badgers Walk to the west. It is not considered, given the general arrangement and inherent degree of overlooking within the wider site presently, that this would be an unacceptable arrangement.
- 8.5.5 It is not considered that the proposed new laundry building, given its scale and siting, would result in harm in terms of a loss of light or overbearing impact to adjoining neighbours within The Paddocks. It is also considered, given that the fenestration would be limited to ground floor level, that this building would overlook any neighbour.
- 8.5.6 It is acknowledged that comments were received during the application regarding concerns of noise generated by the proposed new laundry and maintenance facilities and the potential impact on adjoining neighbours. Whilst these concerns are noted, it is considered that this element of the development would be acceptable subject to appropriate conditions limiting the use of these facilities to reasonable working hours, such as those set out within the Control of Pollution Act 1974 which state 0800 to 1800 Monday to Friday, 0900 to 1300

on Saturdays and not at all on Sundays and Bank Holidays. The application was discussed with the Environmental Health Officer who raised no concerns subject to conditions regarding hours of use.

- 8.5.7 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 8.6 Highways & Parking

- 8.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

- 8.6.2 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

*The proposed development would result in an unacceptable parking arrangement across the application site and would result in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).*

- 8.6.3 The adopted parking standards, as per Appendix 5 of the DMP LDD, dictate that the development should provide 10.5 parking spaces. The proposed development would involve the demolition of 17 garage spaces and 4 car parking spaces. The development would therefore result in a deficit of up to 31.5 car parking spaces when factoring in the proposed loss and the policy requirement for parking provision. It is considered appropriate to use this as a starting point for the assessment of the parking implications of the proposed development. The above consideration was applied to the previously refused scheme however it was not satisfactorily demonstrated previously that the proposed parking policy deficit would not result in harm by virtue of vehicles parking informally within the site and immediately outside the site on the public highway.

- 8.6.4 The application is accompanied by a Transport Statement (TA), prepared by Transport Planning Associates dated July 2023 including a car parking survey. The previous application was accompanied by a two-day parking survey carried out on a Friday and Saturday in November 2021. This current application includes a further 5-day survey carried out in May 2023. The two surveys recorded an average residential occupancy rate of 80% and 84% respectively, which the TS notes to be typical of similar sites ran by the same operator as Cedars Village, Retirement Villages Group. The data presented confirms that, following the proposed development, the peak demand for parking would not be more than the total number of formal parking spaces available at the site. Therefore, there would not be any need for residents, staff, or others to park informally within Cedars Village or on the local highway network. The TS notes that 10 formal parking bays and a further 2 garage spaces would be delivered by the proposed development.

- 8.6.5 While there would be a shortfall in parking provision, when assessed in accordance with the adopted parking standards in Appendix 5 of the DMD LDD, the LPA can attribute weight to the parking data supplied by the applicant which demonstrates that there are more than enough parking spaces to accommodate the demand generated by Cedars Village including the proposed development. The TS includes plans showing that the demand for parking could be accommodated within the wider site and would not be displaced onto the local highway network. Furthermore, the updated information supplied with this application indicates availability of informal parking bays within the complex, which would not obstruct

the flow of traffic within the site, where parking may be displaced to, should formal bays not be available. Weight may therefore be given to the current site circumstances with regard to car-parking in this instance which are sufficient to override the deficit of parking provision applying Appendix 5 of the DMP LDD. On balance therefore in the context of Cedars Village as a whole, the proposed parking arrangement is considered to be acceptable and would not justify the refusal of the application on this ground.

- 8.6.6 Since the previous committee meeting, the applicant has submitted a Car Parking Management Strategy. As set out above, Officers are satisfied that the requisite level of parking could be accommodated within the site.
- 8.6.7 The original TS reports submitted were based on parking survey work, augmented by the observations of experienced site management and staff. The parking survey figures include all vehicles observed at the site including those of residents, visitors (including personal and professional visitors e.g. third-party carers) and Cedars Village staff.
- 8.6.8 At the time of the previous two surveys, 84% of homes at Cedars Village were occupied, which is stated to be a typical level observed over many years at this site and others across the country operated by the same company. The TS (Dec 2023) notes at paragraph 2.19 that, to provide a robust assessment, the proposals have tested with the assumption of full site occupancy (or 100%). The applicant contends that this is a theoretical scenario and not a realistic proposition; but that it demonstrates that the village can accommodate the requisite level of parking with the proposed development in a “worst case” scenario.
- 8.6.9 Based on observed levels of parking, peak demand with the proposed additional dwellings is estimated to be 111 spaces, leaving 37 parking spaces and 4 garages still available at typical occupancy levels. This figure would reduce to 17 spaces and 4 garages still available in the theoretical (100%) occupancy scenario. The TS (Dec 2023) accordingly is considered to further satisfactorily demonstrate that Cedars Village with the proposed development could readily accommodate the requisite level of parking in a real-life scenario, based on the original survey work and typical site occupancy, and in the “worst case” scenario of full site occupancy.
- 8.6.10 In addition to the above, the TS (Dec 2023) has carried out further studies which highlight that, while Cedars Village can accommodate its existing and proposed parking demand, there are parking “hot spots” across the village. The reasons for this include undedicated staff parking and the tendency of staff to park in the most convenient locations for access to the clubhouse. Local parking demand has been analysed, with the village broken down into six zones. To address this matter in the future, outside the remit of this current application, dedicated staff parking is proposed to be introduced in zones of lower parking demand which will significantly reduce localised pressures across the site. The report also includes further “Travel Plan” measures which could be implemented in the future, irrespective of the current proposals, to reduce the demand for parking across the site.
- 8.6.11 In summary, detailed and site-specific survey work has established that overall, there is adequate parking provision to accommodate the parking demand generated by the proposed development. The information provided by the applicant additionally demonstrates that localised improvements such as dedicated staff parking within areas of lower parking demand across the village could improve access to parking for residents and visitors, reducing walking distances from car parking locations to residences. This can be secured by a condition providing for the submission and approval of a Car Parking Management Strategy.
- 8.6.12 The Public Sector Equality Duty is a material planning consideration. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not

share it; and (c) foster good relations between persons who share a relevant characteristic and those who do not share it. Subsection (3) of s.149 specifies in further detail what “having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it” involves. The “relevant protected characteristics” are listed in s.149(7) and include age, disability, and race.

- 8.6.13 The LPA note that concerns have been raised in the context of the application and the application of the Equality Duty relating to whether the proposed new dwellings would displace parking facilities at present accessible to persons including those who are elderly and those with limited mobility in a way that would be detrimental to those persons. While, as set out above, the LPA is satisfied that Cedars Village with the proposed development would be readily able to accommodate the requisite parking provision across the whole village, the LPA has considered the above accessibility considerations in the light of the duty in S. 149. Having regard to the proposed location of the 3 applications sites, the Existing Parking Layout drawing SK01 C and the Proposed Parking Layout drawing SK03 B, and the TPA Car Parking Management Plan January 2024 officers are satisfied that the proposed car parking arrangements would not materially affect the equality of opportunity to access car parking at Cedars Village between persons who share a relevant protected characteristic and persons who do not under the 2010 Act subject to a planning condition requiring the submission and approval of a car parking management plan.
- 8.6.14 The LPA note that the applicant has undertaken further work in ensuring that future parking allocation to staff will aim to relieve pressure on the more popular locations to park across the site, close to the clubhouse and flats, where distances may be greater between individuals dwellings and car parking spaces. Where parking is to be displaced, it is to be ensured that opportunities to park in close proximity to affected residences remains available. In addition to accepting the total parking provision across the site is acceptable, the LPA has had regard to the provisions of S. 149 of the Equality Duty, the existing and proposed parking layouts and the proposed car parking management plan and does not consider that the grant of planning permission for the proposed development would be materially detrimental to those persons occupying residences in proximity to the proposed development new residences as regards car parking
- 8.6.15 It is considered that the reason for refusing the previous application on car-parking grounds has been satisfactorily overcome through the submission of updated and more robust information. The proposed development, subject to a car parking management condition, is considered acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

## 8.7 Trees & Landscape

- 8.7.1 Policy CP12 of the Core Strategy expects development proposals to ‘have regard to the character, amenities and quality of an area’, to ‘conserve and enhance natural and heritage assets’ and to ‘ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.’ Policy DM6 of the Development Management Policies LDD advises that ‘development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 8.7.2 The application site is within the Chorleywood Common Conservation Area and an area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site.
- 8.7.3 The application was accompanied by a Tree Survey & Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Tree Planting Mitigation Proposal.

- 8.7.4 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

*The proposed development would have a detrimental impact on protected trees and trees of visual importance on the site and the proposed mitigation measures do not serve to outweigh the proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

- 8.7.5 It is firstly noted that this current application does not propose the removal of the large, mature Horse Chestnut tree (T61). This was a key component of the previous reason for refusal, as set out above. Two of the proposed dwellings within the Marriott Terrace site have been moved approximately 3.0m to the east of their previous siting, allowing the existing landscaped area and existing hardstanding to be retained. Furthermore, improvements to the rooting environment of this tree are proposed, as recommended by the Landscape Officer.
- 8.7.6 This current application proposes the removal of an early mature Norway Maple tree (T34) and other smaller scale Category B and C trees. T34 and the other trees are located to the rear of the Marriott Terrace site and to the side of the mansion, in a relatively discreet area of the site. T34 was proposed to be removed as part of application 22/1323/FUL. The Landscape Officer notes that the loss of trees, including this tree, to the rear of the main house however their visual amenity value is limited, and substantial replacement tree and shrub planting, as proposed in the Tree Planting Mitigation Proposal, would mitigate these impacts. The Tree Planting Mitigation Proposal includes a total of 12 new trees across the wider site and in more visually prominent locations. As set out within the proposals, these trees would be semi-mature specimens ranging from 2.5-4m in approximate height.
- 8.7.7 The Landscape Officer's comments in relation to the loss of landscaping resulting in an impact to the setting of the mansion is noted, however, as discussed in the above Character and Heritage section, the proposed development is acceptable in this regard. Notwithstanding, any recommendation for approval will be subject to the recommendation of the Landscape Officer for a condition requiring a detailed landscaping scheme.
- 8.7.8 The application is also accompanied by a Tree Protection Plan. Any recommendation for approval will be subject to a condition requiring the development to be carried out in accordance with this plan, including protection measures such as fencing, to be erected prior to the commencement of the development.
- 8.7.9 In summary, the proposed mitigation would adequately outweigh the proposed tree removal. It is considered that the reason for refusal of 22/1323/FUL has been satisfactorily overcome. The proposed development is therefore acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

## 8.8 Drainage & Flooding

- 8.8.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.
- 8.8.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) 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). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

- 8.8.3 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

*In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).*

- 8.8.4 Flood Risk and Drainage information has been submitted with this current application to address the previous reason for refusal. The LLFA commented on this application and stated that the current information is insufficient to recommend the application for approval on this ground. Notwithstanding, the LLFA confirmed that they are agreeable to review amended information to address their outstanding concerns. The application provided amended information during the application which the LLFA are currently reviewing.

## 8.9 Rear Garden Amenity Space

- 8.9.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

- 8.9.2 The proposed dwellings would reflect the same amenity space arrangement as the existing dwellings within the village whereby each of the dwellings have a designated patio area however the amenity gardens are open to the wider village area. Each of the dwellings are afforded a similar amount of lawn area beyond their individual patio areas and the wider village complex contains large open areas of amenity lawn. It is considered that the proposed development is acceptable in this regard.

## 8.10 Refuse & Recycling

- 8.10.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

- 8.10.2 The site is an existing residential area with existing communal refuse and recycling compound. It is considered acceptable for the proposed development to utilise the existing refuse and recycling arrangements.

- 8.10.3 The proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

## 8.11 CIL

- 8.11.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came

into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre of residential development.

## 8.12 Biodiversity

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

8.12.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

8.12.3 The application was accompanied by an Ecological Assessment, by Ecology Solutions dated June 2023. The report submitted with this application is an updated version of the same report submitted with application 22/1323/FUL, dated July 2022. The report includes Habitat Bat surveys. The report confirms that no adverse impacts on protected species or protected sites are therefore considered likely as a result of the development proposals. The report notes that all survey work is less than two years old and therefore, still within the typical period considered valid for the purpose of planning.

8.12.4 Hertfordshire Ecology were consulted on the application however have not submitted any formal consultee comments at the time of writing this report. As set out above, the information in this aspect remains the same as submitted under application 22/1323/FUL. For this previous application Hertfordshire Ecology confirmed that biodiversity would not be negatively impacted by the proposed development. Hertfordshire Ecology noted that locally there will be loss of some habitat features and trees to accommodate the proposals, but do not consider that the habitats affected are of sufficient value to represent a fundamental constraint. They further acknowledge that landscaping is proposed which will restore some habitat although this is likely to be of limited significance in overall impact.

8.12.5 Hertfordshire Ecology recommend the inclusion of conditions to secure ecological enhancement and mitigation features such as bat boxes, tiles, and bird boxes. A condition will therefore be included on any permission granted for the development to be carried out in accordance with the recommendations of the Ecological Assessment.

8.12.6 In summary, subject to conditions, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

## 8.13 Fire Safety

8.13.1 Since the previous committee meeting, representations from residents have been received regarding the fire safety aspect of the site during and following the proposed development. While this is not a material planning consideration, the applicant has submitted a Fire Strategy Technical Note to address this.

8.13.2 The applicant has confirmed that the proposed works to the area between Marriott Terrace and Wildwood Court do not impact on the existing fire strategy or vehicular access to

Wildwood Court. It is stated that the footpath that joins Marriot Terrace with the escape door/stair tower will be maintained as the access route for any emergency services, should this be necessary. It also maintains the fire escape route for residents/staff/visitors from the end of Wildwood Court as required in the buildings fire strategy document; the Fire Strategy has been produced with guidance/comments from the Fire Consultant. Access/turning for emergency vehicles will be maintained on Marriot Terrace and the new parking arrangements will not impact on access to existing facilities or new proposals; the design has been produced with guidance/comments from the Transport Consultant. During the construction phase of the works, the appointed contractor will ensure the fire strategy and vehicular access is maintained to Wildwood Court.

## 9 Recommendation

That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to the conditions set out below, and any conditions requested by the LLFA:

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

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

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

CVR-HLM-00-00-DR-A-00000 P07, CVR-HLM-00-00-DR-A-00001 REV P03, CVR-HLM-00-00-DR-A-00601 P01, CVR-HLM-00-00-DR-A-00602 P02, CVR-HLM-00-00-DR-A-00604 REV P02, CVR-HLM-02-00-DR-A-00000 P05, CVR-HLM-02-00-DR-A-00001 REV P01, CVR-HLM-02-00-DR-A-00100 REV P04, CVR-HLM-02-00-DR-A-00600 P02, CVR-HLM-02-00-DR-A-00601 P01, CVR-HLM-02-01-DR-A-00101 REV P04, CVR-HLM-02-RF-DR-A-00102 REV P04, CVR-HLM-02-XX-DR-A-00200 REV P04, CVR-HLM-02-XX-DR-A-00300 REV P04, CVR-HLM-03-00-DR-A-00100 REV P04, CVR-HLM-03-01-DR-A-00101 REV P04, CVR-HLM-03-RF-DR-A-00102 REV P04, CVR-HLM-03-XX-DR-A-00200 REV P03, CVR-HLM-03-XX-DR-A-00300 REV P03, CVR-HLM-04-00-DR-A-00000, CVR-HLM-04-00-DR-A-00001 REV P01, CVR-HLM-04-00-DR-A-00100 REV P03, CVR-HLM-04-00-DR-A-00600 P01, CVR-HLM-04-00-DR-A-00601 P01, CVR-HLM-04-01-DR-A-00101 REV P03, CVR-HLM-04-RF-DR-A-00102 REV P03, CVR-HLM-04-XX-DR-A-00200 REV P03, CVR-HLM-04-XX-DR-A-00300 REV P03, CVR-HLM-05-00-DR-A-00000 P05, CVR-HLM-05-00-DR-A-00001 REV P03, CVR-HLM-05-00-DR-A-00103 REV P03, CVR-HLM-05-00-DR-A-00104 REV P03, CVR-HLM-05-00-DR-A-00105 P03, CVR-HLM-05-00-DR-A-00110 REV P05, CVR-HLM-05-00-DR-A-00300 REV P01, CVR-HLM-05-00-DR-A-00600 P01, CVR-HLM-05-00-DR-A-25500 REV P02, CVR-HLM-05-XX-DR-A-00300 REV P05, CVR-HLM-05-XX-DR-A-00400 REV P02, RG-LD-01 REV B, RG-LD-02 REV B, RG-LD-03 REV C, RG-LD-04 REV E, SK01 REV C, SK03 REV B, 1783-KC-XX-YTREE-TPP02 REV 0

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, including Chorleywood Common Conservation Area and the setting of the Grade II Listed Mansion House, and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Common Conservation Area Appraisal (2010) and the Chorleywood Neighbourhood Development Plan (referendum version August 2020).

- C3 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

- C4 The tree protection measures, including protective fencing in accordance with BS5837 2012, as shown on drawing number 1783-KC-XX-YTREE-TTP02 REV 0 shall be installed in full accordance with the approved drawing 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 required 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).

- C5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials, and method of drainage.

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

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

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre-commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, the proposed Tree Planting Mitigation Proposals shall be carried out in accordance with the submitted report.

If any trees become severely damaged or diseased within five years of the completion of development, they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance and landscape character 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).

- C7 Prior to the commencement of works above ground level, details of ecological enhancement measures, such as bat tiles, bat boxes and bird boxes, recommended by the Ecological Assessment, including quantity, scale and location, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To ensure that the development meets 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.

- C8 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, the proposed improvements to the rooting environment of T61 shall be carried out in accordance with the details as shown on drawing number RG-LD-04 REV E.

Reason: To ensure that the development meets 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.

- C9 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement, prepared by Hoare Lea dated 22 June 2022, prior to the first use of the development and shall be permanently maintained thereafter.

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

- C11 The laundry and maintenance facilities hereby permitted, shall not operate other than between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 09:00 to 13:00 on Saturdays, and not at all on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted

October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C12 The proposed new parking spaces shall be provided in accordance with drawing number SK03 REV B prior to the first occupation the development hereby permitted. The parking spaces shall thereafter be kept permanently available for the use of occupiers or visitors to the site.

Reason: To ensure that adequate off-street parking space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways 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).

- C13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i. Parking of vehicles of site operatives and visitors.
  - ii. Construction of access arrangements including the routing of vehicles.
  - iii. Loading and unloading of plant and materials.
  - iv. Storage of plant and materials used in constructing the development.
  - v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  - vi. Wheel washing facilities.
  - vii. Measures to control the emission of dust and dirt during construction.
  - viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  - ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre-commencement condition in the interests of highway safety and convenience 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).

- C14 No development shall take place, including any works of demolition, until a Vehicle Parking management plan for Cedars Village has been submitted to and approved in writing by the local planning authority. The plan shall provide for:
- i) car parking of vehicles for staff and visitors,
  - ii) car parking for residents, and
  - iii) the parking of delivery and commercial vehicles.

Reason: This condition is a pre-commencement condition in the interests of highway safety and convenience 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).

#### Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto: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](http://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.

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

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

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

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

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

changes to reduce your energy and water use is available at:  
<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 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 development maintains/improves the economic, social and environmental conditions of the district.