

6. 18/2189/OUT - Outline Application: Demolition of offices and erection of new development of 33 flats with underground parking (matters of appearance, landscaping and scale reserved) at SCOTSBRIDGE HOUSE, SCOTS HILL, CROXLEY GREEN, HERTFORDSHIRE WD3 3BB (DCES)

Parish: Croxley Green

Ward: Dickinsons

Expiry of Statutory Period: 6 February 2019
(extension agreed to 29 March 2019)

Case Officer: Adam Ralton

Recommendation: That Outline Planning Permission be Refused

Reason for consideration by the Committee: This application was called to committee by three Members of the Planning Committee.

1 Relevant Planning History

1.1 18/1988/PDR: Prior Approval: Proposed change of use from Use Class B1 (Office) to Use Class C3 (Residential) to form 30 residential units. Prior approval required and approved November 2018.

1.2 18/1110/OUT: Outline Application: Demolition of offices and erection of new development of 33 flats with underground parking (matters of appearance, landscaping and scale reserved). Refused by Planning Committee (August 2018) for the following reasons:

- i. The proposed development is considered to constitute the complete redevelopment of previously developed land which would have a greater impact on the openness of the Green Belt than the existing development. It would therefore constitute inappropriate development within the Green Belt. No Very Special Circumstances exist to outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and actual harm. The proposed development would therefore be contrary to Policies CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013) and the NPPF.
- ii. The proposal would result in a loss of Use Class B1 (office) floor space. Insufficient information has been submitted to demonstrate that this loss would not harm the aims of CP6 to sustain parts of the District as attractive areas for business location and to release office space from employment use where this is expected to be surplus to employment needs as indicated by an up to date Employment Land Study. The proposal would result in an unacceptable loss of employment floorspace contrary to Policy CP6 of the Core Strategy (adopted October 2011).
- iii. Agreement regarding the level of affordable housing provision has not been reached at this time and the application has not demonstrated that it would not be viable to meet the Council's affordable housing policy requirement. Accordingly the development conflicts with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011).

An appeal is in progress in relation to this refusal.

2 Description of Application Site

2.1 The application site contains a large detached two storey building. Part of the existing building is shown on maps dating back to 1838. There have been alterations and extensions over time with the most significant of these dating back to the 1960s. The building is currently in use as offices and has been for a number of years.

- 2.2 The application site is to the south of Scots Hill on Rickmansworth Road, toward the bottom of the hill. The eastern boundary of the site runs alongside Lavrock Lane, which provides access down to the railway line and canal 300m to the south. The northern boundary of the site is the A412 Rickmansworth Road. The eastbound and westbound carriageways are separated in this location by a grass verge. To the north of the road are Scotsbridge playing fields and a pub/restaurant at Scotsbridge Mill. To the west of the site is Fortune Common open space.
- 2.3 The application site is located entirely within the Green Belt and contains a number of protected trees. The River Chess flows through the site, and therefore part of the site is within Flood Zones 2 and 3 from the river.

3 Description of Proposed Development

- 3.1 This application seeks outline planning permission for the demolition of the existing building and the construction of a new development of 33 flats with surface and underground car parking (with a total of 76 spaces). Matters of Appearance, Landscaping and Scale are reserved – therefore the only matters for consideration are Access and Layout.
- 3.2 The submitted application form suggests that 25 two-bedroom units are proposed, and 8 three-bedroom units. The submitted Design and Access Statement makes reference to the proposal being a low carbon development with the highest levels of sustainable and renewable construction technologies including the following:
- Building would be constructed from Structurally Insulated Panels which are manufactured off site. These reduce heat loss, and reduce traffic and air pollution generally associated with a building of this size because construction is in modular form. Speed of build is increased.
 - The development would be heated and cooled using ground source heat pumps which use bore holes rather than horizontal loops.
 - Solar panels located along south facing slopes and flat roofs will supply almost all the required electricity for the proposal.
- 3.3 The application also proposes biodiversity enhancements including planting across the facades with living walls and a sedum and wildflower flat roof to encourage birds and insects. There is also a pathway proposed from the site's entrance at Scots Hill running alongside the River Chess up to the railway embankment.
- 3.4 The application is supported by the following documents: Affordable Housing Viability Report, Arboricultural Impact Assessment, Design and Access Statement, Sustainability Appraisal, Biotope living wall specification document, Ecological Appraisal with Bat Survey, Flood Risk Assessment, Hydrogeological Risk Assessment, Transport Statement, Energy Demand Statement.
- 3.5 This application has been submitted following the refusal of outline planning application 18/1110/OUT. The differences between the refused scheme and the current scheme are as follows:
- Whilst the application has been submitted in outline form again (matters of Access and Layout to be considered), the applicant has submitted an amended set of elevations. These show a building different in design to the previous submission, in that the north eastern wing is now proposed to contain three floors of accommodation above ground level (including one within the roof) whilst previously it contained four. This has enabled the height to be reduced and gives a subservient appearance. In addition, the height of the flat roofed rear projection has been reduced from four floors along the majority of its depth, to three floors along part of its depth and two floors for the remainder. This better reflects the form of the existing building.

- A drawing has been submitted which indicates the potential route for a public access path alongside the River Chess from the site's vehicular access from Scots Hill, extending south to the southern boundary of the building's curtilage.

3.6 In addition, the site circumstances have changed, in that prior approval has been approved for the change of use of the existing building from office use (Use Class B1) to residential (Use Class C3) to provide 30 flats.

3.7 Finally, the Croxley Green Neighbourhood Plan has been made and adopted, and therefore is to be used in the consideration of this scheme.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Comment]

CGPC would like to mention policy point, RE2: Safeguarding Employment, from the Croxley Green Neighbourhood Plan which outlines a presumption against a change of use from any B Use Classes to Residential Use on the grounds of loss of employment.

4.1.2 Hertfordshire County Council – Highway Authority: [No Objection]

4.1.2.1 Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

4.1.2.2 Condition (site access improvements). The development shall not be occupied until revised access arrangements for the site incorporating the closure of the existing eastern access (and the reinstatement of the area to footway) are constructed in accordance with details to first be submitted to and approved in writing by the Local Planning Authority:

Reason;- In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy of the Three Rivers Local Plan 1996-2011 and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

4.1.2.3 Condition (bus access improvements). The development shall not be occupied until a detailed scheme for off-site highway improvements to deliver appropriate easy access kerbing to the existing bus stops on A412 closest to the site has been constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason;- In order to promote sustainable travel options for users of the site and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy of the Three Rivers Local Plan 1996-2011 and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

4.1.2.4 Condition (construction management):- The development shall not begin until full details of all proposed parking arrangements and mud / dust control facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan.

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

- 4.1.2.5 I recommend inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

- 4.1.2.6 This outline application requests permission for the demolition of the existing office building and the construction of 33 new flats. Access arrangements for the proposed development are proposed from A412 Scots Hill. The details submitted for consideration include a Transport Statement document (dated 09/07/18) providing information on the following transport elements of the development proposals.
- 4.1.2.7 Site Access: The existing highway access to the site is from A412 Scots Hill and is formed as a kerbed priority junction. Scots Hill is a Principal Road and is classified as a Main Distributor Road within Hertfordshire's road hierarchy. The road is laid out as a dual carriageway and is subject to a 30mph speed restriction with safety cameras on the immediate approach to the site.
- 4.1.2.8 The development proposes the introduction of a new egress from the site approximately 30m to the west of the junction with Lavrock Lane. Traffic movements into the site will continue through the existing western highway access and the existing eastern access will be closed. The Highway Authority will require that the development delivers works to reinstate the area of the eastern access to an unobstructed footway route behind a full height kerb.
- 4.1.2.9 Trip generation and distribution: The number of daily vehicular trips generated by the proposed development is not expected to exceed those using the site during its previous use. However, the nature and timing of the trips will alter and the trips associated with the residential use will be concentrated around the peak traffic flow periods.
- 4.1.2.10 Sustainable Travel Modes: The National Planning Policy Framework requires that decisions on development proposals should consider whether opportunities for sustainable transport modes have been taken up and also that safe and suitable access to the site can be achieved for all people. The encouragement of travel by sustainable modes is an important element to the successful development of the site. A number of facilities (including Rickmansworth town centre) are within walking distance of the site. Bus stops are positioned close to the site but these are not provided with easy access kerbing to assist bus access for wheelchairs, buggies etc. The Highway Authority therefore requests that the development delivers some access improvements to the bus services passing the site to accord with the requirements of the National Planning Policy Framework in relation to promoting sustainable transport.
- 4.1.2.11 The impact of the proposed development is not expected to be significantly detrimental to the safe flow of traffic passing the site and on the surrounding highway network. The improved access arrangements and bus stop improvements will mitigate for the amendments to the traffic distribution to and from the adjacent section of A412 Scots Hill.
- 4.1.2.12 Highway Consultation Summary: The site is considered to be reasonably well located in terms of reducing the need for travel by private car. The promotion of travel by sustainable

modes is an important consideration for this proposal and there are facilities local to the site to encourage travel by these modes. The improved site and bus stop access arrangements requested will need to be implemented in advance of the first occupation of the development. Construction vehicles will access the site directly from the A412 and construction vehicle routing is not expected to be a concern. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions and advisory note identified above.

4.1.3 Herts and Middlesex Wildlife Trust:

No response received. Any response received will be reported at Committee.

4.1.4 Hertfordshire County Council – Lead Local Flood Authority: [No Objection]

4.1.4.1 Thank you for consulting us on the above Outline Application for the demolition of offices and erection of new development of 33 flats with underground parking (matters of appearance, landscaping and scale reserved).

4.1.4.2 Following the review of the Flood Risk Assessment carried out by Abington Consulting Engineers, dated 09 July 2018 Rev A, we can confirm that we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

4.1.4.3 We acknowledge that a large part of the site lies within Flood Zone 1 and other parts of the site are located within Flood Zones 2 and 3. The residential building is proposed to be located in Flood Zone 1. The drainage strategy is based on attenuation and discharge in the River Chess restricted to 2.3l/s (Qbar). Surface water will be attenuated in lined balancing ponds for rainfall events up to the 100 year plus 40% for climate change. Post development calculations have been provided to support the proposed scheme. As the proposed scheme for Outline permission has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend three planning conditions to the LPA, should planning permission be granted.

4.1.5 Environment Agency: [Object]

We were consulted in a previous application for this site (18/1110/OUT) and had issued a set of conditions in a letter to you dated 10 August 2018. The ground water conditions issued in this previous correspondence have since been reviewed by a different member of our Ground Water and Contaminated Land team (GWCL) and this later review highlighted an issue which had unfortunately been missed in the previous consultation. Apologies for the lack of consistency between these two applications. After reviewing the documents contained within this application, we object on the basis of insufficient information.

Environment Agency position

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 170 of the National Planning Policy Framework (NPPF).

Reasons

Our approach to groundwater protection is set out in 'The Environment Agency's approach to groundwater protection'. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. In this case position statement A5 (Supply of Adequate Information) applies.

Groundwater is particularly sensitive in this location because the proposed development is within Source Protection Zone 1 (SPZ1).

To ensure the development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information. It has not demonstrated that the proposed development will not pose an unacceptable risk of causing a detrimental impact to groundwater quality because of a lack of quantitative detail within the Hydrogeological Preliminary Risk Assessment.

We have also noted a lack of sufficient detail in more general terms relating to the exact extent of the works. For example, in order to accurately assess the risks we will require precise detailing on the dimensions, depth and volume of the proposed underground car park. This is required to assess if and how the proposed development will obstruct the flow of the ground water and whether there will be implications for the nearby river Chess. This objection is in line with paragraph 170 of the NPPF and your local plan policy DM9 Contamination and Pollution Control.

Overcoming our objection

In accordance with our approach to groundwater protection we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed. Specifically we require risks assessments to be supported by quantitative data analysis.

As previously mentioned, we will also need more detail with regard to the proposed development. Particularly in relation to the physical dimensions of the proposed underground car parking and how the applicant intends to mitigate identified risks.

OFFICER NOTE: Since the receipt of the above, additional monitoring works have been undertaken by the applicant and an amended report submitted to the Environment Agency for their consideration. A response is expected from the Environment Agency prior to the Committee meeting and an update will be provided at the meeting.

4.1.6 Herts Ecology: [No objection]

I am pleased to see that an ecology report and biodiversity enhancements have been submitted in support of this application:

- Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology, April 2018);
- Biodiversity Enhancement Scheme (Drawing SBH003, undated)

The application site includes buildings set within mature managed grounds bordering the River Chess. The site is part of a Local Wildlife Site designated for its reptile interest.

Habitats: The proposed replacement building will be on the same footprint as the existing building and there will be negligible / limited impact to semi-natural habitats within the extensive grounds. I understand no trees will be removed as part of the proposals; however if this changes, due diligence to nesting birds must be considered with any tree/shrub/hedgerow works.

Badgers: Three active badger setts were identified on the eastern boundary, but badgers were considered unlikely to cause a constraint to the development proposals. However, as badgers are highly mobile, it is possible they will move into the development footprint. Consequently, to safeguard any extant badgers I recommend a pre-construction walk-over survey of the site and immediate surrounds (access permitting) is undertaken prior to any vegetation clearance and this be secured by Condition:

Prior to commencement of the development (including vegetation clearance), a Badger walk-over survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted on by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully.

Reason: To ensure badgers are protected from harm during construction in accordance with national legislation.

Bats: The buildings were assessed for their potential to support roosting bats and no evidence was found. Notwithstanding, suitable bat foraging and commuting habitats occur along the river and around the trees on site, so I recommend a precautionary approach to the works is taken. I advise the following Informatives are added to any permission granted:

- If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
- Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Reptiles: The ecology report considers the habitats on site to be unfavourable for reptiles and does not consider any surveys are necessary. However, as reptiles have been recorded in the area in the past and the site is covered by a reptile-Local Wildlife Site, I recommend a precautionary approach to any development works is taken and advise the following Informative is added to any permission granted:

- Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of retained habitat. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on and if a reptile is found, it should be moved carefully out of harm's way. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water." Reason: To ensure reptiles are protected from harm during construction in accordance with national legislation.

Biodiversity enhancements: I am pleased to see a number of biodiversity enhancements are suggested including bat and bird boxes, new planting/hedgerows, permeable boundaries and hedgehog-friendly fencing.

To ensure the biodiversity aspirations are incorporated into the development scheme, and to enable the LPA to meet the expectations of the NPPF to secure biodiversity gain, I recommend the following Conditions (or similar) are added to any consent:

Construction Management Plan (CEMP: Biodiversity)

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

- a) Risk assessment of potential damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;

- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers, and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure biodiversity is properly considered and measures are put in place to avoid harm or impact during the construction stage.”

Biodiversity Management Plan (BMP)

No development shall take place (including demolition, ground works, site clearance) until a Biodiversity Management Plan has been submitted to and approved in writing by the local planning authority. The Biodiversity Management Plan shall include the following:

- a). Description and evaluation of features to be managed;
- b). Ecological trends and constraints on site that might influence management;
- c). Aims and objectives of management;
- d). appropriate management options for achieving aims and objectives;
- e). prescriptions for management objectives;
- f). Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g). Details of the body or organisation responsible for implementation of the plan;
- h). Ongoing monitoring and remedial measures;

The approved plan will be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that net gain, biodiversity objectives, long term maintenance are realised.

4.1.7 Hertfordshire County Council Growth and Infrastructure Unit: [No objection]

Hertfordshire County Council’s Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit. As this development is situated within Three Rivers’ CIL Area A and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

4.1.8 Development Plans: [Comment]

4.1.8.1 The application proposes the demolition of offices to be replaced by 33 flats with underground parking; the site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District’s housing supply. The site should therefore be considered as a windfall site.

4.1.8.2 Policy CP2 of the adopted Core Strategy (2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

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

4.1.8.3 The proposed development would result in the loss of 3,000sqm of B1(a) floorspace (offices). Policy CP6 of the Core Strategy states that the Council will support development that sustains parts of the District as attractive for business location and provides for a range

of small, medium and large business premises. Policy CP6 goes onto state that the sustainable growth of the Three Rivers economy will be supported by releasing office space from employment use where this is expected to be surplus to employment ends across the plan period, as indicated by an up to date employment study (i.e. an up to date Local Plan evidence base study). The South West Herts Economic Study (2016) has forecasted the need for an increase in 40,000-60,000sq meters of employment floorspace in Three Rivers up until 2036. The South West Herts Economic Study (2016) also predicts a significant increase in demand for office space across the South West Herts area (a demand for 460,000sq meters up until 2036). These figures indicate that the level of existing office floorspace in the District is not surplus to future employment needs and highlights a need to safeguard existing employment floorspace in the District. The South West Herts Economic Study indicates that as of April 2015, Three Rivers has 33,000sqm of vacant office space; it is identified that this available office space would comprise 3.5 years of supply in the District (paragraph 5.29, South West Herts Economic Study). The Three Rivers Local Plan period looks further than a timeframe of 3.5 years and Policy CP6 seeks to ensure that employment needs are met beyond this. This further strengthens the need to protect existing office floorspace in order to meet future needs.

- 4.1.8.4 Policy CP11 of the Core Strategy (adopted 2011) states that ‘there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.’ The National Planning Policy Framework (NPPF) (2018) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would: 1) not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development and/or 2) which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need in the area of the local planning authority. It is recognised that application proposes that the new development is within the existing building footprint and that the proposed building form is generally of the same height and bulk of the existing building; on this basis, it is considered that the proposal may not have a greater impact on the Green Belt than the existing building, although the application includes scale and appearance as reserved matters.
- 4.1.8.5 Policy CP4 of the Core Strategy states that the Policy CP4 of the Core Strategy states that the Council seeks a provision of 45% of all new housing as affordable housing. As a guide, the Council seeks 70% of all the affordable housing provided to be social rented and 30% to be intermediate. The application proposes all 33 dwellings as market housing, therefore failing to comply with Policy CP4. Policy CP4 further states that in most cases, it is required that affordable housing provision is made on site, with consideration for small sites (i.e. delivering between one and nine dwellings) to make commuted payments towards provision off site. The application is considered a major development (delivering 33 dwellings) and should therefore make affordable housing provisions on site. However, Policy CP4 states that in assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability. If non-viability is cited as the reason for a development proposal not complying with affordable housing requirements, financial evidence should be submitted to support this reason.
- 4.1.8.6 Policy CP3 of the Core Strategy states that the Council requires housing proposals to take into account the District’s range of housing needs, in terms of the size and type of dwellings

as identified by the Strategic Housing Market Assessment (SHMA) (2016). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

4.1.8.7 Similarly, Policy CP4 of the Core Strategy also requires affordable housing provision to reflect the mix and size of type required for future housing, as identified in the SHMA. The SHMA has identified the following indicative targets for affordable sector dwelling size within the Three Rivers District:

- 1 bedroom 40.9% of dwellings
- 2 bedrooms 28% of dwellings
- 3 bedrooms 29% of dwellings
- 4+ bedrooms 2.1% of dwellings

4.1.8.8 The application proposes 75% of its market housing provision to be 2 bedroom dwellings and 25% to be 3 bedroom dwellings, therefore failing to comply with the housing mix set out in Policy CP3. As stated earlier, the application form does not propose affordable housing provision and therefore the affordable housing mix as set out in Policy CP4 has also not been met. Proposals for the mix and size of dwellings should meet the targets set out in the SHMA. If adjustment to proportions of housing mix is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed

4.1.9 National Grid: [Comment]

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Should you be minded to approve this application please include Informative notes for the applicant.

4.1.10 Landscape Officer: [No objection]

This is an outline application with the landscaping element being a reserved matter. The application is accompanied by an arboricultural impact assessment.

I do not have any significant concerns in respect to existing trees and the construction of the proposed building. I am happy with the proposed tree removals and the contents of the AIA. I have more concerns in respect to the upgrading and widening of the access road, which if this application is approved will form a reserved matters application. I would therefore expect a detailed arboricultural method statement to accompany the reserved matters application.

I do not wish to raise any objections to the present application, and am satisfied that any arboricultural concerns are suitably addressed within the AIA and tree protection plan, which I would request are entered as approved documents.

4.1.11 Thames Water: [No objection]

No response received. Any response received will be reported at Committee. As part of the previous application Thames Water advised that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

4.1.12 Environmental Health:

No response received. Any response received will be reported at Committee.

4.1.13 Environmental Protection:

No response received. Any response received will be reported at Committee.

4.1.14 London Underground: [No objection]

London Underground Infrastructure Protection has no objection in principle to this planning application. However, London Underground has right of way over the access road at Lavrock Lane which must be retained.

4.1.15 Hertfordshire County Council – Minerals and Waste Team [No objection]

The site is located within the sand and gravel belt as shown in the adopted Minerals Local Plan. The site also sits within the draft sand and gravel Mineral Safeguarding Area included in the Reg. 18 Draft Minerals Local Plan.

Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. The relevant Policy 5 within Hertfordshire Minerals Local Plan Review 2002-2016, adopted March 2007 states that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised.

On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and

Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 1 No of responses received: 7 objections:

4.2.1.1 The objections received can be summarised as follows:

- **Parish Councillor:**
 - Loss of employment space - the supporting report from Haines Watts clearly illustrates the lack of office space in the town - and supports 13 businesses and over 100 employees currently working from Scotsbridge House that would have to move away from the town, thus further damaging the economic prosperity of Rickmansworth and its residents.
 - Lack of affordable/social housing provision.
 - Potential damage to the fragile chalk bed of The Chess Chalk Stream, metres from what would entail a huge amount of engineering work to dig an underground car park.
 - Overdevelopment within the Greenbelt.
- **Rickmansworth and District Residents Association:** Object on the basis of i) there is no provision for affordable/social housing; ii) Potential damage to the fragile chalk bed of The Chess Chalk Stream, metres from what would entail a huge amount of engineering work to dig an underground car park; iii) Gross overdevelopment within the Green Belt.
- **River Chess Association:** We have had a look at the application, the flood risk maps do not appear to have taken into account the actual major flooding incident that took place on the 11th Feb 2014, which did impact this site. It would appear that the plan proposes that all surface water is drained into the Chess. This is something we would resist strongly as it could introduce pollution and sediment into the Chess.

We are also concerned that the plan for underground car parking could contaminate groundwater and interfere with the flows of groundwater. Cars often have oil and fuel leaks and this could find its way into the groundwater and find its way into the Chess. On the plus side there appears to be a proposal for a new public footpath along the Chess. This would be a great addition to the Chess Valley Walk and would be an excellent public amenity.

- **The Chiltern Society:** There is a need in this area for Affordable Housing and this development must provide for this, with no compromise. If there will be no increase in footprint, this is acceptable. The site is adjacent to the River Chess Chalk Stream and excavation for the car park and ground source heat pump could affect the drainage of aquifers. Plans previously put forward for careful monitoring of all stages of the excavations are no longer included, giving anxiety.
- **Batchworth Community Council** is opposed to the development and recommends refusal of the application on the following grounds:
 - The proposed development would have an adverse effect on the commercial vitality of the town and it's High Street. The continuous erosion of the town's business activity through the conversion of commercial development to residential development, which is itself contrary to the district council's policy of retaining commercial buildings, without any appreciable infrastructure improvement, has already resulted in a devastating impact on the town's business economy.
 - This application will result in a further 13 small businesses employing over 100 employees forced to relocate away from the town at a time when the growth in Rickmansworth's GDP is one of the lowest in the country. The town's commercial stock is being depleted causing local business serviced by local people to migrate out of Rickmansworth.
 - The proposed development will have a detrimental impact on the existing natural beauty of the Chess Valley and Flood Plain
 - Scotsbridge House, the original building dated back to 1756, is one of the few heritage buildings left in the area and should be protected and retained.
- **Two letters from representatives of businesses based at the premises, making the following comments:**
 - One employs 17 members of staff. Has been at the site for 2 years and having searched for months cannot find alternative office space in or around Rickmansworth that provides the space needed at an affordable price. Only option will be to move 10-15 miles out of the area or take on smaller office with no car parking, which will increase annual costs and mean some staff can no longer get to work and will need to seek alternative employment. Businesses that employ local people should be supported.
 - One employs 9 part time members of staff and helps with employment and recruitment opportunities and offer advice and training. Unable to find alternative premises in the local area and risk losing current team who are local. Only space available in the area is 100% more expensive with no car parking. Rickmansworth needs more affordable office space

4.2.2 Site Notice: Displayed 23/11/18, expired 14/12/18

4.2.3 Press notice: Published 16/11/18, expired 07/12/18

5 Reason for Delay

- 5.1 Additional information requested by Environment Agency, which required additional monitoring to be undertaken.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the National Planning Policy Framework was updated. This document is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 is relevant.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA1, HO1, HO2, HO3 and RE2.

6.3 Other

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Background and Principle of Development

7.1.1 The principle of this development is dependent on two key factors. The first is whether the proposed development would represent appropriate development in the Green Belt. The second is whether the loss of employment floorspace would be acceptable.

7.1.2 As noted above, outline planning permission has previously been refused at this site for three reasons as set out at 1.2 above. The changes between the previously refused application and the current application are listed at 3.5 above. In addition to those changes, it is noted that the site circumstances have changed, in that prior approval has been granted for a change of use of the existing building from office to residential. Furthermore, the material planning considerations have changed in that the Croxley Green Neighbourhood Plan has been made following a referendum in December 2018 and is part of the statutory development plan. It is necessary for this report to ascertain whether the current application has overcome the previous reasons for refusal, having regard to the current site circumstances and Development Plan, and also to ascertain whether the changes made have introduced any additional conflicts with the Development Plan.

7.2 Principle – Impact on the Green Belt

7.2.1 Policy CP11 of the Core Strategy sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 reflects in part the NPPF, stating that the construction of new buildings in the Green Belt is inappropriate with some exceptions. In respect of New Buildings, DM2 refers back to national policy. Therefore, this proposal falls to be assessed under the NPPF's approach to Green Belt. Paragraph 145 of the NPPF sets out that exceptions to the presumption of new buildings as being inappropriate development include:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages; or
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute toward meeting an identified affordable housing need within the area of the local planning authority.

7.2.2 The proposed development would not comply with the first of the above, as the replacement building would not be in the same use as the existing. In respect of the second, it is not considered that the proposed development is located within a village, as the application site is located in open Green Belt land between two distinguishable built up areas of Rickmansworth and Croxley Green. It is surrounded on all sides by open land such that it is not considered to be within a village.

- 7.2.3 Therefore this proposal would not be considered as inappropriate development if it comprises limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
- 7.2.4 The application site contains one main building, Scotsbridge House, and a number of smaller buildings including a workshop with two further outbuildings to the south. The bungalow to the west is outside this application site. The submitted layout plan shows a proposed replacement building to be in approximately the same position within the site as the existing Scotsbridge House. On this basis, it is considered that the site is previously developed. Therefore it will be necessary to assess whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development.
- 7.2.5 The submitted existing site layout plan shows the existing building to occupy a footprint of approximately 1300 square metres, with three outbuildings (proposed to be demolished) having a combined footprint of approximately 188 square metres. The proposed building would have a footprint of approximately 1398 square metres (7% increase) whereas in the previous application the footprint was to be increased to 1423 square metres (a 9% increase in footprint over the existing building). The submitted CIL form shows the existing building to contain 3000 square metres of floorspace, and the proposed building to contain 4110 square metres (37% increase in floor space), which can be compared to the previous application which proposed a building of 4791 square metres (60% increase).
- 7.2.6 The agent has advised that the volume of the existing building is approximately 10,100 cubic metres, and the proposed would have a volume of approximately 11,050 cubic metres. This represents an increase in volume of 9% over the existing building, reduced from an increase to 11,960 cubic metres (18.3%) as part of the previous application. It is important to note that this application only seeks approval for layout and access. The appearance and scale of the proposed building is shown on submitted illustrative drawings and elevations but is not for consideration as part of this application. Nevertheless these details provide an indication of the increased size and massing of the proposal when compared to the existing.
- 7.2.7 The submitted site plan shows the amount of hardstanding to the west of the site providing a surface car park would be reduced from approximately 1289 square metres to 115 square metres with the majority of car parking being provided within a basement.
- 7.2.8 As noted above, this application is submitted in outline. Illustrative elevations have been submitted which indicate the possibility to construct a building which when viewed from the front would have four storeys (including one within the roofspace) and a basement. The front section would have a hipped roof with a large flat crown. A rear projection would have three storeys, reducing to two further toward the rear. It would have a flat roof, and be clad in part by green walls. It would be of a more contemporary design than the front portion. Whilst the majority of the existing frontage buildings at the site have more traditional roof forms, with hipped roofs and a small sunken crown area, the modern additions have flat roofs. The varying roof heights and projections of the existing building act to break up the massing of the existing. The proposed building has a layout that, together with its proposed design, would have more articulation than the previous scheme, with a subservient wing to the north-western side and the use of projections in the brickwork. The proposal has the potential to result in a larger massing of building than the existing in design terms, notwithstanding that overall the massing may be set further from the front site boundary than the existing building.
- 7.2.9 It is acknowledged that the proposed site layout would achieve a substantial reduction in hardstanding. However, given that this relates to the reduction in existing ground level hard surfacing, much of which borders the existing building, it is considered that only limited benefits are achieved in terms of improvements to the openness of the Green Belt by the

loss of this hardstanding. Furthermore, the LPA would question whether the layout without much of this hardstanding would be practical or workable, for example the drawings imply the ground floor units would have access straight onto the side and rear garden areas which would be laid to grass, whereas some patio area would generally be anticipated here for practical reasons. Overall, limited weight is attached to the reduction in hardstanding as comprising a significant benefit to the openness of the Green Belt.

- 7.2.10 It is acknowledged that the proposal includes the demolition of three buildings within the curtilage of the site. It is noted that these include one derelict building, one substantially overgrown greenhouse, and a third storage building. These buildings are so far removed from the primary built form on the site that it is considered only limited benefits would be brought to the openness of the Green Belt by their removal. Furthermore, it is not clear whether there would be a future pressure to provide replacement storage buildings for garden maintenance equipment, and buildings for the storage of refuse and recycling containers, given the size of the grounds of the building and the number of flats proposed.
- 7.2.11 As set out above, this application relates to a proposed building (excluding the demolished outbuildings) with footprint 7% larger than the existing (previously 9%), a floor area 37% larger (previously 60%) and a volume 9% larger (previously 18%). The frontage building would have a greater depth than the existing primary frontage building, albeit set further back from the front boundary, and the rear projection would have a greater width than the existing rear projection. The proposed building would have less articulation than the existing, but this results in the proposed building being set further back from the front boundary than the existing building, introducing some increased open views when approaching the site down Scots Hill when compared to the existing situation. Having regard to the proposed layout, and the indicative details provided in respect of the appearance of the proposed building and its volume and floor area, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing. Therefore, the proposal would fit within an exception to the general presumption against inappropriate development in the Green Belt. The first reason for refusal attached to the previous decision has been overcome.

7.3 Principle – Impact of the Loss of Employment floorspace

- 7.3.1 The previous outline planning application was refused on the grounds that the proposal would result in the loss of office floor space, and the application failed to demonstrate that the proposal would not harm the aims of CP6 to sustain parts of the District as attractive areas for business location. The current application has been accompanied by a Planning, Design and Access Statement which confirms that if outline planning permission is not granted, the prior approval scheme would be implemented. It states *'this represents a realistic fallback position that should be given material weight in the determination of this application'*. It also sets out that *'The statement of case supporting the appeal sets out the legal arguments for this in greater detail, substantiating the argument that in light of the [prior approval] development, a reason for refusal based on loss of employment space is not justified'*.
- 7.3.2 In this regard, whilst the applicant asserts that the prior approval application represents a fallback position, no evidence or justification for this opinion has been submitted. Whilst the applicant makes reference to the statement of case accompanying an appeal, the information referred to has not been submitted to the LPA as part of the current application. The LPA is aware of the statement of case in relation to the appeal scheme, and notwithstanding that these are two separate applications, and that supporting evidence to be considered as part of an application should be submitted with that application, the LPA has had regard to the appeal statement of case. This sets out a number of court judgements relating to fall-back positions. These judgements are clear that there is no 'rule of law' when considering whether a decision maker has properly identified a 'real prospect' of a fallback development being carried out should planning permission be refused. The role of planning judgement is noted as being vital. Critically at the end of a judgement by Lindblom

LJ (at *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA 1314), the Chancellor of the High Court makes it clear that 'planning decisions are to be made by the members of the Planning Committee advised by planning officers. In making their decisions they must exercise their own planning judgement'. 'Planning committees approach such reports utilising local knowledge and common sense'. 'They should be allowed to make their judgements freely and fairly'. 'In each case, the decision makers must use their judgement to decide where the planning balance lies based on material considerations'. Rather than accept the suggested fallback position without analysis, the paragraph below provides an analysis on this submission.

- 7.3.3 It is noted that the fallback position would involve changing the use of the existing building to provide 30 flats. The existing building has a floor area of approximately 3000 square metres, and therefore the prior approval scheme would provide for 30 flats of no more than 100 square metres internal floorspace each (taking into account the need to provide entrance areas, circulation space, etc). As an outline application, proposed internal layout plans have not been provided, however having regard to the size of the proposed building it is clear that the flats proposed as part of the current application would have internal floor areas much larger than this, and would have bespoke layouts contained within a purpose built and sustainable building, rather than constrained by the existing building. The applicant's submitted Viability Report confirms that '*all the units are large and anticipated to have high service charges*'. In addition, the current scheme relates to the construction of a new building, which would also provide gym and swimming pool facilities, would have sustainability credentials which include triple glazing and a ground source heat pump, and basement car parking. Therefore the type and quality of accommodation proposed and achievable by the outline scheme is materially different to that the LPA considers likely to come forward as part of the implementation of a prior approval scheme. On this basis, the LPA attributes limited weight to the applicant's suggested fallback position.
- 7.3.4 In addition to this, the submitted Planning, Design and Access Statement makes reference to an analysis of employment space undertaken by the applicant. This identifies a total of 12 individual office properties in Three Rivers with a total of 30 spaces to let, equating to some 120,837 square feet (approximately 11,200 square metres) of space available. The report notes that Three Rivers district has a vacancy rate of 5.2%. It is noted that a number of premises referred to are warehouse or light industrial type units, not comparable to the current application site. No evidence has been submitted that these buildings are of a quality suitable or usable as office space. In addition, no evidence has been submitted that sets out the level of affordability of the identified units and that they would be suitable for the types of business that would otherwise rely on the type of accommodation available currently at Scotsbridge House.
- 7.3.5 Further to this, it is noted that the applicant's Affordable Housing Viability Report contains a letter from a local estate agent providing a valuation for Scotsbridge House based on its existing use. This letter states "*Demand for office space is still good at the moment and we have many small to medium sized companies looking to rent space in Rickmansworth and the surrounding area who I'm sure would be interested in viewing*". This statement by the estate agent is supported by a number of the letters of objection received in response to this application which make it clear that the accommodation provided at Scotsbridge is essential in terms of affordability and in terms of the availability of car parking and its general location.
- 7.3.6 To recap, Policy CP6 of the Core Strategy sets out that the Council will support development that sustains parts of the District as attractive areas of business location. It sets out that the sustainable growth of the Three Rivers economy will be supported by releasing office space from employment use where this is expected to be surplus to employment needs across the plan period as indicated by an up to date Employment Land Study. The South West Hertfordshire Economic Study (2016) has forecasted the need for an increase of 40,000 to 60,000 square metres of employment floorspace in Three Rivers up to 2036. The study also predicts a significant increase in demand for office space across the South West Herts area.

These figures indicate that the level of existing office floorspace in the District is not surplus to future employment needs and highlight a need to safeguard existing employment floorspace in the District.

7.3.7 In addition, since the determination of the previous application, the Croxley Green Neighbourhood Plan (NP) has been adopted as part of the Development Plan. Policy RE2 sets out that 'Where planning permission is required, there will be a presumption against change of use from any B Use Classes to Residential Use on the grounds of loss of employment, increased parking demand and potential loss of servicing access, subject to marketing evidence that continued use for employment purposes is no longer viable'. The NP seeks to retain a wide range of local employment opportunities, and wishes to encourage businesses to set up and to thrive in Croxley Green, particularly those generating local employment, to support sustainability objectives by reducing commuting and providing local employment opportunities for all age groups.

7.3.8 The application has not been accompanied by any evidence which sets out that the continued use of the existing building for employment purposes is no longer viable. It is acknowledged by the LPA that the application building currently in part provides lower quality offices, however with minimal investment it could be possible for the application building to provide useable and attractive floorspace for a large number of businesses. This is evidenced by the appellant's 'Net Leaseable Area Assessment' Drawing submitted to show the use of the building for purposes of establishing an Existing Use Value. This drawing shows that most of the building could be brought into office use following cosmetic work only. In addition, it is acknowledged that the appeal building is in close proximity to the built up areas of Croxley Green and Rickmansworth, and short walking distances of Rickmansworth Railway Station and Town Centre. On this basis, the LPA would suggest that the application site may be a more attractive and accessible office location than the isolated business parks and offices suggested as alternative provision (ie units within Croxley Park, Leavesden Park and Dwight Road). Furthermore, as detailed above it is considered that there is an ongoing need for employment floorspace in the District, supported by the South West Herts Economic Study.

7.3.9 Therefore, to summarise on the issue of the loss of the employment floor space, it is considered that only very limited weight can be attached to the potential fallback position for a change of use of the existing building under permitted development. In addition, it is not considered that the proposal has demonstrated that the existing use of the building for employment is not viable and that the loss of employment floorspace would not harm the local economy. Therefore, it is considered that the proposal would not support employment and economic development, as it would result in a loss of office floorspace without any evidence of that floorspace being surplus to employment needs. The proposal is considered to remain contrary to Policy CP6 of the Core Strategy and RE2 of the Croxley Green Neighbourhood Plan, and the second reason for refusal attached to the previous outline application has not been overcome.

7.4 Housing Mix

7.4.1 Policy CP3 of the Core Strategy states that the Council requires housing proposals to take into account the district's range of housing needs, in terms of the size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District as being:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

7.4.2 The application proposes 76% of its housing provision to be 2 bedroom dwellings (25 units) and 24% to be 3 bedroom dwellings (8 units), indicating a shortfall in the provision of 1, 3

and 4+ bedroom dwellings. This is the same as proposed as part of the previous application. Therefore, the proposal is not consistent with Policy CP3 in providing the necessary size of dwellings identified in the SHMA (2016). It is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. No justification for the proposed mix has been provided, and this did not form a reason for refusal as part of the previous application.

7.5 Affordable Housing

- 7.5.1 Policy CP4(a) of the Core Strategy states that the Council seeks ‘an overall provision of around 45% of all new housing as affordable housing’. Policy CP4(b) goes on to state that as a guide, the Council seek 70% of all the affordable housing provided to be social rented and 30% to be intermediate. Policy CP4(3) states that the council will ‘in most cases require affordable housing provision to be made on site, but in relation to small sites...consider the use of commuted payments toward provision off-site’. Small sites would be those proposing fewer than 10 units. The Affordable Housing SPD is clear that ‘For proposals with a net gain of 10 or more dwellings, on-site provision will be required’. On this basis and given the need for affordable housing in the District, the LPA’s approach, in line with the TRDC Development Plan, is for affordable housing units to be provided on site for a major application such as this. In this case, 15 out of 33 units would be required to be affordable, with a tenure split of 10 social rent and 5 shared ownership.
- 7.5.2 The submitted application form indicates that the development does not propose any on-site affordable housing provision. The application has been accompanied by an Affordable Housing Viability Appraisal. This confirms that a policy compliant level of affordable housing would be 15 units (i.e. 45% of 33 units) provided on site. However, the report explains ‘all the units are large and anticipated to have high service charges so we think it is unlikely any Registered Provider would be interested in acquiring the units on site’. It should be noted that no evidence has been provided to support this and no other or further explanation given for the proposed off-site contribution. The report goes on to note ‘we therefore propose in this case the obligation would be best delivered as a commuted sum payment’ and the report goes on to assess the value of a commuted sum that this scheme could viably afford to provide. The applicant’s viability report shows the proposal would generate a surplus of £193,827 which could fund an affordable housing contribution.
- 7.5.3 The applicant’s initial appraisal was reviewed by the LPA’s independent assessor. They concluded that this scheme could provide 8 shared ownership units and still maintain a surplus of £138,000. They have also advised that, in the event the LPA consider it appropriate for the affordable housing contribution to be delivered as a commuted sum toward off-site provision, a sum of £1.71million would be viable.
- 7.5.4 There is a considerable difference between these suggested, and these result primarily from differences in the Benchmark Land Value. Whilst the applicant relies on the Permitted Development scheme to provide an alternative use value (i.e. comparing the value of the building as 30 PD flats with the value as 33 flats in a new building resulting from this outline planning application), the LPA as noted above attaches limited weight to this as a fall-back position and therefore considers the existing use of the building for offices to represent the true existing value to take into account as part of this viability exercise. It is also noted that in their appraisal the applicant has factored in the need to make a much larger CIL payment than would actually be applicable (i.e. some £627k more than would be payable).
- 7.5.5 Subsequently, the applicant has submitted (26 February 2019) an amended Viability Appraisal which takes into account the correct CIL payment, and suggests that the scheme would have a surplus of £1,164,628 which would comprise a financial contribution toward affordable housing. This revised appraisal has been reviewed by the LPA’s assessor. Based on the updated information, and taking into account the potential value of the building as 30 flats if the Permitted Development scheme were implemented, it has been concluded that the scheme can viably afford to contribute 5 affordable rented units and 1 shared ownership

unit, with a surplus remaining of £77,000. The LPA's assessor has also concluded that, should the LPA accept a commuted sum payment, such a sum would be £2,853,000. At the time of drafting this report, the LPA is not in receipt of any mechanism which formally secures the necessary provision toward affordable housing that this scheme should make, and on this basis the application is recommended for refusal on the grounds that the requirements of Policy CP4 are not met, that the scheme does not provide a satisfactory contribution toward affordable housing, and the third reason for refusal forming part of the previous application has not been overcome.

7.6 Impact on Character and Street Scene

7.6.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.6.2 In terms of new residential development, Policy DM1 of the DMLDD advises 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 be 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.)

7.6.3 As previously noted, this application has been submitted in outline with only matters of access and layout to be considered. Matters of appearance, scale and landscaping are reserved for later consideration. Furthermore, matters of access are considered at Section 7.12 below.

7.6.4 In respect of layout, the submitted proposed site layout drawing shows a building with a slightly larger footprint than the existing. The proposal would be set further back from Scots Hill than the existing building, with the multiple forward projections being replaced by a building with a flatter front façade and a layout comprising a fairly consistent set-back from Scots Hill. This set-back, having regard to the site's topography, has the potential to reduce the prominence of the new building when compared to the existing. It should be noted that scale and appearance are not to be formally considered as part of the current application. The indicative elevations indicate a building of a considerable scale and massing, albeit with a subservient north-western wing. The illustrative elevations suggest the use of green walls, however evidence would need to be supplied to demonstrate the maintenance regime for these to ensure a satisfactory external appearance in perpetuity. The elevations shown the use of a green roof, however this does not appear to take into account the number of solar panels that would be required to meet the energy efficiency aspirations of the scheme. In the absence of detailed elevations submitted for full and formal consideration, the LPA is

not able to fully assess whether this massing would be acceptable or unacceptable. The full assessment would be made as part of a future reserved matters application.

7.7 Impact on amenity of neighbours

7.7.1 No objections were raised by the LPA in the previous application in respect of any impact on the amenities of neighbours. The Design Criteria as set out in Appendix 2 of the DMLDD state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.

7.7.2 The proposed development would be located over 60 metres from the nearest neighbouring residential property. On this basis, it is not considered that the proposed development would have an adverse impact on the privacy or amenities of the occupants of any neighbouring property.

7.8 Quality of accommodation for future occupants

7.8.1 This outline application does not include detailed floor plans showing the internal layout of the proposed building. Such matters would be reviewed as part of a reserved matters submission.

7.9 Amenity Space Provision for future occupants

7.9.1 No objections were raised by the LPA in the previous application in respect of amenity space provision. The building and application site benefit from substantial grounds which include lawns and a large number of trees. This space would all provide for a considerable area of useable amenity space. However it is noted that the application site (land within the red edge on the site location plan) does not cover the entirety of the land surrounding Scotsbridge House, for example it excludes a large amount of land to the south of the house. The landscaping Reserved Matter would be expected to set out full details of the amenity space arrangements, and how the application site would be enclosed and separated from the remaining land.

7.10 Wildlife and Biodiversity

7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.10.3 The application has been submitted with a Biodiversity Checklist and an Ecological Appraisal. This acknowledges that the site comprises existing buildings within managed grounds. The report acknowledges that the proposed replacement building would be situated on the same footprint as the existing, and that the trees and bat features within the wider site would be retained. The report also confirms enhancements including a green roof and living walls would be provided. There is no evidence of bats within the buildings on site. The potential for bats to forage along the River Chess or the tree lines is noted, however the proposed development would not interfere with this. The Appraisal notes that it is not reasonably likely that newt or reptile species would be adversely affected by the proposal, and that the tree badger sets could be protected by condition. Subject to conditions relating

to the management of construction activities to prevent harm to wildlife, a biodiversity management plan and a badger walkover survey, Herts Ecology raise no objections to the proposal.

7.11 Trees and Landscaping

- 7.11.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy advises that development proposals should: “i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces”. Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the DMLDD advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 7.11.2 This application has been submitted in outline form, with landscaping to be considered as part of a later submission. The submitted Arboricultural Impact Assessment shows 10 trees proposed to be removed for the development. The majority of the front boundary trees are proposed to be retained. The Landscaping Reserved Matter application would provide the opportunity to assess any proposed replacement planting and other landscaping enhancement works. Any tree protection measures and an arboricultural method statement could be secured by planning condition in the event the application is recommended for approval.

7.12 Highways, Access and Parking

- 7.12.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes. Policy CP10 of the Core Strategy (adopted October 2011) states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District and demonstrate that it provides a safe and adequate means of access.
- 7.12.2 Hertfordshire County Council (HCC) as Local Highway Authority have raised no objections to the proposal on highway grounds and raised no objections as part of the previous application. They note that traffic movements will be distributed through the western access, with the existing eastern access to be closed and relocated further west. They note that the number of daily trips generated is not expected to exceed those from the previous (ie existing) use, but the nature and timing will alter as residential trips would be concentrated around peak traffic flow. HCC conclude that the site is reasonably well located in terms of reducing the need to travel by private car
- 7.12.3 The comments of the Highway Authority regarding bus stop improvement works are noted. However, these works are not considered by Officers to be necessary to make the development acceptable and are not considered proportionate to the scale of the development proposed. As such it is not considered that it would be appropriate to secure such works as part of this application as they would not be compliant with Paras 55 or 56 of the NPPF.
- 7.12.4 Policy DM13 of the Development Management Policies LDD (adopted July 2013) advises that development should make provision for parking in accordance with the parking standards set out in Appendix 5. For Use Class C3, the standards require 2 spaces per dwelling (with one assigned space) for 2 bedroom dwellings, and 2.25 spaces per dwelling (2 assigned spaces) for 3 bedroom dwellings. The 25 two bedroom flats would therefore require a total of 50 parking spaces (25 assigned) and the 8 three-bedroom flats would

require a total of 18 parking spaces (16 assigned). Therefore the proposal is required to provide a total of 68 parking spaces, of which 41 should be assigned.

7.12.5 The submitted site layout plan shows 12 parking spaces at ground level, and the application form states a total of 76 car parking spaces will be provided within the site. The proposed development has the potential to provide adequate car parking to comply with the parking standards at Appendix 5 and this matter would be dealt with at the reserved matter stage when full floor plans are submitted.

7.13 Sustainability

7.13.1 Paragraph 148 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

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

7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.13.4 The submitted Planning, Design and Access statement sets out that ‘the proposed development will incorporate the highest levels of sustainable and renewable construction technologies’, and will be constructed from ‘structurally insulated panels’ which are fabricated off-site. The site would also include a Ground Source Heat Pump and the installation of Solar Panels on south facing and flat roof slopes. The appropriateness of the ground source heat pump and solar panels would be assessed at the reserved matters stage of the application, and it will only be once these matters are considered and assessed that the appropriateness of the use of each can be considered and confirmed. No evidence has been submitted that the solar panels that could be installed on a building, or that the eventual design for this site would be capable of providing almost all of the required electricity for the proposed development, whilst also providing a building of acceptable design and appearance. Therefore, further details to secure the sustainability credentials would be secured by condition and as part of the reserved matters.

7.14 Flood Risk and Drainage

7.14.1 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage. Policy DM9 refers to contamination and pollution control. The Flood Risk Assessment has been

reviewed by the Lead Local Flood Authority (Hertfordshire County Council) and no objections are raised by the LLFA subject to conditions.

7.14.2 In terms of the impact on ground water, the Environment Agency (EA) have raised objections to the proposal on the grounds that insufficient information was submitted to demonstrate that the risks posed to groundwater can be satisfactorily managed. Groundwater is sensitive in this location and the EA consider that the submitted Hydrogeological Risk Assessment does not contain sufficient quantitative detail, and does not contain sufficient detail relating to the exact extent of the works, for example volumes and dimensions of the underground car park and any impacts on ground water and the River Chess. An amended Assessment has been submitted by the applicant and is currently with the EA to review, however at the time of writing no response has been received and therefore on the basis of the objection, a reason for refusal is considered necessary.

7.15 Refuse and Recycling

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

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

7.15.2 The Transport Assessment includes a tracking drawing to demonstrate that a refuse vehicle could access and exit the site in a forward gear without significant manoeuvring required. No details have been provided of the location of any refuse or recycling container stores. It is considered, notwithstanding the Green Belt concerns set out above, that such details could be dealt with in detail as part of the reserved matters stage.

7.16 Very Special Circumstances and Conclusion

7.16.1 As noted above, the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The assessment above identifies that the proposed development would cause harm to the supply of employment floorspace in the District, and would not provide for sufficient affordable housing or an adequate mix of unit sizes. In addition it would result in unacceptable risks to ground water.

7.16.2 In terms of other considerations, the application has set out its intended sustainability credentials and these are a positive benefit of the scheme, albeit it is not considered that sufficient information has been provided to demonstrate how these would interact with the need to ensure any proposed building is of appropriate design and appearance, with no harm caused to the ground water in this area. Only limited weight is attached to this as a benefit. The improvements suggested to the ecological value of the site with riverbank enhancements are also noted and are recognised as a positive impact of this proposal. Furthermore, the provision of 33 residential units is recognised as important in the context of the need to provide more homes in the District, although there is a pressing need for affordable housing which this scheme does not directly seek to address.

7.16.3 It is noted that the application has also been accompanied by Drawing SBH005, which sets out the route of a potential new public footpath within the grounds of the site. It is noted that much of the footpath is not within the red edge identified as the application site, although it has been proven that the path would be on land within the applicant's control. Such a matter

could be resolved as part of any future discussions in the event the introduction of the footpath is to go ahead. At paragraph 98, the NPPF sets out that 'planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks'. The introduction of a footpath in this location could meet this aim, and provide a wider public benefit by providing additional access alongside the River Chess and linking to the Chess Valley Walk to the north, and public rights of way to the south beyond the railway. However, the application does not contain any details pertaining to the nature of the proposed footpath, the mechanism by which access to the public would be provided in perpetuity, whether the Environment Agency or any adjacent landowner/stakeholder would have any objections to the footpath, or how the footpath would link to existing rights of way to the south of the site (at present it just stops at the railway embankment). A plan was submitted showing the footpath linking to existing rights of way, but that plan was withdrawn by the applicant when it was explained that further details of the footpath's layout would mean a need to re-consult the public on this application. Whilst the footpath would represent a public benefit to the scheme, it is not considered that the provision of the footpath would outweigh the identified planning harm explained above, especially in light of the identified shortcomings of the path. On this basis, it is not considered that the public footpath could be secured by condition as it would not 'be relevant to planning and to the development to be permitted'. Only limited weight is therefore attached to the provision of the new footpath and the benefits this would bring.

7.16.4 Taking into account all of the considerations forming part of this application, it is concluded that the harm to the Green Belt would not be outweighed by other considerations. Therefore, it is not considered that a case for very special circumstances exists.

8 Recommendation

8.1 That OUTLINE PLANNING PERMISSION BE REFUSED for the following reasons:

R1 The proposal would result in a loss of Use Class B1 (office) floor space. Insufficient information has been submitted to demonstrate that this loss would not harm the aims of CP6 to sustain parts of the District as attractive areas for business location and to release office space from employment use where this is expected to be surplus to employment needs as indicated by an up to date Employment Land Study. The proposal would result in an unacceptable loss of employment floorspace contrary to Policy CP6 of the Core Strategy (adopted October 2011) and The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) Policy RE2.

R2 Agreement regarding the level of affordable housing provision has not been reached at this time, the application has not demonstrated that it would not be viable to meet the Council's affordable housing policy requirement and no obligation has been received which secures a policy compliant level of affordable housing contribution. Accordingly the development conflicts with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011).

R3 The risks to groundwater arising from the proposed development are unacceptable and insufficient information has been submitted to demonstrate that the risks posed can be satisfactorily managed. The proposal is therefore contrary to Policy DM8 and DM9 of the Local Plan Development Management Policies Local Development Document (July 2013) and Paragraphs 178 and 180 of the NPPF.

8.2 Informatives:

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development

Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.