

PLANNING COMMITTEE – 17 DECEMBER 2019

PART I - DELEGATED

6. **19/1949/FUL: Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space at BURFORD HOUSE, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTS. WD3 5SQ (DCES)**

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 07.01.2019

Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor lives in the consultation area.

1 Relevant Planning History

- 1.1 15/1406/FUL: Demolition of existing care home and construction of replacement three storey care home with basement level and associated parking and landscaping. Application withdrawn.
- 1.2 16/1218/FUL: Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping. Application permitted. Permission implemented in that demolition has occurred on site.
- 1.3 19/1522/FUL: Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space. Application withdrawn.

2 Description of Application Site

- 2.1 Until recently, the application site contained a three storey building which was used as a residential care home, providing nursing, respite and palliative care for up to 30 elderly service users. The application site is located within the Metropolitan Green Belt and is located within the north eastern part of the Chorleywood Common Conservation Area. This section has a more urban character due to its setting along Rickmansworth Road. The streetscene is characterised by a mix of residential and commercial properties varying in size and architectural design.
- 2.2 The pre-existing building was white rendered with a Dutch Hipped roof form with sloping catslide roof forms to the flank elevations. It had been largely extended and altered historically including a large dormer style addition to the flank elevation of the building facing towards the north western boundary. To the rear, there was a large single storey extension extending along the boundary adjacent to the neighbouring residential dwelling, known as The Holt. In addition, there was a two storey side/rear extension to the north eastern boundary which created a horseshoe shaped footprint to the rear. The rear amenity space consisted of a courtyard area between the two rear wings. Beyond the building was a large area of soft landscaping.

- 2.3 The neighbouring building to the south east is an existing residential building known as The Holt. This building has been subject to a number of significant extensions and alterations including a large single storey extension located in close proximity to the boundary with the application site. The neighbouring property to the north-east is The Gate Public House, the car park serving this premises adjoins the boundary with the application site.
- 2.4 At the front of the pre-existing building was an area of hardstanding used for off street car parking provision. A large Corsican Pine tree is located within the frontage and is afforded protection by the Three Rivers (Whitehayes, Rickmansworth Road) Tree Preservation Order 1985.

3 Description of Proposed Development

- 3.1 Planning permission 16/1218/FUL was granted on the 7 November 2016 for the Demolition of the existing care home and construction of a replacement three storey care home with additional basement, associated parking and landscaping. This was granted subject to a number of conditions including condition 2 which stated:

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

L6814/1 Rev 1, L6814/2 REV 1, L6814/3, L6814/4, L6814/5, L6814/6, L6814/7, EX01 PL1, EX-06 PL1, EX-07 PL1, SP-01 PL5, GA-01 PL5, GA-02 PL6, GA-03 PL6, GA-04 PL6, GA-05 PL6, GA-06 PL4, GA-07 PL3, GA-10 PL7, GA-11 PL7, GA-12 PL7, GA-13 PL7, GA-22 PL2, GA-23 PL5

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the openness of the Metropolitan Green Belt and the character and appearance of the Conservation Area and in accordance with Policies CP1, CP3, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal.

- 3.2 This permission has recently been implemented as the original building has now been demolished.
- 3.3 The applicant is now seeking to vary the above condition to allow alterations to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space.
- 3.4 The replacement building would continue to provide 46 bedrooms in addition to other ancillary facilities including a café, cinema, spa therapy room, hair salon, fine dining areas, courtyard garden and rear amenity space. The proposed building would be set back from the Rickmansworth Road frontage by a minimum of 16.2m and a maximum of 19.5m. The building would be set in from the boundary with The Gate Public House by a minimum of 1.6m and would be set in from the boundary with The Holt by a maximum distance of 8.4m and a minimum distance of 4.7m (to the front wall of the proposed fine dining area at ground floor level).
- 3.5 The plans indicate that the proposed building would have a maximum width of approximately 23.2m. The building would have a stepped depth such that the elevation adjacent to The Gate Public House would have a maximum depth of 41.4m. However, when including the depth to the rearmost projection of the proposed Quiet Room, the building would have a maximum depth of 44.3m. The flank elevation adjacent to The Holt would have a depth of approximately 36.5m. The second floor accommodation would have a reduced width of 17.8m and would be set in from the common boundary with The Holt by approximately 8.3m. The basement accommodation would not extend beneath the whole

building and would provide ancillary facilities mainly for staff as well as a cinema and spa therapy room for use by residents.

- 3.6 In terms of design, the building would have a mansard roof form, with two front projecting gables to the front elevation. The building would have a maximum height at the front elevation of approximately 11.7m, stepping down to the rear to 9.3m. The western elevation facing The Gate Public House would be broken up through the provision of three Dutch hipped elements. The elevation immediately adjacent to The Holt would be two storey with a maximum height of 6.1m.
- 3.7 The site would continue to be served by the existing vehicular access from Rickmansworth Road; which would provide access to 17 car parking spaces.
- 3.8 The proposed amendments relative to planning permission 16/1218/FUL include:
- Increase in the maximum height of the proposed building from 9.7m to 11.7m to the ridge of the front gabled projection;
 - Increase in the maximum depth of the building from 41.8m to 44.3m including the addition of a single storey flat roofed projection to the rear elevation accommodating a proposed quiet room facing the rear amenity space;
 - Flank wall adjacent to The Holt reduced in height from 6.5m to 6.1m with a crown roof form proposed rather than a mansard roof form with catslide;
 - Elevation adjacent to The Holt reduced in depth from 38.9m to 36.5m (by reason of the front elevation of this element being set back from the main front elevation of the building);
 - Alterations to the proposed fenestration detail including the removal of rooflights to the eastern elevation facing The Holt, and the level of fenestration at second floor level reduced;
 - The addition of a lift shaft to the eastern elevation facing The Holt;
 - Alterations to the Basement footprint;
 - Alterations to the layout and orientation of the central courtyard.
- 3.9 Amended plans were received during the course of the application to include the addition of render to the building and to revise the height of the boundary treatment adjacent to The Holt, to include a trellis on top of the existing fence with a maximum height from ground level of 1.8m.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: (No objection)

The Committee had no objection to this application.

4.1.2 Conservation Officer: (Objection)

The demolition and rebuilding of Burford House was previously consented under application 16/1218/FUL. The site is located within the Chorleywood Conservation Area, in close proximity to a number of listed buildings, including the grade II* Christchurch (list entry number: 1348233).

The proposed changes will increase the height of the replacement building on the south west (front) elevation. This will increase the bulk of the building and will have an impact upon the street scene and Conservation Area. I was previously consulted as part of a previous application, now withdrawn, and would like to reiterate my previous concerns regarding the front elevation of the building:

'The proposed changes to the size of the building will be harmful to the designated heritage assets, enlarging the building to an inappropriate mass which will dominate the street scene, detracting from the setting of the listed buildings and the overall character of the Conservation Area. In particular, the proposed increased ridge height of the building, coupled with the increased width of the property, will make the replacement building appear incredibly block-like and prominent within the street scene. Buildings within the Chorleywood Conservation Area are typically traditional and vernacular in appearance, reflecting the historically agricultural land usage of the Common and also contributing to the sense of open space within the area, emphasised by the relatively low density of development.'

This application has altered the proposed right-hand, single storey element of the building from the withdrawn scheme, which is positive and creates a more orderly appearance to the street fronting elevation, effectively hiding elements of the roof form of the courtyard behind. Similarly, the simplification of the south east elevation is positive, providing a relatively blank and neutral elevation reflecting the service use of this side of the building. However, as proposed, I feel the increased width of the gabled sections of the front elevation, coupled with the increased height of the building, still brings greater prominence to the elevation than the approved plans, under 16/1218/FUL. Despite the footprint of the building not being significantly smaller, the increased areas of tile hanging within the consented scheme gave the visual impression of reducing the bulk of the building. Reducing the width of the gabled, rendered sections, as well as reducing the height of the proposed building, would, I feel, be more responsive to the character of the Conservation Area.

In conclusion, I feel the proposed changes will be harmful to the significance of the Conservation Area and the setting of the listed building, due to its potential dominance within the street scene. The height of the building also has the potential to compromise the way in which the listed buildings are experienced, undermining their prominence and historic context. This would be contrary to section 196 of the NPPF, and classed as 'less than substantial harm'.

4.1.3 Hertfordshire County Council – Highway Authority: (No objection)

The submitted plans are considered to be acceptable by HCC as Highway Authority. HCC has no objection to the amended plans, subject to the original full response from HCC as Highway Authority to the original planning application consultation.

Officer comment: The 2016 consultee comment is outlined below:

Hertfordshire Highways: [No objection. Conditions suggested].

Condition (construction management):- The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and facilities for controlling dust and mud during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of a Construction Management Plan and the approved details should be implemented throughout the construction period.

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 (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (Interim Travel Plan). Prior to the commencement of the construction of the proposed building hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority,

such a Travel Plan shall accord with the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance'.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

Condition (Full Travel Plan). No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

Highway comments: This application requests the demolition of the existing building and construction of a replacement 46 bedroom care home with access from Rickmansworth Road. This road is classified as a Main Distributor Road within Hertfordshire's road hierarchy and is subject to a 30mph speed restriction. The existing access arrangement is shown to be retained and this affords acceptable standards of visibility for vehicles emerging to and from the site. The site is located immediately adjacent to bus stop facilities and the Design and Access Statement acknowledges the need for a Green Travel Plan for the site. This document also confirms that the existing on-site car parking provision will be increased from 12 to 17 spaces and that the parking area will be constructed using a permeable block paving material to ensure that surface water from the area does not discharge onto the adjacent highway.

The completed proposal is not expected to result in a significant impact on the safety and operation of the adjacent highway network. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions identified above.

4.1.4 Development Plans: (No objection)

Policy CP3 of the Core Strategy states that the Council will promote development that caters for a range of housing needs, including the provision of housing for the elderly. The extant planning permission for the demolition and replacement of a care home (16/1218/FUL) forms part of the Three Rivers Housing Land Supply (2018) as an outstanding C2 development. The proposed development would result in a net gain of 16 bedrooms (equivalent to a net gain of four dwellings). The most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed-spaces in Three Rivers for the period 2013-2036, equating to an annual need of 26 bed-spaces. The proposal would contribute to this indicative need being met by providing an increased number of bedrooms and subsequently there is support for the delivery of the development. It is worth noting that an update to the SHMA will be published in due course and therefore these figures are subject to change.

4.1.5 Herts Fire Protection: (No objection)

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. 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.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire-fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire-fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire-fighting purposes to serve the proposed development are sought to be provided by the developer.

The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire-fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

4.1.6 Lead Local Flood Authority: (More information required)

Following a review of the updated proposed drainage layout (ref: 5640-JPG-XX-00-DR-D-1400, revision P07, dated 05.11.19) along with the updated SuDS Statement (ref: 5640JPG-XX-XX-RP-D-S2-P05, dated 05.11.19) in accordance with the amendments to the site plan, we have assessed if the proposed variation of condition 2 has an impact on the proposed drainage scheme. We note that the building footprint has been extended, meaning that the building has moved closer to one of the proposed deep borehole soakaways as part of the proposed surface water drainage scheme. We would require clarification of the exact distance from the building to the soakaway as we have concerns on a structural basis as to the feasibility of soakaways in close proximity to then development. This clarification may lead to a requirement for adequate technical justification of the feasibility of the proposal to extend the footprint closer to the soakaways through the submission of a ground conditions report as the soakaways are fundamental to the proposed drainage system.

Informative to the LPA

We have issued a response to a discharge of condition application for conditions 19, 20 and 21 for this site (planning ref. 19/1758/DIS dated 31.10.19) and had significant concerns regarding the proposed drainage scheme and as a result did not recommend discharge of condition 19. Please note if the LPA decides to grant the variation of condition we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.7 Herts Ecology: (No objection)

Comments taking from previously withdrawn application.

I am pleased to see updated bat information has been submitted in support of this application – Bat Roost Assessment report (JDEcology 2019). Moderate potential bat roosting features were identified during bat surveys in 2015 and further activity surveys were recommended at that time to determine presence/absence.

Dusk emergence / dawn re-entry surveys were undertaken on 29 July and 6 August 2019. Low flight activity of two species of bat was recorded across the site. Two single bats were recorded emerging from different locations on the building. Consequently, Burford House is confirmed to support a single day roosting Common pipistrelle bat and a single day roosting Soprano pipistrelle bat.

The development proposal, which involves demolition of the Burford House, will result in the loss of the bat roosts; however, sufficient mitigation and compensation measures have been provided to ensure the favourable conservation status of bats is maintained. It has been acknowledged that a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully with development works at this site. I understand a licence application was submitted in August 2019.

As long as the Variation of Condition 2 (approved Plans), which includes increase in ridge height, does not adversely affect any suitable bat brick locations, which it shouldn't do - and the locations of which will ultimately need to be agreed with the Natural England, the consultant ecologist/applicant I have no objection to the Variation of Condition 2 (approved plans).

4.1.8 National Grid: No comments received. Any comments to be verbally updated to committee.

4.1.9 Landscape Officer: No comments received. Any comments to be verbally updated to committee.

4.1.10 Thames Water: No comments received. Any comments to be verbally updated to committee.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6 No of responses received: 1

4.2.2 Site Notice: Expiry 06 November 2019 Press notice: Expiry 08.11.2019

4.2.3 Summary of Responses:

- Unacceptable height – increase relative to the approved scheme particularly to the rear which together with its design creates substantial harm to properties surrounding Burford House
- Inappropriate scale, bulk and massing particularly with the use of a mansard roof scape; creates a building which is inappropriate and squeezed into a site with minimum space to the sides
- Overdevelopment- the amendments create a building which is too large for the site. Will dominant and be overbearing to The Holt
- Overbearing and incongruous design - maximising floorspace by using a mansard roof which exacerbates overlooking. The proposed amendments introduce a large number of new windows in the south eastern elevation which allow overlooking to The Holt including principal living and bedrooms located in the rear extension and its private gardens
- Commercial need. The document relies on the commercial and operational needs which are noted but are not a valid planning consideration and which are insufficient to outweigh the harm to the amenity of The Holt.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 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, CP3, CP4, 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, DM8, DM13 and Appendices 2 and 5.

6.3 Other

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

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

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

7 Planning Analysis

7.1 Principle of Demolition

7.1.1 The principle of demolition was previously agreed under application 16/1218/FUL. As noted above, that permission has been recently implemented on site and demolition of the building has occurred.

7.2 Principle of Development

7.2.1 The existing building has been most recently in use as a residential care home for the elderly and as a result the principle of this use in this location already exists. Policy CP3 of the Core Strategy relates to housing mix and density and advises the following:

‘New development will also provide a range of house types and sizes to reflect the existing and future needs of the Three Rivers population and characteristics of housing in the area.... This includes provision of housing for the elderly and supported and specialist accommodation in suitable and sustainable locations’.

7.2.2 Given the location of the site and its use, the principle of a residential care home was viewed as acceptable in 2016. This view remains unchanged, the proposed use is still considered to be acceptable and in accordance with Policy CP3 of the Core Strategy. It is also noted that the extant planning permission 16/1218/FUL forms part of the Three Rivers Housing Land Supply (2018) as an outstanding Class C2 development.

7.2.3 Furthermore the most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed spaces in Three Rivers for the period of 2013-2037 equating to an annual need for 26 bed spaces. The proposed development would therefore contribute to this need by providing an increased number of bedrooms. The Development Plans Officer has therefore advised that there is support for the delivery of the proposed development.

7.3 Impact on the Green Belt

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

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

7.3.2 Paragraph 143 of the NPPF sets out that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is inappropriate, however, Paragraph 145 sets out seven exceptions to inappropriate development which include:

- Buildings for agriculture and forestry;
- The provision for appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building; provided that the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages;
- Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- Limited infilling or the partial redevelopment 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 to meeting an identified affordable housing need within the area of the local planning authority.

7.3.3 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land in it. The proposed development is considered to fall into one of the exceptions listed above in that it seeks to replace an

existing building with another in the same use. However, to be considered as an appropriate form of development, the building must not be materially larger than the one it replaces.

- 7.3.4 At the time of the previous application, it was considered that the development would constitute an inappropriate form of development as the proposed building would be materially larger than that it replaced. However, it was found that there were very special circumstances which outweighed the identified harm to the Green Belt. These included the need for such specialist accommodation within the district, the outdated nature of the pre-existing accommodation which was not considered fit for purpose and the evolving regulations governing this kind of accommodation. The following was also noted in the Officer Report:

The applicant also advised that maintaining the level of care and complying with the current regulations at Burford House as it exists currently is not a viable or a sustainable option. If a like for like replacement home was provided, then the bed capacity would need to be reduced to accommodate all of the additional requirements. The applicant has also advised:

'the costs of running care homes have gone up so exponentially as a direct result of the need to adhere with change in regulations and so economies of scale is a major factor. The care home has to be financially viable to allow investment and rebuilding it to meet the increasing needs of the community. There is an optimum point where the capacity of the care home renders significant investment unviable. The 46% increase in GEA is a critical threshold in viability terms'.

- 7.3.5 The current application now proposes a further increase in size including an increase and alterations to the internal floor space as set out in the table below:

	Approved 16/1218/FUL	Current application 19/1949/FUL	Percentage increase
Basement	372 square metres	412 square metres	11%
Ground Floor	880 square metres	875square metres	-1%
First floor	856 square metres	846 square metres	-1%
Second floor	525 square metres	622 square metres	18%

- 7.3.6 As shown above, the main differences in floor space occur at second floor level and basement level. The basement increase would have no significant impact on the openness of the Green Belt as this would not be a visible addition. It is acknowledged that the differences at second floor level would be discernible due to the revised floor area at this level and consequently there would be some additional harm to the Green Belt. As a result, the development remains an inappropriate form of development which would result in harm to the openness of the Green Belt. Likewise, the increase in height by a maximum of 2m when viewed from the front elevation would result in additional harm to the openness of the Green Belt. However, the LPA is still required to consider whether there are very special circumstances which would outweigh the harm to the Green Belt and any other harm. The applicant has put forward a number of additional very special circumstances in support of the current scheme which are outlined below.

- 7.3.7 The applicant has advised that the Department of Health's Document entitled 'Care Homes for Older People National Minimum Standards, Care Homes Regulations, 3rd Edition, Published 2006' is traditionally the starting point for the design of care homes. As such, the

2016 approved building was designed to this guidance. However, throughout the industry it is recognised that this 13 year old document no longer meets the expectations of the end users, as people are seeking more comfortable and spacious accommodation. Consequently, in order to construct a building which remains fit for purpose in the coming years, the applicant has sought to make a number of changes resulting in an increased size and height:

- The approved bedroom sizes are no longer acceptable, only marginally exceeding the standard set out in 2006. Furthermore, a number of the bedrooms do not accommodate a 1500mm wheelchair turning head to either side of the bed.
- The approved en-suite bathroom sizes are too small; these were approved at around 3.5sqm in area. However, the applicant has learnt from experience that the minimum size should be around 3.9-4.2sqm to ensure that the shower is far enough away from the door to prevent water flowing under the door into the bedroom.
 - Thirteen of the approved bedrooms overlooked an internal six courtyard with of them being north facing. The bedrooms had no aspect, reduced privacy and were overshadowed. They would not be marketable.
- Finished floor levels were not indicated on the approved drawings and were found to be insufficient. The applicant states the following: *After taking account of floor construction thicknesses and the need to have a service void behind suspended ceilings the industry standard floor to floor dimension is 3m for a care home as these are well serviced building with more demands than a typical dwelling house. Such additional service requirements over and above a typical dwelling house relevant to a care home include mechanical ventilation / extraction and sprinkler systems. The height of the approved building ridge when measured on elevation is only 9m and the height to the second floor window cill is only 6.5m from ground level. The approved design is not capable of accommodating these vertical dimension standards.*
- The proposed mansard roof form allows the aesthetic of a pitched roof skirting whilst improving useable head room and keeping the ridge height to a minimum.
- One of the approved dining areas was located in the basement which is inappropriate with no daylight or natural ventilation.
- The approved building includes some functionality issues including the use of laundry chutes/dumb waiter facilities. These are not considered to be appropriate in this setting causing noise and smell. The new design allows the goods lift to serve all floors.

7.3.8 It is therefore considered that whilst the proposed development would result in some increased harm compared to the 2016 scheme, that there are very special circumstances which would outweigh the harm to the Green Belt. There is still a need for this type of accommodation within the District and it is acknowledged that the expectations of the end user has evolved since the publication of the Care Homes for Older People, National Minimum Standards, Care Homes Regulations, 3rd Edition, Published 2006' and since 2016. Furthermore, the 2016 approved building would not have been fit for purpose in the near future due to the design and functionality issues. Therefore it is considered that the development would be acceptable and in accordance with Policies CP1 and CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.

7.4 Impact on the Character and appearance of the Street Scene and the Conservation Area

- 7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (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'.
- 7.4.2 Policy DM3 of the Development Management Policies LDD relates to Heritage Assets and advises that development within Conservation Areas are of a 'design and scale that preserves or enhances the character or appearance of the area'. The Chorleywood Common Conservation Area Appraisal is also relevant to the current application.
- 7.4.3 In terms of siting, the overlaid ground floor plans indicate that the proposed front wall of the building would be sited in a similar location to that previously approved. In addition, it would be set back relative to the front building line of both adjacent neighbours which helps reduce its visual impact from the street scene. Compared with the previous scheme, the front wall of the building adjacent to The Holt would be set further back which further minimises its prominence. In addition, the nature of a stepped front elevation helps add interest to the front elevation which would be encouraged in this location. As with the previous application, the basement accommodation would not be readily visible from any public vantage points which also minimises any harm. Appendix 2 of the Development Management Policies LDD also provides guidance on distances to flank boundaries stating:
- 'Development at first floor level and above should be set back from flank boundaries by a minimum of 1.2m. This distance may be increased in low density areas or where development would have an adverse effect on the adjoining property'.*
- 7.4.4 The flank elevation adjacent to the boundary with The Holt would be set in by a maximum of 8.4m at the front elevation which ensures a degree of openness is retained around the building in keeping with the setting in which it is located. The flank elevation adjacent to The Gate would be set in by approximately 2.2m which is again viewed favourably given the character of the locality. In addition, the adjacent building, The Gate, is set away from the boundary with the car park serving this building providing further spacing between the buildings. As such, there is a significant degree of spaciousness between the two buildings preserving openness in this location.
- 7.4.5 As already set out, the building is located within the Chorleywood Common Conservation Area and thus regard must be had to the impact on the character and appearance of this area. The Conservation Officer has raised concern that the proposed building would be harmful to the Conservation Area and to Listed Buildings within the vicinity; enlarging the proposed building to an inappropriate mass. In addition, the Conservation Officer has raised concern with regard to the increased height of the building and the increased width of the front facing gabled elements which would increase the prominence of the front elevation. The comments suggest that reducing the width of the gabled elements, reducing the height and adding rendered sections to the building would address some of the concerns.
- 7.4.6 It is noted that the proposed development would include an increase in height of the two proposed gable elements to the front elevation by 2m to a maximum of 11.7m. However, one must also have regard to the previously approved plans in assessing whether the proposed increased height is acceptable. Whilst it is acknowledged that the front facing gables would be higher, the central recessed area to the front elevation would have a height of 9.5m, therefore, would be not significantly higher than the approved scheme. Likewise the roof form to the rear elevation would only be 0.2m higher than previously approved. Whilst the gables would be higher than approved, given the stepped ridge height and the

retained distances from the boundary, it is not considered that the proposed development would result in increased harm to the Conservation Area relative to what has previously been approved and can be implemented. The conservation officer's comments note that the scheme could also be improved by reducing the width of the front gables and through the introduction of rendered elements. Whilst the front gables have not been reduced in width, the introduction of cream render has helped break up the large expanse of brickwork/tile hanging to the front elevation whilst also introducing a material that is sympathetic to the appearance of the Conservation Area. The Conservation Officer has verbally commented that the introduction of render makes a visual improvement to the building and is supported.

7.4.7 The proposed building would be of increased bulk relative to the pre-existing structure. However, a large roof form was approved previously which is not dissimilar to the currently proposed mansard roof form and as such, it would be unreasonable to object to the scheme based on the bulk of the roof form particularly given the modest increase in height of 0.2m to the flank and rear elements of the three storey elements. It is noted that the proposed development includes a lift shaft which would include a flat section. Whilst this is shown on the front elevation, it would be set back such that its impact would be limited when viewed from the frontage.

7.4.8 It is acknowledged that the Conservation Officer does have concerns in relation to the proposed development. However, the National Planning Policy Framework requires that the harm to a heritage asset should be weighed against any public benefits of the proposal. In this case, the proposed development would allow the retention of a care home use within the District. As set out previously, the most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed spaces in Three Rivers for the period of 2013-2037 equating to an annual need for 26 bed spaces. The proposed development would therefore contribute to this need by providing an increased number of bedrooms. The loss of this sort of specialist accommodation would result in harm. On balance, when considering the public benefit of providing specialist benefit along with the fact that a planning consent already exists at the site, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.5 Impact on amenity of neighbours

7.5.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.5.2 The western elevation of the proposed building would be located adjacent to the boundary with The Gate Public House. It is acknowledged that a deep flank wall containing a large number of windows would be introduced, however, as this is a non-residential neighbour which is set off the boundary itself, it is not considered any significant harm would occur to this building.

7.5.3 To the east of the site, is The Holt, a detached residential dwelling also fronting Rickmansworth Road. This neighbour has raised concern in relation to the application due to the increased mass and bulk and the impact in terms of overlooking. Appendix 2 of the Development Management Policies LDD sets out the following with regard to two storey developments:

'Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden on the joint boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.'

- 7.5.4 It is acknowledged that the proposed development would result in an intrusion of the 45 degree line, therefore suggesting that the development would result in some adverse visual impact. However, it is emphasised that a similar development has already been approved. At the time of the previous application, the officer set out the following as to why significant harm would not occur as a result of the development.

At present, Burford House has a large single storey addition with pitched roof form projecting along the common boundary with this neighbouring dwelling, this element has a maximum height of approximately 6m. The proposed scheme would introduce a two storey element along this boundary with a height of 6.1m, therefore not significantly higher than the existing maximum height. The proposed two storey element would also not be significantly deeper than existing single storey element of similar height and a distance of 3m would still be retained at the deepest point of this element. With regard to the three storey element, the plans indicate that this would be located a minimum of 8.2m away from the common boundary with this neighbour, with the deepest point of the three storey projection being located 14.4m from the boundary. Whilst it is acknowledged that this three storey element would be visible, due to the distances from the boundary and the existing level of development at Burford House, it is not considered that this would be so overbearing as to justify a refusal on this basis. Based on the submitted drawings and orientation, it is also not considered that this would result in significant loss of light relative to the existing situation. Furthermore, the maximum ridge height of the proposed building has been lowered relative to the maximum ridge height of the existing building by approximately 3.2m.

- 7.5.5 The proposed plans indicate an increased depth of the building into the rear garden by a maximum of 2.5m (relative to the previously approved rearmost wall). However, the flank wall immediately adjacent to The Holt would project no deeper than previously, would be set 3.2m from the boundary and would be 0.4m in height, a reduction of 0.4m compared to that previously approved. As such, it is not considered that the element immediately adjacent to The Holt would result in increased harm and the reduced height of 6.1m would result in lesser harm to this neighbour. With regard to the three storey element, the plans indicate that it would be set a minimum of 8.3m from the boundary, with the deepest section being located 13.8m away. It is not considered that the reduced distance of 13.8m in comparison to 14.4m would result in significantly increased harm to justify refusal. Whilst it is acknowledged that this three storey element would be visible from The Holt, due to the distances to the boundary and the pre-existing level of development at Burford House it is not considered that significant harm would occur to justify refusal on this basis. It is noted that the neighbour has raised concern regarding the increased height of the building. However, the three storey element of the building would be located approximately 8.3m from the boundary with the element closest to the boundary being of reduced height compared to that previously approved. As such, it is not considered that the increased height of the building would result in significant harm to the neighbour

- 7.5.6 The neighbouring property has also raised concern with regard to overlooking particularly from the south eastern elevation. It is noted that there are four windows shown on the second floor elevation which face towards The Holt. However, all of these openings would serve corridors which are non-habitable areas and therefore can be conditioned to be obscurely glazed. In addition, the openings are also set off the boundary which would further minimise any harm. It is noted that the development is designed around a central courtyard and consequently there are bedroom windows facing inwards into the courtyard which would be visible from the neighbouring dwelling. However these windows are set in from the boundary and their siting in relation to the neighbour is such that any views would be oblique. It is therefore not considered that any harm would occur. With regard to the ground floor windows in the south eastern elevation, these would serve communal areas and would be set in from the boundary and screened by a close boarded fencing with a trellis on the side of the application site at 1.8m to minimise harm in terms of overlooking.

- 7.5.7 The south east elevation also indicates the provision of an AC unit and condensing units on the south eastern elevation. Details of the specific plant has not been provided, and consequently it is necessary to add a condition requiring details of the plant to be submitted to the LPA for approval prior to installation, to ensure that there would not be any significant harm to neighbours in terms of noise.
- 7.5.8 The neighbour to the rear of the site is known as Pembury Cottage. The proposed building would be visible from this dwelling, however, a back to back distance (from the nearest rear facing first floor windows) would retain a distance of approximately 39m between the buildings. This would be in excess of the 28m as set out as generally acceptable under Appendix 2.
- 7.5.9 There would be no impact to neighbours opposite the site due to the separation by the highway.
- 7.5.10 In summary, whilst the comments from The Holt are noted, it is considered that the development would not result in significantly increased harm relative to what has been previously considered acceptable. The development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Amenity Space Provision for future occupants

- 7.6.1 Appendix 2 of the Development Management Policies LDD sets out the standards for the provision of amenity space and advises that for residential care homes, there should be at least 15 square metres per bed space provided communally. As such, the proposed development would require 690 square metres of amenity space.
- 7.6.2 The proposed plans indicate a rear amenity space of approximately 346 square metres. In addition, a central internal courtyard is proposed measuring approximately 69.5 square metres. This would therefore represent a total amenity space provision of 415 square metres resulting in a shortfall of 275 square metres. In 2016, a total useable amenity space of 446 square metres was supported representing a shortfall of 244 square metres. However, the following justification was provided by the applicant and this is still considered applicable to the current scheme:

The garden in the current home is significantly underutilised as residents are not able to go outside for the vast majority of the year due to the cold, windy and rainy weather. During the warmer months, they prefer the shade of the current walled spaced by the building rather than the open garden lawn space as this area offers greater shade and protection for their frail skin and sensitive eyes. In addition, for safety reasons the residents must be accompanied when using the current garden which impacts their independence'.

- 7.6.3 In 2016, it was noted that whilst the development would result in an overall shortfall in amenity space provision, the proposed development would offer a more useable amenity space specifically designed for the needs of those occupying the new building. As with the previous consent, the current scheme offers a variety of ancillary facilities including day rooms, a café, a bar, a cinema, fine dining space and a hairdressers, all of which would provide further amenity spaces for enjoyment by future occupiers.
- 7.6.4 It is not considered that the further shortfall in amenity space of 31 square metres would result in significant harm particularly given the use of the building and the requirements of future residents. The development is therefore still considered to be acceptable in this regard.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.7.2 At the time of writing, comments had not yet been received from the Landscape Officer but any comments will be updated to the Committee verbally.

7.8 Highways, Access and Parking

7.8.1 Policy CP10 of the Core Strategy sets out that development should demonstrate that it is able to provide a 'safe and adequate means of access. As per the previous scheme the proposed development would retain the existing vehicular access to the site from Rickmansworth Road. At the time the 2016 consent, the Highways Officer considered that the access affords acceptable standards of visibility to and from vehicles entering and existing the site.

7.8.2 At the time of the previous application, a number of pre-commencement conditions were suggested by Hertfordshire Highways including the submission of a construction management plan and the submission of a full Travel Plan. Whilst, a Construction Management Plan has been previously discharged, the details are based on the previously approved scheme and therefore, it is considered necessary that a condition requiring the submission of a Construction Management Plan is attached. The requirement for a full travel plan to be submitted prior to occupation of the development is still considered applicable and shall be added to the consent as a condition.

7.8.3 With regard to car parking provision, Appendix 5 sets out the following requirements:

0.25 space per resident bed space plus;

1 space per 2 staff non- resident (parking for resident staff to be based on general needs standard.

7.8.4 As a 46 bedroom care home, a total of 11.5 spaces would be required for residents (46 x 0.25 spaces). With regards to staff, the applicant has advised that a total of 46-50 staff would be employed, although during a typical daytime shift, it would be anticipated that 16/17 staff would be there at any one time. During a night time shift, staff numbers would drop to 5. Therefore based on a maximum of 17 staff members being on site at any one time, a total of 8.5 spaces would be required, creating a cumulative total of 20 spaces. The plans indicate that a total of 17 spaces would be provided on site, which is considered to be sufficient and was considered acceptable at the time of the previous application. The application site is located in Parking Zone 4, where 75%-100% of the demand based standard should be applied. If one, applies a restraint of 75%, a total of 12.75 spaces would be required. Given a total of 17 spaces would be required, the proposed development would be in accordance with the provisions of Appendix 5. As such, given the site circumstances and the nature of the use, it is not considered that a shortfall of three spaces would result in significant harm to justify refusal.

7.9 Sustainability

7.9.1 Paragraph 148 of the NPPF states that "Planning plays a key role in helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

7.9.2 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.

- 7.9.3 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.
- 7.9.4 In 2016, an Energy Statement was submitted which demonstrated that the development would have been in accordance with the development, exceeding Building Regulations by 10%. The current application results in changes to the footprint and design and a revised Energy Statement has not been submitted. A condition is recommended requiring an Energy Statement to be submitted prior to the first occupation of the building.
- 7.10 Flood Risk and Drainage
- 7.10.1 Policy DM8 of the Development Management Policies LDD requires development to include Sustainable Drainage Systems (SuDs) to reduce surface water run-off.
- 7.10.2 Hertfordshire County Council as Lead Local Flood Risk Authority note that the proposed building would move closer to one of the proposed deep borehole soakaways as part of the proposed surface water drainage scheme. They have requested further clarification on the specific distance as they have some concerns as to the feasibility of soakaways in such close proximity to the development. As such, further information is required.
- 7.10.3 At the time of writing, further information had been requested from the applicant to address the above concerns.
- 7.11 Biodiversity
- 7.11.1 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.
- 7.11.2 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.
- 7.11.3 Herts Ecology provided comments on a previously withdrawn application 19/1522/FUL and these are considered applicable. They noted that updated bat information had been submitted advising that Dusk emergence/dawn re-entry surveys were undertaken during the summer and low flight activity of bats were recorded across the site. Two single bats were recorded emerging from different locations on the existing building, a single day roosting Common Pipistrelle Bat and a single day roosting Soprano Pipistrelle Bat. Herts Ecology advised that the report included sufficient mitigation measures been to ensure the favourable conservation status of bats. The report also acknowledged that a European Protected Species (EPS) License will be required from Natural England to proceed lawfully. Herts Ecology further advised that a condition should be added to the consent requiring that

the recommendations in the Bat Roost Assessment should be followed. Such a condition is still held to be relevant.

7.12 Conclusion

7.13 The original consent (16/1218/FUL) granting planning permission for the demolition of Burford House and provision of a new building. This permission has been recently implemented through the demolition of the existing building and as such the original planning permission is considered to be a material planning consideration. In considering the new plans, it is acknowledged that the proposed building would result in additional harm both to the Green Belt and to the Conservation Area, by virtue of that fact that this would be a larger building.

7.14 However, on balance, it is considered that there are very special circumstances which would outweigh the harm to both the Conservation Area and the openness of the Metropolitan Green Belt; one of which is the significant need for this type of accommodation within the District. As already set out, the most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed spaces in Three Rivers for the period of 2013-2037 equating to an annual need for 26 bed spaces. The proposed development would therefore contribute to this need by providing an increased number of bedrooms. The loss of this sort of specialist accommodation would result in harm. On balance, when considering the public benefit of providing specialist accommodation along with the fact that a planning consent already exists at the site, the development is considered to be acceptable and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8 **Recommendation**

8.1 That subject to the recommendation of approval from the Lead Local Flood Authority (LLFA) and the Landscape Officer, the application be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to the following conditions and any additional conditions as requested by the LLFA/Landscape Officer:

C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans:

19-092-100, 19-092-101, 19-092-120 A, 19-092-121 B, 19-092-122 B,
19-092-123 B, 19-092-124 B, 19-092-150 B, 19-092-151 B, 19-092 D6.1B,
19-092.D7.1A, 19-092 D7.2E,

Reason: For the avoidance of doubt, in the proper interests of planning, to protect the openness of the Metropolitan Green Belt and to preserve the character and appearance of the Chorleywood Common Conservation Area in accordance with Policies CP1, CP3, CP6, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

C2 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to the commencement of works above ground level, an Energy Statement demonstrating energy saving measures for the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall

be implemented prior to occupation of the development and permanently maintained thereafter.

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

- C4 Prior to the first occupation of the development hereby permitted, details of all plant, machinery and equipment to be installed or operated in connection with the carrying out of this permission and measures to enclose these and/or attenuate noise arising from their operation shall be submitted and approved in writing by the Local Planning Authority.

The plant, machinery and equipment and the approved measures to attenuate noise shall be implemented in full prior to the first occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

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

- C5 The development shall be undertaken and maintained in accordance with the recommendations set out in the submitted Bat Roost Assessment by JD Ecology.

Reason: To ensure to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the commencement of above ground works, full details of all proposed vehicle access, movements, parking arrangements and facilities for controlling dust and mud during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of a Construction Management Plan and the approved details should be implemented throughout the construction period.

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).

- C7 No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To ensure that the development offers a wider range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C8 No above ground works shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping.

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

accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 No above ground works shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

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

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

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

- C10 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- C11 The windows in the second floor flank elevations facing The Holt shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

8.2 Informatives:

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 In order to protect breeding birds, their nests, eggs and young, demolition/major renovation activities should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.