

## PLANNING COMMITTEE – 27 FEBRUARY 2020

### PART I – DELEGATED

5. **19/1684/OUT - Outline Application: Demolition of offices and erection of new development of 59 flats with underground parking (matters of appearance and landscaping reserved) at SCOTSBRIDGE HOUSE, SCOTS HILL, CROXLEY GREEN, HERTFORDSHIRE WD3 3BB (DCES)**

Parish: Croxley Green

Ward: Dickinson

Expiry of Statutory Period: 9 December 2019  
(extension agreed to 31 March 2020)

Case Officer: Adam Ralton

**Recommendation:** That Outline Planning Permission be Granted, following the completion of a Section 106 Agreement to secure an Affordable Housing Review Mechanism.

**Reason for consideration by the Committee:** This application was called to Committee by three Members of the Planning Committee unless Officers are minded to refuse.

#### 1 Relevant Planning History

- 1.1 19/1685/OUT Outline Application: Demolition of offices and erection of new development of 63 flats with underground parking (matters of appearance and landscaping reserved). **Under consideration.**
- 1.2 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). **Refused** on the grounds that the proposal would not make satisfactory provision for affordable housing. **Appeal Dismissed.**
- 1.3 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.
- 1.4 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** on the grounds that 1) the proposal would constitute inappropriate development in the Green Belt, 2) the proposal would result in a loss of employment floorspace, 3) the proposal would not make satisfactory provision for affordable housing. **Appeal Dismissed** in respect of the impact on the Green Belt and the lack of affordable housing. The reason for refusal relating to loss of employment floorspace was withdrawn from the appeal hearing.

#### 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 59 flats with surface and underground car parking. Matters of Appearance and Landscaping are reserved – therefore the only matters for consideration are Access, Layout and Scale.

3.2 The submitted application form suggests that 59 units are proposed. The submitted Viability Appraisal suggests the application includes 22 one-bed flats, 30 two-bed flats and 7 three-bed flats.

3.3 The units would be contained within a three storey replacement building (with third floor accommodation contained within the roof of the front section of the building). The building would measure 11m in height, 43.6m in width (not including chimneys) and would have a maximum depth of 59m (Including roof overhangs).

3.4 Car parking would be split between a basement (containing 91 parking spaces) and the existing surface car parking which would provide 50 spaces, with an additional 20 spaces to the front of the proposed building. The applicant has confirmed that the basement would contain cycle storage, electric vehicle charging points for each flat, and two cores each with a 10 person lift).

3.5 The application is supported by the following additional information:

- Biodiversity enhancement plan (SBH003)
- Britscape Sustainability Appraisal - 2 September 2019.
- Biotechture living walls brochure
- Abbey Consultants Energy Demand Statement - July 2018
- McCloy Quantitative Hydrogeological Risk Assessment – October 2019
- Abington Transport Statement – July 2018
- T4 Ecology Preliminary Ecological Appraisal – April 2018
- Abington Flood Risk Assessment July 2018
- EssexArb Tree Report – Arboricultural Impact Assessment (April 2018)

3.6 The submitted Design Access Statement makes reference to:

- 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.
- Solar panels located along south facing slopes and flat roofs will supply almost all the required electricity for the proposal.

3.7 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.

3.8 This application has been submitted following the refusal of two previous planning applications, which were both dismissed at appeal. The submitted Design and Access Statement notes that the application seeks to address the LPA's reason for refusal attached to application 18/2189/OUT. The Statement notes that the only change between the current application and the previously refused application is the way in which the internal floor space

will be divided, to create a greater number of smaller flats. It is noted however that in addition to these changes, the size of the basement has increased since the previous application, and the size of the application site (i.e. the land outlined in red on the submitted site location plan) has decreased. In addition, it is no longer proposed to remove the existing surface car park and it is no longer proposed to remove the existing outbuildings to the south of the site. Furthermore, the matter of scale was reserved as part of the previous application but is for consideration as part of the current application.

## **4 Consultation**

### **4.1 Consultees**

#### **4.1.1 Croxley Green Parish Council: [Comment]**

Croxley Green Parish Council welcomes the sustainable development.

#### **4.1.2 Environment Agency: [No objection]**

The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

##### Condition 1: Watercourse Buffer zones

No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the Environment Agency and local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the Environment Agency and local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zone.
- Details of any proposed planting scheme (for example, native species).
- Details of any proposed improvements that will enhance the chalk stream habitat e.g. tree management to reduce shading.
- Details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed footpaths, fencing, lighting, etc.

Reason: Land alongside this watercourse is particularly valuable for wildlife and it is essential this is protected, as it is a chalk stream priority habitat.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

### Condition 2: Long-term monitoring

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

Reason: To prevent further deterioration of a water quality element to a lower status class drinking water area in the Mid Chilterns Chalk groundwater body and prevent the recovery of a drinking water protected area.

### Condition 3: Previously unidentified contamination

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

Reasons:

- To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.
- To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area.
- No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original conceptual site model and remediation proposals

### Condition 4: Scheme for ground source systems and drainage

The development hereby permitted may not commence until such time as a scheme for the following has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

1. Ground source heating and cooling systems
2. Drainage

-To ensure that the proposed Ground source heating and cooling systems and Drainage Schemes do not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

-To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area.

### Condition 5: Surface water drainage

No infiltration of surface water drainage into the ground at this site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons:

- To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

-To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area.

#### Condition 6: Piling

Piling using penetrative methods and deep excavations below the groundwater table shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### Reasons:

To ensure that the proposed activities do not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and the Environment Agency's approach to groundwater protection, February 2018 Version 1.2 <https://www.gov.uk/government/publications/groundwater-protection-position-statements>.

Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable abstractions the weekly groundwater monitoring for insitu parameters and turbidity should be considered. <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

#### Condition 7: Borehole management

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

#### Reasons:

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework and The Environment Agency's Approach to Groundwater Protection February 2018 Version 1.2 <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

Link to archived EA guidance:

[https://webarchive.nationalarchives.gov.uk/20140328154120/http://cdn.environment-agency.gov.uk/LIT\\_6478\\_8cbe6f.pdf](https://webarchive.nationalarchives.gov.uk/20140328154120/http://cdn.environment-agency.gov.uk/LIT_6478_8cbe6f.pdf)

#### Informative – advice to LPA:

##### Informative 1: Requirement for a flood risk activity permit

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702

422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### Informative 2: Requirement for an Environmental permit

The dewatering element of the development that may require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

The consultation response included further guidance which can be viewed via the planning application file online.

4.1.3 Environmental Health: [No response received]

4.1.4 Hertfordshire County Council – Fire and Rescue: [No objections]

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 firefighting 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](http://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 firefighting 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 firefighting 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 firefighting 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

4.1.5 Hertfordshire County Council - Growth and Infrastructure Unit: [No response received]

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

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:

Hertfordshire County Council (HCC) as Highway Authority does not wish to raise an objection to the proposed development, subject to the following conditions:

Conditions

Condition1: Construction Traffic Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;

- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

#### Condition 2: Construction Parking

No development shall commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

#### Condition 3: Wheel Cleaning Facilities

No development shall commence until the details of wheel cleaning facilities associated with the proposal have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be installed in accordance with the approved details and maintained on site throughout the duration of the development works.

Reason: To prevent extraneous material being deposited on the highway.

#### Condition 4: Parking Provision

No works shall commence on site until a scheme for the sufficient provision of parking has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

#### Condition 5: Cycle Parking

No works shall commence on site until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

In accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

#### Condition 6: Road Safety Audit

No development shall commence until a Stage 1 Road Safety Audit is undertaken. A Road Safety Audit should be carried out on the existing site access junction and the proposed new access junction.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

#### Condition 7: Interim Travel Plan Statement

Prior to the first occupation of the approved development an interim Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Condition 8: Travel Plan Statement

Following baseline data collection at the occupied approved development site, the applicant is required to submit a revised Travel Plan Statement, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', to be submitted and approved in writing by the Local Planning Authority. The revised Travel Plan Statement should consider the baseline data collection and any aims and measures proposed in the Interim Travel Plan Statement should be amended based on the data collected.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Condition 9: Detailed Design Drawings

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays.
- v) Access arrangements.
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

#### HIGHWAY INFORMATIVES:

HCC recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

We have reviewed the list of supporting documents and note that a surface water drainage strategy has not been included. In the absence of a surface water drainage strategy, the flood risks resulting from the proposed development are unknown.

Therefore, we object to this application and recommend refusal of planning permission until a satisfactory surface water drainage strategy has been submitted.

Details for the management of surface water drainage is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015. For an outline application, the applicant should therefore provide a surface water drainage strategy that includes the following:

1. A statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
2. Anecdotal information on existing flood risk with reference to the most up to date data and information.
3. Location of any ordinary watercourses including any which may be un-mapped.
4. The location and extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (River) and surface water flood maps.
5. Evidence of ground conditions/ underlying geology and permeability including BRE Digest infiltration tests.
6. An outline drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.
7. Detailed calculations of existing surface water storage volumes and flows.
8. Initial post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change.
9. All calculations/modelling in relation to fluvial flood risk (from any watercourse) are to be carried out for all flood events up to and including the 1 in 100 year + 40% (increase in flows) climate change event.
10. Topographical survey to metres AOD.
11. Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.
12. Identify opportunities to improve flood risk directly by the development site or contribution to local flood risk schemes where appropriate.
13. Details of required maintenance of any SuDS features and structures and who will be adopting these features to the lifetime of the development.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.

#### 4.1.8 Hertfordshire County Council – Lead Local Flood Authority (Comment 2): [No Objection]

We have reviewed the Flood Risk Assessment provided by Abington Consulting Engineers, dated July 2018, submitted in support of this application. We understand the site is largely within Flood Zone 1 with areas of Flood Zones 2 and 3 closer to the River Chess, while there are patches of low surface water flood risk in the centre and west of the site. However, the location of Scotsbridge House where the flats are proposed is located in Flood Zone 1 with a small area of medium surface water flood risk just north of the building. We note the site is located in Source Protection Zone I and that there are high groundwater levels on site according to the hydrogeological assessment carried out by Ashdown Site Investigation Ltd dated February 2019.

The proposed drainage strategy is based on attenuation in balancing ponds and restricted discharge to the River Chess. There are two proposed lined balancing ponds with one on each side of the River Chess which will store 22m<sup>3</sup> and 114m<sup>3</sup> respectively, with a maximum combined flow of 2.7l/s in accordance with the Greenfield run-off rates for Qbar. This is proposed to accommodate the 1 in 100 year + 40% climate change rainfall event.

We are pleased to see the use of the SuDS hierarchy in discharging via existing watercourses over discharge via sewers. Moreover, we welcome the use of above-ground SuDS methods such as balancing ponds and provision of post-development calculations showing discharge is restricted to 2.7l/s at the 1 in 100 year + 40% climate change standard. We note some details are missing from the FRA, such as a maintenance plan for once the proposed development is built.

We can advise the LPA that we have no objection in principle to this strategy, however we recommend the following planning conditions be fulfilled to ensure the proposed scheme is carried out in accordance with the submitted drainage strategy and to provide further details where information may be currently lacking.

#### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Abington Consulting Engineers, dated 09 July 2018 Rev A and following mitigation measures;

1. Limiting the surface water run-off to a maximum of 2.7l/s generated by the 1 in 100 year + climate change critical storm.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake drainage strategy to include to the use of lined balancing ponds.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

#### Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Abington Consulting Engineers, dated 09 July 2018 Rev A. The scheme shall also include;

1. Detailed design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Identification of flow exceedance routes for events greater than the 1 in 100 + 40% climate change rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

#### Condition 3

A management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the LPA. The scheme shall include

1. Provision of a complete set of drawings for the site drainage.

2. Maintenance and operational activities including an inspection timetable with long term action plans.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site

#### Condition 4

A list of sustainable drainage treatment stages stating how the quality of run-off will be managed should be submitted to and approved in writing by the LPA.

Reason: To ensure there is no detrimental impact to any local watercourses/groundwater for water quality and ecological purposes in accordance with the Water Framework Directive due to the proposed discharge to a river, location of the site in Source Protection Zone I and observed high groundwater reported in the hydrogeological assessment.

#### 4.1.9 Hertfordshire County Council – Minerals and Waste Team: [No objection]

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls entirely within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019. It should be noted that British Geological Survey (BGS) data identifies superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The County Council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources, however due to the site being previously developed it is unlikely that there are any further resources to be extracted for use on site during development.

#### Waste

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:

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>.

The County Council would expect detailed information to be provided within a SWMP. The SWMP should cover both waste arising's during the demolition and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.

The SWMP or Circular Economy Statement should be set out as early as possible so that decisions can be made relating to the management of waste arising's during demolition and construction stages, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

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

4.1.10 Hertfordshire County Council – Rights of Way: [No response received]

4.1.11 Herts and Middlesex Wildlife Trust: [No response received]

4.1.12 Herts Ecology: [No objection]

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

- Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology, April 2018);
- Biodiversity Enhancement Scheme (Millen Drawing SBH003, September 2019) – produced in association with Essex Arboricultural and T4 Ecology.

- The application site includes buildings set within mature managed grounds bordering the River Chess. The site is part of a 'species' 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 9 trees will now be removed as part of the proposals (no removal was proposed in the previous applications). Retained trees will be protected from harm during construction activities.

#### Nesting birds

The trees and shrubs on site are likely to provide nesting opportunities for birds and care should be taken with any removal of potential nesting bird areas. I advise the following Informative is added to any permission granted:

*"Any tree/shrub/hedgerow removal or significant works should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of works by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."*

#### 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 and local policy."*

#### 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 'species' Local Wildlife Site (for reptiles), 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, hedgehog homes and hedgehog-friendly fencing, log piles for reptiles and amphibians, permeable boundaries to aid movement of wildlife, new planting/hedgerows, wildflower and grass area, and riverbank enhancements.

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

#### 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 and long term maintenance are realised."

#### 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.”

4.1.13 London Underground: [No objection]

4.1.14 National Grid: [No response received]

4.1.15 Thames Water: [No response received]

4.1.16 Three Rivers District Council - Landscape Officer: [No objection]

The impact upon existing trees within the current outline applications is similar in nature to that of the 2018 application. My previous comments remain valid, and are included below for reference.

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.

4.1.17 Three Rivers District Council – Local Plans: [No objection]

The application proposes the demolition of offices to be replaced by 59 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.

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.

The site is not within a defined settlement but is located on the edge of Croxley Green, which is a Key Centre, as stated in the Three Rivers Settlement Hierarchy. The application site is in a sustainable location within close proximity to shops, services and public transport facilities within Croxley Green and Rickmansworth. The Spatial Strategy states that the main emphasis for future development is to continue to focus development within the existing urban area through development of previously developed land and appropriate

infilling. The application site is on previously developed land which complies with the approach set out in the Spatial Strategy. The development would result in a net gain of 59 dwellings and would subsequently make a positive contribution to meeting the District's current housing target of 620 dwellings per year.

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 Form indicates that 100% of units are proposed as market housing. The site therefore fails to comply with the requirements of Policy CP4 which raises an objection to the application. If non-viability is cited as the reason for a development proposal not complying with affordable housing requirements, financial evidence must be submitted alongside the planning application.

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

At this stage, the proposed dwelling sizes for the market units are unclear but it should be noted that Policy CP3 requires that proposals take into account the size and type of dwellings identified 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.

Policy CP4 of the Core Strategy 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

As stated earlier, the application does not propose affordable housing provision and therefore the affordable housing mix as set out in Policy CP4 has not been met. As stated, proposals for the mix and size of dwellings should meet the targets set out in the SHMA and 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.

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) (2019) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 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 (para. 145(g), NPPF). In order to satisfy the exception stated in the first part of para. 145(g), the proposed building footprint, bulk and height of the development must not result in a greater impact on the openness of the Green Belt than the existing development. The application would make no contribution to meeting the District's affordable housing need and therefore the second part of para. 145(g) does not apply to the application.

Policy CP6 of the Core Strategy states that the Council will support development that sustains parts of the District as attractive areas for business location and provides for a range of small, medium and large business premises. Policy CP6(n) goes on to state that the sustainable growth of the District's 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 (SWES) (2016) has forecasted the need for an increase in 40,000-60,000sq meters of employment floorspace in Three Rivers up until 2036. This indicates 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 proposed development would result in the loss of 3,000sq meters of B1(a) floorspace, raising concerns regarding the proposal's compliance with Policy CP6. Despite this, it should be noted that the site has been granted prior approval for the change of use from offices to 30 residential units (18/1988/PDR). Whilst the loss of employment floorspace is contrary to Policy CP6, the possibility of utilising permitted development rights through the existing prior approval permission weakens an objection on the application on the grounds of Policy CP6.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 3 No of responses received: 1 objection:

4.2.1.1 The objection received can be summarised as follows:

4.2.1.2 The Chiltern Society:

- The revised NPPF regards the construction of new buildings on the Green Belt as inappropriate, with the exception being the replacement of a building provided the new building is not materially larger than the one it replaces.
- It is noticeable that the dimensions of the proposed new building are not mentioned in the documents submitted, it is merely implied that the ground plan dimensions are the same as the original building and also of the ones put forward in application 18/2189/OUT. To contain 64 or 59 dwellings the proposed new buildings would appear to be 4 stories high rather than 2 stories. This building would be more intrusive than the original building which is undesirable as it would have a greater impact on the openness of the Green Belt.
- Plans make no mention of problems associated with the excavation for the underground car park and geothermal heating arrangements. 64 or 59 dwellings will surely require far more parking spaces than envisaged for the earlier plan for 32 flats. And indeed deeper foundations. We would like to see comments from Affinity Water and other bodies who have abstraction points downstream from the site about possible contamination of drinking water supplies. In response to the previous application for a 2 storey building the Environment Agency had concerns regarding the impact on the supply of drinking water. We quote from their report: "As described within our email dated 20/03/2019, groundwater is particularly sensitive in this location and is classified as a Source Protection Zone 1 (SPZ 1)."

- It is good to see that these plans have at least attempted to address the requirement for a contribution to affordable housing. However it looks from the comments already posted that these plans may be inadequate and may well not provide a suitable contribution. This possibility should be seriously addressed. They could make the development plan as it is unacceptable on this account.

4.2.2 Site Notice: Displayed 23/9/19, expired 14/10/19

4.2.3 Press notice: Published 27/9/19, expired 18/10/19

## **5 Reason for Delay**

5.1 Additional information was requested by the Environment Agency, which required additional monitoring to be undertaken. In addition, to reach agreement on the viability and affordable housing matters, an independent Quantity Surveyor was instructed to review the applicant's proposed build costs for the basement and abnormal's (including heating and ground source heat pump systems, landscaping, green/living walls, green roof, PV and fenestration). The outcome of that review is detailed in the relevant section below.

## **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

7.1.1 The history section above notes that two outline planning applications have recently been refused at this site, with the subsequent appeals dismissed. The applicant has advised that this application has been submitted following the refusal of outline planning application 18/2189/OUT, which was dismissed at appeal. The application was refused by the Local Planning Authority only on the grounds that the application had not demonstrated that it would not be viable to meet the Council's affordable housing policy requirement and no obligation had been received to secure a policy compliant level of affordable housing contribution.

7.1.2 In dismissing the appeal, the Inspector noted that the findings of the Inspector who dismissed the first appeal were of significant weight, given the similarities between the two proposals, the short time that elapsed between the appeals and the level of detail and scrutiny given to the viability information at the previous appeal. That Inspector found that the schemes could generate a surplus of between £940,000 and £1.47million. The Inspector of the second appeal noted that there was little explanation as to why the figures in the development appraisal differ from those used in the first appeal so dramatically. The Inspector concluded that on the balance of the evidence before them, it appears likely that the appeal development would be able to support at least some form of affordable housing provision, and that the development which proposes no affordable housing provision would conflict with the Framework and Core Strategy Policy CP4.

7.1.3 Since that application was refused, the following changes have been made to the proposal:

- The number of units proposed has been increased from 33 to 59.
- The area of the basement has been increased to approximately 1725 square metres – an increase of 314 square metres since application 18/2189/OUT.
- The existing surface car parking area to the west of the application site is proposed to be retained, and resurfaced with egogrid.
- It is no longer proposed to demolish the existing buildings toward the rear of the site. Those buildings are no longer within the application site.

- In the previous application, scale was a reserved matter. In the current application, the scale of the proposed development is to be considered.

7.1.4 The application has also been submitted with an affordable housing viability appraisal which concludes that the proposed development cannot viably afford to offer a contribution toward affordable housing, as it results in a deficit of £2.6 million.

7.1.5 As noted above, outline planning permission has previously been refused at this site. 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 and new matters for consideration (scale) 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, Policy 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 As part of the previous outline planning application, reference 18/2189/OUT, the LPA concluded that the proposed development would represent a 7% increase in footprint over the existing building, a 9% increase in volume over the existing building and a 37% increase in floor area. This was based on figures provided by the applicant in emails and figures contained within their submitted CIL form. In addition, it was considered by the LPA that the submitted elevations demonstrated sufficient articulation to the proposed building such that its visual massing would be reduced when compared to a previous scheme. It was concluded that the proposed development would not represent inappropriate development in the Green Belt.

- 7.2.5 In the current proposal, the above-ground manifestations of the proposed building remain identical to the previous scheme, and this has been confirmed by the applicant's agent and is clear from the submitted elevations. The development no longer includes the removal of existing surface car parking or the removal of existing outbuildings. The development includes a larger basement than that forming part of the previous scheme. The CIL form submitted as part of the current application notes the proposed internal floor area to be 5835 square metres. This compares to the proposed area in the previous application set out in the CIL form at 4110 square metres. In addition, the existing internal floor area has been amended to 2540 square metres. The agent confirms that this is based on floor plans of the existing building, and is therefore more accurate than the 3000 square metres as previously used. Whilst an assessment of this application should be undertaken against accurate floor area information, it is clear from the submitted elevations that there is no significant above-ground change to the scale or massing between the previously submitted illustrative elevations, and the elevations submitted with the current application. The basement area would be larger, however this would be entirely below ground level with only the vehicular access forming a visible manifestation of the basement. On this basis, whilst the true increase in built form between the existing and proposed building would be greater than considered as part of the previous application, given that no objections were raised on Green Belt grounds to the previous application, and that the visible above-ground increases in building massing are unchanged, it is not considered that an objection on Green Belt grounds could be sustained in this instance.
- 7.2.6 It is noted that the current scheme, unlike the previous application, does not seek to achieve a reduction in surface car parking, although it is proposed to replace the existing car parking surface with an ecogrid surface which may enable grass to grow through, and therefore give a green appearance. As part of the LPA's assessment of the previous application, only limited benefits were considered to be gained from the loss of surface car parking and its replacement with grass. Therefore, the retention of the surface car park is not considered cumulatively with the remainder of the development to result in any harm to the openness or visual amenities of the Green Belt. The LPA remains concerned that the submitted site layout plan makes no reference to hard surfacing being provided to the exterior of the building for practical and accessible purposes, and considers that such hard surfacing would need to be kept to a minimum to avoid any visual intrusion into the Green Belt. However, such hard surfacing may be controlled by planning condition, and assessed at the time a Landscaping reserved matter is submitted.
- 7.2.7 In summary, having regard to the assessment made by the LPA as part of its consideration of the previous outline application (18/2189/OUT), and that the above-ground manifestations of the proposed buildings would be the same as those proposed as part of that previous application, it is considered that the proposed development in terms of its layout and scale 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.
- 7.3 Principle – Impact of the Loss of Employment floorspace
- 7.3.1 During the consideration of outline application 18/2189/OUT by the LPA's Planning Committee, Members considered the prospect of the permitted development scheme (converting the existing office to 30 flats) being implemented, and judged on the information before them that the previous reason for refusal relating to the loss of employment floorspace was not applicable. As a result, application 18/2189/OUT was not refused on this ground. Furthermore, during the appeal for application 18/1110/OUT this reason for refusal was withdrawn by the LPA as a result of Members' determination. For this reason, and having regard to the potential fall-back position as discussed previously for the change of use of the existing building to flats, notwithstanding the significant difference in unit numbers when comparing the current application to the previous, it is not considered that the proposed development would result in a harmful loss of employment floorspace.

## 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 submitted viability appraisal notes the scheme proposes 22 1-bed flats (37%), 30 2-bed flats (51%) and 7 3-bed flats (12%). This is a broader split than proposed as part of the previous application.
- 7.4.3 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, 27 of the 59 units would be required to be affordable, with a tenure split of 19 social rent and 8 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 spreadsheet which concludes that the proposed development would realise a deficit of £1.6million, such that no affordable housing contribution can be made.
- 7.5.3 The applicant's initial appraisal was reviewed by the LPA's independent assessor. They concluded that this scheme would realise a surplus of £737,216, and that such a surplus could fund an on-site affordable housing contribution. It was also recommended that a review mechanism be incorporated into a S106 agreement to allow for any potential uplift in sales values and savings in build costs to be taken into account. This position resulted from the LPA's assessor not agreeing with the applicant's submitted Existing Use Value or Build Costs, due to a lack of evidence being provided for these.
- 7.5.4 Following receipt of this assessment, the applicant submitted a more detailed Affordable Housing Viability Assessment which concluded that the development would realise a deficit of £2.6million, suggesting this represents an actual profit level of 5%.
- 7.5.5 In respect of the applicant's suggested build costs, due to the lack of evidence provided to justify these costs the LPA and applicant appointed an independent Quantity Surveyor to review the suggested costs and provide a report detailing whether the applicants suggested

costs appeared reasonable, having regard to the constraints of the site. As the applicant relies on BCIS costs for the above ground works, the costs review focussed only on the costs suggested by the applicant for the construction of the large basement car park, and the costs of the proposed ground source heat pump, living walls and balconies, tree planting, green roof, eco windows and solar panels. The independent surveyor reported back to the LPA that they considered the costings provided are fair and sensible for the stage of the development.

- 7.5.6 On this basis, having undertaken a review, the LPA is satisfied that the applicant's suggested costs can be accepted.
- 7.5.7 Following receipt of the revised information a further viability appraisal has been conducted which concluded that the appraisal identifies that the development would result in a deficit of £2,243,870.00. As a result cannot viably afford to provide an affordable housing contribution.
- 7.5.8 However, it is noted that the application has been submitted in outline form, with no details provided of internal floor layouts or detailed structural designs. Therefore there remains an element of unknown in respect of the precise quantum of the final development. To ensure certainty for the LPA that the as-built development reflects the development proposed as part of this application, and includes the matters tested as part of the viability exercise, it is considered that the use of a review mechanism, to enable the viability to be revisited in the future and a possible financial contribution sought in the event the viability position does change, would be directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has agreed to the principle of entering into a legal agreement to secure such a mechanism. Subject to the completion of this agreement and a review mechanism being secured, it is considered that the applicant has demonstrated that at the present time the proposal cannot viably afford to provide any affordable housing contribution, but that the viability can be revisited in the future to enable any change in circumstances to be taken into account. It is expected that this would take the form of a late stage review mechanism, enabling the viability to be revisited based on actual build costs and actual sales values.

## 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 'back land', '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 matters of access, layout and scale to be considered. Matters of appearance 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 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.

7.6.5 In terms of scale, the elevations indicate a building of a considerable scale and massing, albeit with a subservient north-western wing. The submitted elevations are the same as those submitted as part of the previous appeal schemes. Given the conclusions reached in the previous application in respect of the impact on the Green Belt, in particular the impact of the increased volume and floor area above ground level, it is not considered that the scale of the proposed building would be objectionable.

7.6.6 The illustrative elevations suggest the use of green walls, however appearance is not a consideration for this application and further details and evidence would need to be supplied to demonstrate the maintenance regime for these to ensure a satisfactory external appearance in perpetuity, as well as to provide full details of the appearance of all elements of the building. The submitted documentation show 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. Large flat roofs are generally discouraged from a design point of view, and no justification as to why this consideration should be overridden has been provided. The submitted Energy Demand Statement makes reference to 354 photovoltaic cells to be installed. It is noted that this report is dated July 2018 and was submitted as part of a previous application and relates to 33 units and not 59. It is not clear how relevant the conclusions of this statement are to the proposal. A full assessment of the appearance of the proposed building 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 applications 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 In terms of outdoor amenity space, based on the viability report's unit breakdown of 22 one-bed flats, 30 two-bed flats and 7 three-bed flats, this development would need to provide approximately 1679 square metres of amenity space. The submitted elevations indicate that many flats would have balconies. In addition, the area around the building is at least 1700sqm. On this basis, and having regard also to the proximity of local public open space and recreation opportunities, it is considered that the proposal has the opportunity to provide sufficient outdoor amenity space for future occupants.

7.9.2 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 three badger setts 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 submitted site layout plan indicates new 'mature yew trees' to be planted along the public right of way to screen the site. It is not considered that the increased size of the basement would have any adverse impact on trees proposed to be retained as part of this application. 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. The submitted plans cannot be conditioned, as the submitted Tree Protection Plan does not have a site layout which corresponds with the submitted site layout plan. Therefore a condition is attached requiring a new report be prepared which relates to the scheme proposed under the current application.

## 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 Highway Authority have raised no objections to the proposal on highway grounds and raised no objections as part of the previous application. In relation to trip generation, they accept that the proposed 59 unit development would result in decreased number of trips when compared against traffic generated by the existing land use. They note that the existing western access from Scots Hill will be retained and will become an entry only junction, with the existing eastern access repositioned and to become an exit only junction. The details of the junction would be dealt with via a S278 agreement, however the details are considered acceptable by highways.

7.12.3 As the proposal exceeds 50 dwellings, the applicant is required to develop a Travel Plan statement to support the application. This should consider how the development could provide better links to sustainable transport opportunities (namely the eastbound and westbound shelter bus stops). This matter can be dealt with by condition.

7.12.4 The Highways Authority have confirmed that they would seek to obtain CIL contributions toward sustainable transport schemes in the area including easy access kerbing at the bus stops and improving pedestrian access to the bus stop on the northern side of Scots Hill.

7.12.5 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 1.75 spaces (1 allocated) per one-bed dwelling, 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 proposal therefore generates a requirement for 38.5 spaces (22 assigned) for the one-bed flats, 60 spaces (30 assigned) for the two-bed flats, and 15.75 spaces (14 assigned) for the three bed flats. This results in a total requirement for 114.25 parking spaces required on site, of which 66 should be assigned. The applicant has advised that the basement would contain 91 parking spaces, with a further 50 parking spaces shown within the existing surface car parking area.

7.12.6 The proposed development has the potential to provide more than 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 the 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.

7.13.5 An Energy Demand Statement has been submitted with this application, and this makes reference to the site achieving a 113.44% CO<sub>2</sub> improvement over the baseline, which exceeds the 5% reduction required by Policy DM4. However, the statement relates to a development of 33 units and not the development subject of this application. It makes reference to the installation of photovoltaic cells to the roof but not in the context of a 59 unit scheme. Given that the submitted statement is not related to the current application, it is considered both reasonable and necessary to require an updated statement to be provided by condition, allowing accurate figures relating to the actual proposed scheme to be assessed against the requirements of the Development Plan. 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 the Development Management Policies LDD 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, in the previous application the Environment Agency (EA) initially raised objections to the proposal but following receipt of additional information withdrew their objection, subject to the inclusion of a number of planning conditions. The same information has been submitted as part of the current application, along with further details in respect of the larger basement construction. The EA have reviewed this information and have confirmed that they have no objections to the proposal subject to conditions which require 1) the provision and management of a watercourse buffer zone alongside the River Chess, 2) the submission of a long term monitoring and maintenance plan in respect of contamination, 3) remediation to be undertaken in the event unexpected contamination is discovered, 4) full details of the ground source heating and cooling systems and drainage systems to be submitted, 5) no infiltration of surface water drainage to take place without the EA's permission, 6) piling using penetrative methods to not be carried out other than by method previously agreed by the EA, and 7) a scheme for managing boreholes to be submitted.

7.14.3 In respect of drainage matters, the Lead Local Flood Authority have reviewed the submission and note that the drainage strategy is based on attenuation in balancing ponds and a restricted discharge into the River Chess. They raise no objections to this strategy, subject to conditions.

## 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

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 is not considered to result in harm to the Green Belt. On that basis it is not necessary for this proposal to demonstrate Very Special Circumstances.

## 7.17 Tilted Balance and Conclusion

- 7.17.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
- 7.17.2 In this instance, the application site falls within the Green Belt. The Green Belt is specifically referred to in Footnote 6 to the NPPF, however the appraisal above confirms that the LPA do not consider the proposal would harm the Green Belt. Therefore the tilted balance exercise requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.17.3 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The development would make a contribution towards making up the shortfall in housing in the district, which provides a social benefit. Whilst no social benefit in the form of affordable housing would be achieved, the applicant has demonstrated that this is not viable. In terms of economic benefits, there would be limited short term benefits as a result of construction activities, and benefits resulting from the expenditure of new residents locally. In respect of environmental benefits, the development would provide a development which utilises renewable energy technology, and living walls along with other biodiversity enhancement measures which all enhance its environmental credentials.
- 7.17.4 Taking into account all of the considerations forming part of this application, it is concluded that any adverse impacts of granting planning permission would not outweigh the benefits and on this basis approval is recommended.

## **8 Recommendation**

- 8.1 That OUTLINE PLANNING PERMISSION BE GRANTED subject to the completion of a Section 106 and subject to the following conditions:
- C1 Details of the appearance and landscaping (hereinafter called "the reserved matters"), including scaled floor plans of the proposed building, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- C2 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C3 The access hereby permitted shall be carried out in accordance with the following approved plans: SBH004 (Location Plan), SBH001 R1, SBH002, SBH004, SBH004.1.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and RE2 of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

- C4 The proposed replacement building shall not exceed the footprint shown on Drawing No. SBH001 R1, and shall not have a height exceeding 11 metres from ground level (plus up to one metre to accommodate solar panels/ancillary structures) and shall not have a gross internal area which exceeds 4791 square metres.

Reason: For the avoidance of doubt for future Reserved Matters applications, to protect the character of the area and the openness of the Green Belt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C5 The total number of residential units provided within the scheme shall not exceed 59.

Reason: For the avoidance of doubt, in the interests of planning, and to ensure the development remains within the scope and parameters of the submitted and reviewed Affordable Housing Viability Appraisal assumptions to accord with Policies CP1 and CP4 of the Core Strategy (adopted October 2011).

- C6 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking for all construction vehicles including construction workers prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core

Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C7 No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays.
- v) Access arrangements.
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C8 Notwithstanding the submitted details, no development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

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

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

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

C9 No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zone.

- Details of any proposed planting scheme (for example, native species).
- Details of any proposed improvements that will enhance the chalk stream habitat e.g. tree management to reduce shading.
- Details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed footpaths, fencing, lighting, etc.

Reason: This is a pre-commencement condition as requested by the Environment Agency in their consultation response because development that occurs in close proximity to watercourses has the potential to cause severe impact on the ecological value and therefore land alongside watercourses is particularly valuable for wildlife and it is essential this is protected to conserve and enhance the natural environment in accordance with paragraph 170 and 175 of the National Planning Policy Framework and Policies DM6 and DM9 of the Development Management Policies LDD (July 2013).

- C10 The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: This is a pre-commencement condition as requested by the Environment Agency in their consultation response, to prevent further deterioration of a water quality element to a lower status class drinking water area in the Mid Chilterns Chalk groundwater body and prevent the recovery of a drinking water protected area in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C11 The development hereby permitted may not commence until such time as a scheme detailing the design, installation and management of the proposed ground source heating and cooling systems, and drainage, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved by this condition.

Reason: This is a pre-commencement condition as requested by the Environment Agency in their consultation response, to ensure that the proposed ground source heating and cooling schemes and drainage schemes do not harm groundwater resources and to prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C12 No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The drainage shall thereafter be implemented only in accordance with the drainage scheme approved by this condition prior to the first occupation of the development hereby permitted. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Abington Consulting Engineers, dated 09 July 2018 Rev A. The scheme shall also include;

1. Detailed design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node

numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Identification of flow exceedance routes for events greater than the 1 in 100 + 40% climate change rainfall event.

Reason: This is a pre-commencement condition requested by the Lead Local Flood Authority in their consultation response to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C13 Prior to commencement of the development (including vegetation clearance), a Badger walkover survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist, to ensure that badgers have not developed setts in the footprint / immediate vicinity of the proposed development area such that impacts are likely and a Licence required. A report of findings and any appropriate mitigation measures should be submitted to the Local Planning Authority for written approval. All works shall then proceed in accordance with the approved scheme of mitigation.

Reason: This is a pre-commencement condition requested by Herts Ecology as explained within their consultation response, in the interests of safeguarding badgers from harm during construction to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C14 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.

Reason: This is a pre-commencement condition requested by Herts Ecology as explained within their consultation response, to ensure that net gain, biodiversity objectives, long term maintenance are realised in the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C15 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.

Reason: This is a pre-commencement condition requested by Herts Ecology as explained within their consultation response, in the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C16 Notwithstanding the submitted Energy Demand Statement, prior to commencement of the development hereby permitted, an Energy Statement demonstrating energy saving measures for the development to achieve 5% less carbon dioxide emissions than Building Regulations Part L requirements 2013 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: This condition is a pre commencement condition 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.

- C17 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- C18 Prior to the commencement of any works, full details of the proposed renewable energy installations to be provided on site, including location, method of installation, ongoing maintenance arrangements and appearance of Ground Source Heat Pump and Solar Panels shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy installations must thereafter be installed in accordance with the approved details before the first occupation of the development hereby approved and permanently maintained thereafter in accordance with the approved maintenance plan.

Reason: This is a pre-commencement condition to secure further details of the renewable energy installations proposed as part of the sustainability credentials of the scheme, to ensure that such credentials are met in full, and by a scheme which can

be safely installed having regard to constraints within the site from the River and the presence of trees to be retained, to accord with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM4 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C19 No development shall take place until a detailed plan setting out parking dimensions, surfacing and drainage; and access arrangement geometries (including width, gradients, kerb radii etc.) have been submitted to and approved in writing by the Local Planning Authority. The parking provision and access shall be implemented in accordance with the approved details prior to first occupation of the development and shall be retained permanently as such thereafter.

Reason: This is a pre commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway and to ensure that vehicles can safely enter and leave the site in forward gear in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: As requested by the Environment Agency in their consultation response, to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site and to prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C21 No infiltration of surface water drainage into the ground at this site is permitted other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with such details as approved.

Reason: As requested by the Environment Agency in their consultation response, to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C22 Piling using penetrative methods and deep excavations below the groundwater table shall not be carried out other than in accordance with a method statement which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: As requested by the Environment Agency in their consultation response, to ensure that any proposed piling and deep excavations do not harm groundwater resources and to prevent deterioration of groundwater quality within the Mid-Chilterns Chalk WFD groundwater body in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C23 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: As requested by the Environment Agency in their consultation response, to ensure that redundant boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C24 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Abington Consulting Engineers, dated 09 July 2018 Rev A and following mitigation measures;

1. Limiting the surface water run-off to a maximum of 2.7l/s generated by the 1 in 100 year + climate change critical storm.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake drainage strategy to include to the use of lined balancing ponds.

Reason: This is a condition requested by the Lead Local Flood Authority in their consultation response to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C25 Prior to the first occupation of the development hereby approved, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the LPA. The scheme shall include

1. Provision of a complete set of drawings for the site drainage.
2. Maintenance and operational activities including an inspection timetable with long term action plans.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be operated, managed and maintained in accordance with the details approved by the condition.

Reason: This is a condition requested by the Lead Local Flood Authority in their consultation response to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C26 Prior to the commencement of any drainage works on site in connection with the development hereby permitted, a list of sustainable drainage treatment stages stating how the quality of run-off will be managed should be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained only in accordance with the details approved by this condition.

Reason: This is a condition requested by the Lead Local Flood Authority in their consultation response to ensure there is no detrimental impact to any local watercourses/groundwater for water quality and ecological purposes in accordance with the Water Framework Directive, due to the proposed discharge to a river, due to the location of the site in Source Protection Zone and due to observations of high groundwater reported in the hydrogeological assessment, in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to the installation of any lighting on site full details and specification of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include heights of any lighting columns, spillage diagrams and proposed hours of operation. The lighting shall thereafter be implemented only in accordance with the agreed details.

Reason: To comply with paragraph 180 of the National planning policy framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure in the interests of safeguarding protected species and the character of the area and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C28 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

- C29 No development above ground level shall take place until details of the proposed green roofs and walls have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented only in accordance with the details as approved by this condition.

Reason: This is a pre-commencement condition to ensure that no works take place until details of the green walls and roof, which are proposed by the applicant to provide ecological benefits to the scheme and a particular design typology, are submitted to the Local Planning Authority for its approval. This will ensure that those measures are considered in the overall design of the development and are not lost or designed out at the reserved matters stage, to protect the assumptions used as part of the affordable housing consideration and the ensure the quality of the proposed development in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM6 of the Development Management Policies LDD (July 2013).

- C30 A parking management plan, including details of the siting and allocation of vehicle parking spaces and cycle storage spaces within the development; and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C31 Prior to the first occupation of the building a 'Green Travel Plan' with the objectives of reducing journeys to and from the site by private car shall be submitted to and approved by the Local Planning Authority. This approved Green Travel Plan shall be implemented on first occupation of the building. An updated Green Travel Plan shall

be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation and subsequently on the 3rd anniversary of occupation. The updated Green Travel Plan shall be implemented following its written approval.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

## 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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. 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 applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that any tree/shrub/hedgerow removal or significant works should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search

of the area should be made no more than two days in advance of works by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

- 15 The applicant is reminded that 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.
- 16 The applicant is reminded that 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.
- 17 The applicant is reminded to 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."
- 18 The applicant is reminded that the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
- 19 The dewatering element of the development that may require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.
- 110 The applicant is reminded that some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable abstractions the weekly groundwater monitoring for insitu parameters and turbidity should be considered. Please

see <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf> for further details.

- I11 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
- I12 The applicant is reminded that it is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
- I13 The applicant is reminded that it is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.