

PLANNING COMMITTEE – 20 JANUARY 2022

PART I - DELEGATED

6. 21/1971/FUL - Demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping at BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1DS (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 09.11.2021
Extension of time agreed: 28.01.2022

Ward: Rickmansworth Town
Case Officer: Matthew Roberts

Recommendation: That subject to the recommendation of approval from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (restricting occupation & ability for residents/staff to obtain parking permits), that the application be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to conditions and any additional conditions as requested by the LLFA.

Reason for consideration by the Committee: Called in by Batchworth Community Council due to concerns regarding overdevelopment, privacy, lack of amenity space and highways, as set out at paragraph 4.1.1 below.

1 Relevant planning history of the application site

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 Withdrawn.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- 1.10 04/1204/FUL: Retention of part first floor for independent office use – Withdrawn.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 Withdrawn.

2 Description of Application Site

- 2.1 The application site comprises two buildings in commercial use (mixed employment use; B1, B2 and B8) accessed by a long drive from the western side of Bury Lane in Rickmansworth.
- 2.2 The two buildings within the site include Enterprise House, a large two storey pitched roofed building with a yellow buff brickwork exterior which sits relatively centrally within the plot and a warehouse building towards the western part of the site. The warehouse historically formed stables and has a buff brickwork exterior with blue brickwork surrounds to the principle front windows and doors and a tackle hoist.
- 2.3 Within the confines of the site, parking is laid out immediately in-front of Enterprise House and within the north eastern corner while seven spaces are also evident along the access drive. The majority of the site is hard surfaced.
- 2.4 The access drive abuts Gables Cottage (a Locally Important Building) and its associated garden, Chesswood Court and Bury Mews. Chesswood Court comprises two flatted developments, a two storey building fronting Bury Lane and a three storey building with its associated parking and communal gardens, the latter of which abuts the eastern boundary of the application site. Bury Mews is a collection of two storey dwellings, two of which front Bury Lane with three immediately behind.
- 2.5 To the immediate south of the site there is a large garage court which is accessed via Goral Mead. Further garage courts adjoin the north western boundary of the site, also accessed via Goral Mead. Within Goral Mead there is a number of three/four storey buildings with parking bays abutting the application site. To the north is the Town Ditch which separates the site from the gardens of two storey dwellings which characterise Ebury Road.
- 2.6 In terms of policy designations, the application site falls within the Principle Town, Source Protection Zone 1, Flood Zones 2 and 3 and parts of the access drive fall within the Rickmansworth Town Centre Conservation Area, the boundary of which abuts the Town Ditch to the immediate north of the application site.

3 **Description of Proposed Development**

- 3.1 This application seeks planning permission for the demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping.
- 3.2 The new building would comprise of a part five (served by roof accommodation), part four and part three story building with an "L" shaped footprint, running parallel with the southern and eastern boundaries of the site. The building would have a series of crown roofs coupled with hipped roofs, complimented by small gables, full dormers and flat roofed dormer windows. The building would have a maximum height of 16.5m (south eastern corner) dropping down to 13.7m and then 11.8m at its lowest point (northern aspect of building closest to the northern boundary). The building would have a variety of external materials, such as red multi facing brick, white smooth render, slate roof tiles and UPVC fenestration (excluding the aluminium main entrance and service doors).
- 3.3 The building would be set in from the eastern boundary with Chesswood Court by 12.5m increasing to 14.2m towards the north; set in a minimum of 6.8m from the northern boundary with the Town Ditch which increases to 9m towards the western boundary. The western end of the building will be set in from the western boundary with Goral Mead by a minimum of 1.7m while other parts are set in by 4.7m to 17.8m given the splayed nature of the boundary.
- 3.4 Internally, the building would provide for 48 units (30 x 1 bed and 18 x 2 beds) with the fourth floor accommodation provided within the roof. All units would have their own kitchen, bathroom and lounge area while all but 10 units will have private external amenity areas in the form of ground floor terrace or elevated balconies (some will incorporate privacy glass

balustrades). All units would be restricted upon occupancy by age (not less than 70) and a minimum level of care (one hour a week) which would be subject to a Section 106 agreement.

- 3.5 At ground level, various communal facilities are proposed, including a large lounge/bistro and salon, along with a guest suite and ancillary facilities in the form of offices, buggy/cycle store, refuse store and staff accommodation.
- 3.6 Externally, the tarmac access and internal road will be replaced with permeable block pavements with a demarcated footpath zone tight to the southern boundary. Within the long access road four parking spaces are proposed. A further 16 spaces (including 2 disabled spaces and 2 electric vehicle spaces) are proposed in-front of the eastern elevation. To the immediate north and west of the building there will be a communal amenity space which would comprise of new lawn, soft and hard landscaping and a pond (acting as an attenuation feature) and will also include various benches, a potting shed for residents, native hedging and new trees. With regards to lighting, bollard lighting will be used externally and bulkhead lighting on the building.
- 3.7 Towards the front of the site very minor changes are proposed to the external ground levels with the ground floor level of the building 0.3-0.55m higher than the parking area. The circulation space around the building to the south and north will be raised minimally by approximately 0.2-0.4m (0.5m above front parking area/access).
- 3.8 The plans show an allowance for a sub-station towards the north of the parking area; however, this would be subject to a separate application.
- 3.9 The existing "Beeson's Yard" signage above the entrance will remain (although may be temporarily removed during construction).
- 3.10 During the application process the original scheme has been amended as follows:
- Reduction in the height of parts of the building facing Chesswood Court by 0.9m;
 - Roof alterations to a hipped roof along eastern elevation;
 - Removal of a number of external balconies facing Chesswood Court;
 - Alterations to fourth floor layout to alter mix from 2 x 2 beds and 2 x 1 beds to 1 x 2 bed and 3 x 1 beds;
 - Addition of two dormer windows within south eastern corner serving fourth floor accommodation.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council strongly objects to this application.

1. There are comprehensive objection letters from neighbours that we support and need to be accounted for as they raise some very good points.

2. Fundamentally this an over-development of the site, the height is excessive and the 4th floor should be removed with the 3rd floor being scaled back.

3. All aspects of the neighbours' privacy needs to be carefully considered and accounted for by the planning officers.

4. Whilst it is acknowledged that many of the residents will not drive the car parking allocated is insufficient for 48 apartments who will have visitors and the high level of staff required to manage a complex of this nature.

5. We believe that the amenity space and open area is insufficient for what could be up to 100 residents. Some of the balconies are very small and not useable.

6. We believe consideration of scaling back the development will allow more green space at ground floor level or perhaps larger communal areas at 3rd floor level if it is partly scaled back.

Finally, the potting shed is not fit for purpose for scale for a development of this size.

7. We note HCC's comments in respect of highways but we would ask them to revisit their comments for the amount of traffic this site would generate on small local roads and we await the comments from the Conservation Department.

8. A development of this size will put additional pressure on local health services and amenities and this is another reason for reducing the scale and size of this development.

We would ask that this application is called-in for decision by the Planning Committee unless the officers are minded to refuse.

4.1.2 Hertfordshire County Council (HCC) Local Lead Flood Authority (LLFA): [Objection]

We understand this application seeks full planning permission, we have assessed the Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 04, dated: July 2021) and other information submitted in support of this application. However, the information provided to date does not currently provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant Local Planning Authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment/ surface water drainage strategy:

1. Confirmation of discharge mechanism.
2. Provision of above ground SuDS features.
3. Securing surface water drainage features.
4. Assessment of groundwater flood risk.
5. Confirmation of drainage strategy.

To address the above points, please see the below comments:

1. We understand following review of the drainage strategy submitted that the proposed drainage scheme is based on attenuation via permeable paving and cellular storage crates before discharge to a pond/wetland area before entering the Town Ditch (a main river) via a flow control device. We are aware that the site is located within flood zones 2 and 3 and is located within a principal chalk aquifer and secondary aquifer.

We will require further confirmation as to whether the discharge point from the site into the main river will be available during the 1 in 30 year event and therefore providing a feasible discharge mechanism.

2. We note from the submitted Proposed Site Layout Plan (ref: 4887, drawing no: PL 102, dated: 02.07.2021) that there is currently a 75m² geocellular storage tank proposed in an area of green space with 0.4m of land raising to provide adequate cover. We would

therefore require adequate technical justification as to why this cannot be replaced with either a lined attenuation basin. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

Alternatively, if this is not feasible, we would ask that the applicant consider providing additional storage within the permeable paving sub-base in order to remove the requirement for the tank.

3. We note the site is located within flood zones 2 and 3. We would like to remind the applicant that all SuDS should be available despite fluvial flooding events. Therefore, we will require further confirmation that all proposed sustainable drainage features are secured and located outside of flood zones 2 and 3.

4. We note that the surface water drainage is proposed to discharge into the Town ditch. However, we would like to see evidence of ground conditions (including groundwater levels results) and underlying geology, to ensure the feasibility of the proposed scheme.

We are aware that the Environment Agency have provided their comments (ref: NE/2021/133593/01-L01, dated: 02.09.2021) and have highlighted that they will require further clarification in terms of groundwater protection measures.

5. Following any changes made to the drainage strategy in light of the above comments, the applicant will need to update the drainage strategy including all drainage calculations and modelling. If additional storage is needed, we would prefer the provision of above ground storage features as prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

We would expect the submitted drainage strategy to include all calculations and modelling to be updated accordingly. Any updates should include:

- Detailed post development calculations/ modelling in relation to surface water to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change.*
- Detailed modelled outputs of flood extents and flow paths for a range of return periods up to the 1 in 100 year + climate change event and exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.*
- Confirmation on the volume of water needing to be attenuated.*
- Justification of SuDS selection.*
- Details of the final management and treatment train and SuDS features.*

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:

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<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

Informative to the applicant

As we are aware that parts of the site are located within flood zones 2 and 3, we would be looking to see that overland flows and exceedance routes are provide and shown on a plan.

Any informal flooding should also be identified with location and depths shown on a plan. In addition, confirmation of safe access and egress to the site should be provided.

Informative to the LPA

We understand that the Environment Agency have provided their comments (ref: NE/2021/133593/01-L01, dated: 02.09.2021) and have highlighted that they will require further clarification in terms of groundwater protection measures.

Please note if the LPA decides to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.3 HCC Highway Authority: [No objection, subject to conditions and informatives]

The application comprises of the redevelopment of an existing industrial use site to a 48 unit assisted living facility (use class C2) at Beeson's Yard, Bury Lane, Rickmansworth. The site would be accessed via Bury Lane, which is a one-way road and designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

A Transport Assessment (TA) has been submitted as part of the application.

Access Arrangements

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

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

The proposed internal layout of the site is shown on submitted drawing no. PL02 B, which includes a shared surface access road with a width of between approximately 4.3m and 6.2m. Following consideration of the size and nature of the proposals, the main access road arrangements would be acceptable and enable two vehicles to pass one another along the majority of the length. The dimensions of the proposed perpendicular parking spaces and adjacent carriage width fronting the building are acceptable and in accordance with MfS. Furthermore the length of the proposed parallel parking spaces along the access road have been increased in length (following a recommendation from HCC as Highway Authority at the pre-app stage) to 6m as recommended in MfS, Section 8.3.48, Fig. 8.1. Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas for delivery, service and emergency vehicles.

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

is provided to ensure that vehicles are clear that other users would also be using the shared space access.

Refuse, Service and Emergency Vehicle Access

Swept path analysis plans (drawing numbers 69021/TS/001 and 69021/TS/002) have been submitted for an 8.75m long refuse vehicle as part of the TA illustrating that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear. It has previously being raised that Three Rivers District Council (TRDC) uses a 12m long refuse vehicle. However it has been confirmed that the applicant proposes to use a private contract for refuse collection and therefore the Highway Authority would not have any further comment or objection in this respect. Swept path analysis plans (drawing numbers 69021/TS/003 and 69021/TS/004) have been submitted for an 8.1m long fire tender (a pump appliance) illustrating that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear and get to within 45m of all parts of the footprint of the building and be able to turn around and egress the site in forward gear whilst also not having to reverse more than 20m. Hertfordshire Fire and Rescue have previously stated that access for a pump appliance (as opposed to an aerial ladder appliance) would be sufficient for a building of this size and therefore the swept path details are considered to be acceptable in this respect.

Nevertheless, following consideration of the size of the development and previous correspondence in relation to fire access, details of the proposals have been sent to Herts Fire & Rescue for attention and for any comments which they may have.

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

Trip Generation and Traffic Impact

A trip generation assessment has been included as part of the TA (Section 4) and based on trip rate information from the TRICS database. Based on this approach, the proposed use is stated as generating 3 two-way vehicle movements in the AM peak, 5 two-way vehicle movements in the PM peak and 113 vehicle movements from 7am to 7pm.

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

Vehicle Parking

The proposals include the provision of 20 car parking spaces including two disabled parking bays. Following consideration of the nature of the use, parking details as submitted in the TA (including the comparison with similar developments) and potential for sustainable travel options within a town centre location, HCC as Highway Authority would not have any particular objection to the proposed level of parking.

The proposals include two car parking spaces with active electric vehicle charging provision (EVCP), which HCC as Highway Authority is supportive of encourage electric vehicle use in accordance with Hertfordshire's Local Transport Plan (LTP4) and Sustainability Strategy. A larger level of active provision would be recommended to be considered although it is acknowledged that the proposals do include passive provision for the remainder of the parking areas and therefore would not be a significant enough reason to recommend refusal.

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

Sustainable Travel & Accessibility

The site lies approximately 150m to 250m from the High Street in Rickmansworth and therefore close to the town centre amenities and facilities, many of which are within an easy walking distance.

Rickmansworth Railway Station is located approximately 500m from the site whilst the nearest bus stops are located 300m and 500m from the site. Following consideration of this, the location is considered to be acceptable with the potential to facilitate good sustainable travel options.

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

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

Planning Obligations

TRDC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL if appropriate.

Drainage / SUDs

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

Conclusion

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

- 4.1.3.1 Following objections from Batchworth Community Council, further comments were obtained from the Highways Authority on 6 January, as set out below:

The TRICs (Trip Rate Information Computer System) database is extensively used within the planning and transport industry to determine the anticipated traffic levels (including vehicle trip rates) from a proposed use and is particularly useful for larger developments.

TRICs has been used as part of the submitted TA (section 4) for this application. The proposals have been predicted as generating up to 113 two way trips between 7am to 7pm, 3 two-way trips in the AM peak (0800-0900) and 5 two-way trips in the PM peak (1700-1800) as summarised in table 5. The TA (and the methods within) would therefore be the normal and robust assessment under which the trip generation would be reviewed and assessed. To put this into context, 113 trips over a 12 hour period would equate to an average of 9 vehicle trips per hour, which would not be materially significant.

Hertfordshire County Council (HCC) as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111, National Planning Policy Framework (NPPF) (update 2021), which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Following consideration of the anticipated trip generation for the development, the number of vehicle trips associated with the proposed use would not be considered to be severe nor significant. Indeed the anticipated number of vehicle trips is less than for the currently approved use of the site and the site is in a sustainable location in close vicinity to the town centre of Rickmansworth with the potential to reduce the need to travel and maximise / promote sustainable travel options for residents, visitors and employees of the site. The proposal are therefore in accordance with Hertfordshire's Local Transport Plan (LTP4) and the NPPF.

4.1.4 HCC Fire and Rescue: [No objection, subject to condition]

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

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

4.1.5 Herts Ecology: [No objection]

I am pleased to see an ecological report is submitted in support of this application – Preliminary Ecological; Appraisal, 3 August 2021 prepared by Greenlink Ecology. The site was visited on 9 July 2021 and comprises several commercial buildings with associated hardstanding, some ruderal vegetation and sections of hedgerows, trees on/close to the boundaries, and a shallow water course (Town Ditch). The site is considered to be of limited ecological value, with the main interest being the hedges/trees having potential for nesting birds and the two-story brick buildings having low potential for roosting bats.

Sensible precautionary measures are provided to avoid disturbing nesting birds.

Following best practice guidelines, one follow-on bat emergence/re-entry roost activity survey is recommended to further inform any use of the buildings by bats, and to provide appropriate mitigation to safeguard bats if present and affected by the proposal. This survey has not yet been carried out and, as we are within the unfavourable time of year to undertake bat activity surveys, I am pleased to see brief mitigation has been included within the bat report (Section 5.2.2.1) to enable the LPA to consider the impact of the proposals on bats. It is acknowledged that if bats will be affected, a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe a licence will not be issued. With this report and mitigation in place, I consider the Local Planning Authority has enough information on bats to satisfy the 'Habitat Regs' and for determination.

The Recommendations (for survey, mitigation and enhancements) in the report should be followed in full. The outstanding bat survey is still required, and the LPA may wish to add a specific condition to ensure it is secured. If so, I can suggest the following wording:

“Prior to demolition of the two-story buildings identified to have low bat roosting potential (ref: Preliminary Ecological; Appraisal, 3 August 2021 prepared by Greenlink Ecology), one dusk emergence / dawn re-entry survey should be undertaken during May - August inclusive to determine with confidence whether bats are roosting and, should this be the case, the mitigation measures should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.”

Reasonable enhancements have been proposed in the form of native planting/hedges and wildflower sowing (including plants attractive to pollinators), and a pond and wetland SuDS feature. Mention is made of wall-integrated bat and bird boxes throughout the new building; however I can't find reference to these on any plans. I advise a Biodiversity Enhancement Plan is produced by condition detailing the location and type of habitat boxes/structures that will be installed to further increase biodiversity opportunities at the site.

I have no comment to make on the lighting plan. However, the location of any bat and bird boxes/features should consider the lighting plan to avoid unnecessarily illuminating potential roost/nesting sites.

Of course, the ditch should not be polluted by run off from construction activities and specific advice has been provided by Environment Agent and Affinity Water. If not already covered, it may be appropriate to condition a CEMP to describe how the watercourse habitat will be protected from any adverse impact.

4.1.6 HCC Archaeology: [No objection]

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

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

- 1. The archaeological field evaluation, via trial trenching, of the proposed development site, prior to development commencing, but further to the demolition of the existing buildings at the site to slab level;*
- 2. Such appropriate mitigation measures indicated as necessary by this evaluation.*

These may include:

- a) the preservation of any remains in situ, if warranted,*
- b) appropriate archaeological excavation of any remains before any development commences, with provisions for subsequent analysis and publication of results,*
- c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),*
- d) such other provisions as may be necessary to protect the archaeological interests of the site;*

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

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

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

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

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

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

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

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

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

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

4.1.7 TRDC Local Plans Section: [No objection]

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

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

iv. monitoring information relating to housing supply and the Three Rivers housing target.

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The application site is located in Rickmansworth and is comprised of previously developed land and subsequently the proposal would comply with the Spatial Strategy. The development would result in a net gain of 48 extra care units and would subsequently make a positive contribution to meeting the District's current local housing need figure of 630 dwellings per year. There is a lack of a five year housing land supply in Three Rivers so the development would also positively impact this position.

Policy CP3 of the Core Strategy states that the Council will promote development that caters for a range of housing needs, including the provision of housing for the elderly and supported and specialist accommodation. Planning Practice Guidance for "Housing for older and disabled people" at paragraph 014 states: "It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided". Paragraph 010 of PPG states that extra care housing/housing-with-care usually consists of purpose-built or adapted flats/bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). In this type of accommodation, residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre, and the intention is for residents to benefit from varying levels of care as time progresses.

Following on from the above guidance, it is important to consider whether the proposed scheme would comprise C2 extra care accommodation. The Planning Statement accompanying the application states that the applicant and the on-site Estate Manager are registered with the Care Quality Commission, staff would provide 24-hour cover for assistance with daily activities and care to residents, meals would be available (with an on-site chef) and communal areas/facilities including a lounge and bistro offering daily meals, a salon and external amenity space would be provided. Staff accommodation to allow for 24-hour staffing is also proposed and a base level of care and support would be provided to all occupants on occupation, with additional care then tailored to individual needs of residents. Taking into account the above and the definition set out at paragraph 010 of PPG, it is considered that the proposed scheme would comprise C2 extra-care accommodation, so long as the proposed services, facilities and level of care set out in the application documents are implemented in any future scheme. Appropriate conditions should therefore be imposed to ensure that the level of care and scale of communal facilities as set out in the submitted documents are integrated and retained in the development.

The LHNA considers the need for units classified as 'housing with care' and indicates a notable need in future for 374 care beds (222 rented units and 152 leasehold units) over the period 2020 – 2036. The scheme would positively contribute towards meeting this need in an urban and sustainable location. The provision of these 48 extra care units may also encourage downsizing and reduce the need for additional larger dwellings.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floorspace within the district. The existing buildings on site comprise an office building (E(g)(i)) and a warehouse/storage building (B2/B8). The redevelopment of the existing office and storage buildings would result in the loss of an existing business location as well as 835sqm of office floorspace and 431sqm of storage/warehousing floorspace, which would fail to meet Policy CP6. Given the significant need for industrial floorspace estimated in the South

West Herts Economic Study Update (2019), it is important to safeguard existing industrial/warehousing floorspace in order to not exacerbate demand for industrial floorspace. In terms of industrial/warehousing floorspace, the South West Herts Economic Study Update (2019) estimates a need for 21,945sqm of industrial floorspace over the period 2018 to 2036 whilst for offices, there is estimated to be an oversupply of 6,263sqm during the period. This demonstrates a need to increase employment space during this period and to safeguard existing employment floorspace, particularly in respect of industrial/warehousing uses, of which there is a significant need estimated.

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

4.1.8 TRDC Landscape Officer: [No objection]

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

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

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

4.1.9 TRDC Environmental Protection: [No comments received, any comments obtained to be updated verbally]

4.1.10 Conservation Officer: [No objection]

The application is for the demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping.

The site is located in close proximity to the boundary of the Rickmansworth Conservation Area and to the west of two locally listed buildings; Beresford Almshouses and The Gables. The access road lies partly within the Conservation Area boundary. A Heritage Statement has been submitted with the application which assesses the impact of the proposal on the settings of the Conservation Area and locally listed buildings.

There are no objections to the demolition of the existing building, and it is agreed that the site makes a limited contribution to the settings of the heritage assets. Due to its height and massing, the proposed building will have a greater visual presence within the setting of the Conservation Area but the proposed building will largely be screened from view by existing buildings with the most prominent view being from Bury Lane looking south west into Beeson's Yard (as shown in one of the CGI images).

The design of the proposed scheme has been developed through pre-application discussions and it features slate pitched roofs and red brick elevations with some rendered sections, to reflect the surrounding building stock. In the view from Bury Lane the building will appear quite large, however, it is set back from the Conservation Area boundary and will be viewed as the backdrop to the buildings along Bury Lane. The proposal is not considered to detract from the setting of the Conservation Area or the locally listed buildings and no harm is caused to their significance. No objections are raised as the proposal is compliant with Section 16 of the NPPF.

If the application is approved, it is recommended that a condition requires the approval of external materials including windows and doors to ensure the materials are appropriate within the setting of the heritage assets.

4.1.11 Environment Agency: [Initial objection]

*We **object** to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis. This is in line with Paragraph 174 of the National Planning Policy Framework (NPPF) and Policy DM9 of the Three Rivers Local Plan (2013).*

Reasons

Groundwater is particularly sensitive in this location because the proposed development site:

- *is within Source Protection Zone 1*
- *is located upon a Secondary Aquifer A within the superficial deposits, underlain by a Principal Aquifer within the Chalk.*

The applicant must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. Currently there is insufficient information to demonstrate that risk posed by the use of piled foundations can be managed.

We therefore consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

- *Piled foundations can result in creation of preferential pathways through confining layers. In this location there is likely to be a low permeability of layer of weather “putty” chalk separating groundwater within the superficial deposits and the underlying chalk.*
- *Piling its self can cause turbidity which can impact potable abstractions and surface water features.*
- *Piling fluids such a polymers and cements can contain substances which present a risk to controlled waters.*

Overcoming our objection

We will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

In the first instance, the use of a shallow foundation design should be used, particularly one which does not involve penetrating the base of the River Terrace gravels.

If such a foundation design is not feasible, then we will require additional information to demonstrate that the risk associated with piling have been considered and can be addressed. The level of investigation and monitoring required can be extensive and have significant impacts on construction schedules.

In order to ensure that our requirements for the protection of controlled waters are met and that disruption to the construction schedule is minimized it is considered pragmatic to request that a scheme of works, demonstrating how the following will be addressed, is submitted prior to approval being granted.

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

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

As this is an iterative process and that as more data becomes available some of the points raised may become redundant.

4.1.11.1 Further to additional information and a re-consultation the following comments were received: [No objection]

*Thank you for consulting us on the new information, specifically the Letter Response to Affinity Water and Environment Agency Objections, ref. 402.5039.00024, dated 7 October 2021, prepared by SLR Consulting Ltd & recent letter confirming that shallow piling (Vibro Concrete Columns) will be used, without disturbing the chalk bedrock and that the surface water drainage scheme will not infiltrate into the ground. As a result of this we are now in a position to **remove** our current objection.*

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

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

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

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

Condition 1 - Universal condition for development on land affected by contamination

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

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

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

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

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

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

Condition 2 – Verification report Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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

Condition 3 – Long-term monitoring The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified

in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

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

Condition 4 – Previously Unidentified Contamination *If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.*

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

Condition 5 - SuDS Infiltration of surface water into ground *No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.*

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

Condition 6 – Piling / Foundation Works Risk Assessment *Piling / other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. A piling risk assessment considering environmental risks that may arise as a result of piling works will be required. The development shall be carried out in accordance with the approved details.*

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

Condition 7 – Decommissioning of investigative boreholes *A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.*

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

Condition 8 – Finished floor levels

Finished floor levels shall be set no lower than 46.8m above Ordnance Datum (mAOD). Compensatory storage shall be provided around the exterior of the building by reductions in the ground level, as stated in section 5.4.2 and Table 5.3. Flood End 2 storage will be

preserved or increased on a level for level basis, up to the design flood height of 46.5m AOD.

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

Advice to LPA

Sequential Test

In accordance with the NPPF (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal.

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. This information is only to assist you with your assessment. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable. Please note we have not assessed the proposed access and egress route.

4.1.12 Thames Water: [No objection, informatives added]

Waste Comments

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

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

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

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

4.1.13 Affinity Water: [Initial objection]

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

We currently object to the application and require the submission of an intrusive ground investigation in order for us to reconsider our position. This is due to the sites historical use and the potential for ground contamination to be present. This will need to assess ground conditions of the site in relation to the chalk aquifer and our nearby public water abstraction as receptors of potential pollution. Our concerns include the mobilisation of existing ground pollution through foundation construction (i.e. Piling), and surface water infiltration methods. The generation of turbidity through foundation construction is also an issue. An intrusive investigation should inform the best methods to reduce these risks.

If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. Contamination including turbidity

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

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

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

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

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

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

***Reason:** Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.*

2. Contamination during construction

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

Condition

- B)** If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a **Remediation Strategy** detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.*

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

3. Infiltration

Surface water should not be disposed of via direct infiltration into the ground via a soakaway in contaminated areas.

Condition

- C)** Prior to the commencement of development, details of a Surface Water **Drainage Scheme** that considers ground contamination and public water supply as a receptor of that contamination shall be submitted to and approved in writing by the Local Planning Authority In conjunction with Affinity Water.*

***Reason:** The potential presence of contaminated land and the risk for contaminants to remobilise through direct infiltration causing groundwater pollution potentially impacting public water supply.*

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

Water efficiency

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

Infrastructure connections and diversions

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

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

- 4.1.13.1 Further to receipt of additional information and consultation the following comments were received: [No objection]

*After recent correspondence with the developers agency SLR Consulting, a review of the revised site investigation and letter dated 7 October 2021, prepared by SLR Consulting Ltd, we are now able to able to **lift our objection** under the following conditions:*

1. Ground excavations

It is now understood that the developer has committed to a foundation solution founding within the river terrace gravels (vibro concrete columns), and the chalk bedrock will therefore not be disturbed during the redevelopment of the site which reduces our initial concerns. Recommendations in the Site Investigation carried out by Crossfield, and also identified in the letter (SLR Consulting) are for further investigations when the suitable site access is available.

Condition:

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

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

hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

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

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

2. Contamination during construction

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

Condition:

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a **Remediation Strategy** detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

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

It is noted that the disposal of surface water is to be done via the mains sewer which alleviates our concerns on the opening up of contaminant pathways into the aquifer through methods such as infiltration. If there are any changes to this point we wish to be re-consulted.

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

4.1.14 National Grid: [No objection, informative added]

4.1.15 Hertfordshire Constabulary Design: [No objection]

Thank you for sight of planning application 21/1971/FUL, Demolition of existing buildings and structures and erection of a 48-unit assisted living facility (Use Class C2) with car parking and associated landscaping. Beesons Yard Bury Lane Rickmansworth.

Although the development is being built to Class C2, which can be a concern regarding security, I am content that security and safety have been considered for this development as detailed in the Design and Access statement (9.1, Safety and Security).

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 67
- 4.2.2 No of responses received: 41 objections. Following a 21 day re-consultation a further 15 objections were received.
- 4.2.3 Site Notice: Expired 03.03.2020.
- 4.2.4 Press Notice: Expired: 28.02.2020.
- 4.2.5 Summary of Responses:

- Overlooking and shades communal space
- Value of property / ability to work efficiently
- Construction noise
- Building should be smaller
- Not enough parking
- Not enough space between building and boundaries
- Too close to residential properties
- Balconies increase privacy issues
- Noise and pollution
- Artist impression fake – shows hedging when none exists
- Conflicts with 28m guidance
- Reduction in existing daylight distribution within Chesswood Court
- Loss of office/light industrial space / loss of heritage asset
- Lack of amenity space (unable to make use of local parks)
- Appendix 5 of Local Plan suggests Council ahead of C2 target?
- Ebury Road streetscape affected
- Increased risk of flooding
- Better use of land could be for terraces / mews style houses
- Affects setting of Gable Cottage
- No mini-bus shuttle
- Impact bats
- Impacts on healthcare

Officer comment: The above material planning considerations will be discussed within the following planning analysis sections. However, it should be recognised that development affecting value of property is not a material planning consideration. The artist impression is only indicative and no hedging exists or is proposed along the internal access road. The CGI's will not be included within the approved plan condition if planning permission is approved as they are indicative.

4.2.6 Community involvement:

- 4.2.6.1 Prior to the submission of this application a pre-application public consultation exercise was undertaken in 2020, although due to the COVID-19 pandemic the event was held 'virtually' with 1,912 homes notified of the event via letter. The applicant has advised that 30 feedback responses were received.
- 4.2.6.2 Those that commented referred to the development's design, height, and implications for overlooking and potential impacts on daylight and sunlight and parking levels. A pre-application was made to the LPA both before and after the public consultation and resulted in amendments to the proposal, especially in relation to its design at the front.

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

5.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 5; Chapter 9; Chapter 11; Chapter 14; Chapter 15 & Chapter 16.

5.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13.

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

5.3 Other

Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993)

Affordable Housing Supplementary Planning Document (adopted June 2011)

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (December 2020)

South West Hertfordshire Local Housing Need Assessment (September 2020)

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.

Housing Delivery Test Action Plan (June 2021).

Housing Land Supply Update (December 2020).

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

6 **Reason for Delay**

6.1 Time given to overcome technical objections concerning flood risk/sustainable drainage and to aid discussions resulting in amended plans.

7 **Planning Analysis**

7.1 Principle of development

7.1.1 The application site is located within Rickmansworth, the Principal Town in Three Rivers District with the largest town centre providing a good range of services, facilities and public transport. The area is considered appropriate for continued infilling, primarily on previously developed land, subject to material planning considerations.

7.1.2 The application site can be considered previously developed land given it is occupied by permanent structures in commercial use. However, it should not be assumed that the whole of the curtilage should be developed.

7.1.3 The NPPF at paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Additionally, paragraph 123 states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs, in particular they should support proposals to 'use retail and employment land for homes in areas of high housing demand'.

7.1.4 In respect of achieving appropriate densities the NPPF at Section 11, paragraph 125, emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

7.1.5 At local level, Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. This includes provision of housing for elderly and supported and specialist accommodation which will be encouraged in suitable and sustainable locations.

7.1.6 The Council's Core Strategy is considered out-of-date as it is over 5 years old and the Council cannot currently demonstrate a 5-year supply of deliverable housing meaning paragraph 11 of the NPPF is engaged. As a consequence, developments should be granted planning permission unless it conflicts with the policies in the NPPF that protect areas or assets of particular importance which provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, taken as a whole.

7.1.7 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2021, the Action Plan states at paragraph 3.24 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land' and 'the Council will need to consider solutions to accommodate more housing in the District's urban areas such as increasing density through delivering more flats and small homes to increase housing delivery'.

7.1.8 The development proposes 48 units. Having regard to the Council's conversion ratio of 1.9:1 (i.e. 1.9 bedrooms in C2 use 'frees up' 1 open market dwelling) as set out within the Housing Land Supply Update (December 2020) this will be the equivalent of 35 market dwellings (66 beds / 1.9) which would significantly weigh in favour of the development (see section 7.14).

7.1.9 It is therefore considered having regard to the location of the site which is largely residential in character that it is a both suitable and sustainable location to provide an extra care facility.

Does the development fall within a C2 use?

7.1.10 The PPG states that 'extra care housing' usually consists of purpose built or adapted flats with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC) and that residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.

7.1.11 The development as proposed provides a large communal lounge / bistro, salon and external amenity space, with shared services for laundry, guest suite and staff accommodation. The individual flats are purpose built, to be compliant with Part M of the Building Regulations (i.e. visitable/accessible and adaptable dwellings) with level access, emergency 24-hour call system, lifts, wheelchair accessible rooms and worktops/washbasins at a reduced/flexible height, grab rails and integrated technology systems.

7.1.12 The accommodation is aimed at providing independent living for the frail elderly, with day-to-day care in the form of assistance and domiciliary care tailored to the owner's individual needs (i.e. assistance with hygiene, dressing and undressing, getting in and out of bed and assistance with planning and preparation of meals, ordering and collection of prescriptions, assistance, organising health care visits etc.), starting with a minimum level of care each week on initial residency, which is to be a prerequisite of occupancy (a minimum baseline of 1 hour per week) as well as an age restriction whereby at least one of the occupiers (if living as partners) is 70+, and in need of personal care by reason of old age or disablement, with the other partner being at least 60 years of age. The applicant has stated that the average age of assisted living schemes is 83 years of age.

7.1.13 On the basis that the individual units will be specialist and given the level of care and scale of communal facilities it is agreed that the development would fall within use Class C2.

Is there an identified need for C2 housing?

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

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

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

- 7.1.17 It is also important to consider the characteristics of older person households which shows for Three Rivers that there is a very high percentage of older persons in under-occupied homes (approx. 86%) leading the SWHNA to conclude that the District should be prioritising retirement villages with a range of different house typologies, tenures and a level of care.
- 7.1.18 The Housing Land Supply Update (HLSU) confirms that 99 dwellings in C2 use have been completed during the plan period (188 bedrooms) with 66 dwellings outstanding on planning permissions granted (Croxley House, Burford House, Little Furze and Chalfont Court).
- 7.1.19 The SWHNA considers the need for units classified as 'housing with care' and indicates a notable need in future for 374 care beds (222 rented units and 152 leasehold units) over the period 2020 – 2036. This is excluding the 683 care beds required over the new plan period.
- 7.1.20 During the current plan period there have been 99 C2 completions. As per the HLSU there are a number of C2 developments at Croxley House (16 dwellings net), Burford House (8), Little Furze (39), Chalfont Court (3) and Bridge Motors (39) which, if all built would add a further 145 dwellings towards meeting this meet total need. A number of them are currently being built. Nevertheless, a need would still very much exist and with an ageing population it is considered that there is an identified need for C2 housing within the District.

Is an affordable housing contribution required?

- 7.1.21 The Affordable Housing Supplementary Planning Document (SPD) states that Policy CP4 applies to all proposals for housing development that result in a net gain of one or more dwellings. The SPD also states that "if the residential accommodation has shared facilities and is not therefore self-contained, as in the case of some supported housing and residential care homes, it is regarded as an institutional use and Policy CP4 will not apply. Policy CP4 is given significant weight and is considered to outweigh the NPPF. In any event, paragraph 65 of the NPPF also discounts specialist accommodation, i.e. purpose-built accommodation for the elderly, from providing affordable housing.
- 7.1.22 As part of extensive pre-application discussions it was agreed that no affordable housing contributions would be required if the development coming forward was for specialised C2 accommodation. As highlighted above, it is accepted that the scheme will support a C2 use given the purpose built nature of the building which could not be implemented independently as the communal facilities and extra care are integral components of the development, all falling in the same building and are not physically separate from each other.
- 7.1.23 Whilst the individual units would have their own self-contained accommodation (i.e. kitchenette, bathroom, lounge and bedroom) and could therefore be regarded as dwellings, the use of the units is heavily reliant on the communal facilities and extra care which is provided as a complete package, the latter of which a prerequisite of occupation; hence the C2 classification. As a result, as a matter of planning judgement it is considered that the development does not result in a net gain of a dwelling but instead would provide an extra care development of 45 units comprising apartments and associated communal facilities, an institutional use. Consequently the building as a whole is to be considered rather than the individual units and given that the shared facilities are intrinsic to the use of the units, Policy CP4 is not considered to apply in this instance.

Housing mix:

- 7.1.24 Policy CP3 of the Core Strategy states that the Council will require the provision of housing for the elderly and supported and specialist accommodation which will be encouraged in suitable and sustainable locations.
- 7.1.25 The development would provide 30 1-bed units and 18 2-bed units (a split of 62.5%/37.5%) although there is no specific policy requirement to provide a certain housing mix for

specialist C2 accommodation. Based on the type of accommodation provided, it is considered that the housing mix is acceptable.

Summary:

- 7.1.26 When considering the above, it is considered that the principle of development to facilitate an extra care facility in a C2 use is acceptable on site, owing to its sustainable town centre location and the required need for this type of accommodation. As part of the neighbourhood consultation exercise objections were received stating that the site should be used to accommodate terraces / mews style houses. However, as highlighted above, given the District's housing land supply and the fact the Council should be making the efficient use of land such low density development is unlikely to be the most efficient use of the site and is likely to conflict with paragraph 125 of the NPPF which states that local planning authorities should refuse applications which they consider fail to make efficient use of land.
- 7.1.27 Notwithstanding the above, it is acknowledged that the site currently accommodates two commercial premises which would be lost as a result. This along with other material considerations are considered in the following sections.
- 7.2 Loss of commercial units
- 7.2.1 Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements and to provide for a range of small, medium and large business premises to future.
- 7.2.2 The development would result in the loss of two existing local businesses (office and warehouse/storage), neither of which are protected by an Article 4 Direction which exists elsewhere within the District to safeguard employment uses. Nevertheless, their loss would inevitably conflict with Policy CP6.
- 7.2.3 The South West Herts Economic Study Update (2019) states that it is important to safeguard industrial floorspace whilst recognising that there is an oversupply of 6,263sqm. The demolition of the warehouse/storage building would result in the loss of 431sqm. Whilst recognising this loss and future need, there is some tension between Policy CP6 and the NPPF. As highlighted above, paragraph 123 of the NPPF seeks that local planning authorities support proposals to 'use retail and employment land for homes in areas of high housing demand'. On the basis that Three Rivers cannot meet its 5 year housing land supply, the required need for specialist C2 use and the fact that the new use would be employment generating (through a mix of full and part time positions equivalent to 14-17 full time equivalent posts) the loss of the warehouse/storage building is considered negligible.
- 7.3 Design, impact on the character of the area and towards heritage assets (Rickmansworth Conservation Area and Locally Important Buildings)
- 7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.
- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.

- 7.3.3 Policy DM3 of the Development Management Policies document states that within conservation areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area and does not harm important views into, out of or within the Conservation Area. The policy is silent with regards to the impact on the setting of Locally Important Buildings (referred to as non-heritage designated assets within the NPPF).
- 7.3.4 The NPPF at paragraph 130 sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In respect of a non-designated heritage asset paragraph 203 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 7.3.5 When considering the location of the application site, both within and adjacent to the Rickmansworth Town Centre Conservation Area and adjacent to Locally Important Buildings the development must be designed carefully to avoid harming heritage assets. Additionally, it is recognised that there is increased pressure for increased density which needs to be balanced to avoid harm to heritage assets.
- 7.3.6 The only part of the application site which falls within the conservation area is the access close to Bury Lane. No physical changes are proposed and the existing signage at the entrance will remain (following completion of development).
- 7.3.7 In close proximity to the application site and fronting Bury Lane are Beresford Almhouses and The Gables, both Locally Important Buildings (non-designated heritage assets), which given their vicinity to the site have the potential to be affected by the proposed development as a result of change within their respective settings.
- 7.3.8 The application site is largely tarmacked with the two buildings dating from the early-mid 20th Century when the site was first developed. The narrower L-shaped building towards the west of the site is the older of the two (1911-1912) which has been subsequently altered. The larger building was added during the inter-war period and formed part of a much wider complex of industrial/commercial buildings which now make up Goral Mead and Chesswood Court. From site visits the existing buildings are not detractors within the setting of the conservation area but it was evident that they had been significantly extended which has eroded any heritage potential (i.e. to consider them as non-designated heritage assets) that the buildings may have once had. As such it is considered that the site as a whole makes a neutral contribution to the significance of the conservation area and the setting of the locally important buildings mentioned above. The Conservation Officer agrees that the site makes a limited contribution to the setting of the heritage assets and thus their loss would not be unacceptable.
- 7.3.9 The surrounding area is extremely mixed with traditional two storey development (some with roof accommodation) dominating the Bury Lane and Ebury Road frontages which fall within the Rickmansworth Conservation Area. However, the flatted development of Chesswood Court immediately behind Bury Lane is evidently present given its three storey height and design including a mix of gabled and hipped roofs and a turret style feature. To the south of the application site there is a four storey flat roofed flatted development (Bury Meadows) while to west Goral Mead is made up of a cluster of three and four storey pitched roofed flatted developments. To the south of the internal access track there are five dwellings, two stories in height (Bury Mews); two fronting Bury Lane and three set back. As such, the application site is infilled by development to all sides although building heights, designs and densities are extremely varied with limited uniformity excluding Ebury Road.

- 7.3.10 The proposed building is sizable and significant objection has been received concerning the overall scale of the development.
- 7.3.11 Firstly, in terms of its design, the building has been considerably altered and adapted through pre-application discussions to ensure there is a degree of variation in materials used. The proposed building would comprise of red brick, smooth white render and slate roof tiles. The most visible aspect of the building, which is also the highest, from the conservation area is via the internal access track. The use of red brickwork is considered to be sympathetic and ensure externally that the building is respectful of surrounding built form and integrates within its environment. Elsewhere, the use of render coupled with brickwork, hipped roof forms and gable features ensures that there is an acceptable level of visual interest across the building and no concerns are raised regarding its external appearance.
- 7.3.12 Notwithstanding the above, the new building will be higher than any adjacent developments given its part five (served by roof accommodation), part four and three stories. The majority of the building will be four stories high, especially to the south, although it is acknowledged that roof accommodation will facilitate a fifth floor served by recessed dormers and small flat roofed dormers. The highest element of the building is towards the south eastern corner, and the separation distances from adjacent developments and the existence of the sizable garage court to the immediate south ensures that ample separation distance exists between the proposed building and the four storey flatted developments within Bury Meadows. Nevertheless, it is recognised that this corner will be visible from certain views, especially from the access and to the rear of properties which front Bury Lane. However, whilst evidently visible, the building will be set back from Bury Lane by a significant distance, would have hipped roofs and the external appearance would be brick as highlighted above. It is considered that these factors will be enough to ensure that whilst there will be a noticeable change to views in the area, the building will not result in harm to the character and appearance of the conservation area from Bury Lane.
- 7.3.13 It is also noted that views from within the conservation area will also be possible from the properties fronting Ebury Road to the north which comprise of two storey dwellings, some with roof accommodation. It has been recognised that these views are sensitive so the scale of the building has been adjusted at this point to ensure it steps down to three stories with the northern elevation also stepped and hipped. Given the separation distances of approximately 29m and the scale and design of the building at this point which has been dropped further during the application process, it is considered that the presence of a higher building than present would still preserve the setting and views of the conservation area which will be coupled with existing and enhanced landscaping along and close to the boundary. Whilst the north facing elevation within the southern arm of the building will face towards the properties on Ebury Road, there will be a substantial distance in excess of 54m which will suitably reduce its impact on the conservation area.
- 7.3.14 With regards to the impact on the non-heritage assets, it is considered that in respect of Beresford Almshouses (sited in-front of Chesswood Court) that it's setting is already impacted from Chesswood Court which is a three storey building. Consequently, when considering the separation distance of the development coupled with the intervening development of Chesswood Court it is not considered that any impact on the setting of Beresford Armhouses would occur. In respect of The Gables, there will be a far more noticeable change given the co-visibility with the site in views from Bury Lane and the scale of the building within the south eastern corner. However, as highlighted above, the external appearance of the building at this visible point would be brick, so as not to draw significant attention away from The Gables with the proposed building appearing in the backdrop of houses fronting Bury Lane. The Conservation Officer holds no objection to the scale of the building and its impact on the setting of The Gables.

- 7.3.15 In respect of archaeology, the application was supported by an Archaeological Desk Based Assessment which concludes that the site is unlikely to have a significant impact on heritage assets of archaeological interest. As part of the application process, Herts Archaeology have reviewed the submitted information and commented that as the site lies less than 100m west of an area of archaeological significance (centre of medieval Rickmansworth) it may have potential for unknown archaeological remains. As such, due to this likely impact, a number of conditions are recommended, including the requirement to submit an Archaeological Written Scheme of Investigation.
- 7.3.16 In summary, it considered that the replacement of the existing buildings with the proposed building would preserve the significance of the Rickmansworth Conservation Area and would not result in any harm to the setting of the non-designated heritage assets.
- 7.3.17 Towards the southern part of the application site, away from the conservation area, the building will be highly noticeable from within Bury Meadows. However, given the heights of adjacent developments within Bury Meadows and Goral Mead and the presence of garage courts to the immediate south combined with the variety and visual interest in the elevation, it is not considered that the building would appear so out of character and unduly prominent that it would harm the visual amenities of the area.
- 7.3.18 To the west, the building would be sited close to the boundary with Goral Mead and thus will significantly alter the character of the streetscene. However, this particular elevation has considerable visual interest with windows, full dormers and small flat roof dormers within the roof. As such, whilst it will become visible within the streetscene, its presence is not considered to be so unduly prominent that it will harm the visual amenity of the streetscene, which is currently dominated by the large flatted developments of Goral Mead. The western elevation is also considered to add a degree of visual interest / natural surveillance where it is currently lacking within the streetscene.
- 7.3.19 Notwithstanding the above, it is noted that the building will include a number of substantial crown roof sections which emphasises the overall bulk and scale of the development. Appendix 2 of the Development Management Plan LDD discourages crown roofs for this very reason and seeks the use of more traditional pitched roofs. The visible massing and bulkier aspects of the scheme are generally concentrated at the ends of the buildings towards the north and west as well as the south eastern corner, the latter of which is largely tucked away from public vantage points. However, given the stepped nature of the building, both in terms of the elevations and roof forms plus the varying heights of the building which rise up towards the south eastern corner and the consistent use of hipped roofs around the building, it is not considered that the development, whilst bulky in parts, would be detrimental to the character of the area and would to some extent simply respond to an area which has a variety of different roof forms.
- 7.3.20 Other design aspects of the building include full dormers which cut into the eaves and small flat roof dormers which will appear subordinate within the roof thus complying the design guidelines set out in Appendix 2 of the Development Management Plan LDD. External lighting will be sensitively planned with bollard lighting within the circulation spaces around the building and bulk head lighting at the lower levels of the building. Specific details regarding materials and lighting will be secured by planning condition.
- 7.3.21 Consequently, the strong level of objections against the scale of the development are acknowledged; however, there is a balance which is required in terms of providing the most efficient use of the land and ensuring that the character of the area is not harmed. It is considered that the building has been designed sensitively to avoid harming the conservation area and whilst elements of the building will be prominent and bulky, there is enough variety within the design to ensure it would not ultimately appear incongruous and therefore harmful to the visual amenity of the Goral Mead streetscene, general area and Rickmansworth Conservation Area. For these reasons, the development is considered

acceptable and complies with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and DM3 of the Development Management Policies LDD.

7.4 Impact on neighbouring amenity

- 7.4.1 Policy DM1 and Appendix 2 (Design Criteria) of the Development Management Policies LDD states that new development should take into consideration impacts on neighbouring properties, both within and surrounding the development. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene.
- 7.4.2 Given the location of the application site adjacent to neighbouring residential development, any proposal will be sensitive, especially in respect of the impact on properties to the north, which front Ebury Road, and the flatted development, Chesswood Court to the east.
- 7.4.3 To assist in safeguarding privacy, preventing development from resulting in a loss of light or appearing un-neighbourly, the Design Criteria states that as an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which directly face one another. In respect of the impact towards those properties on Ebury Road, the northern elevation of the building which will be three stories high with a hipped roof would be separated from the rear of those properties by approximately 29m. This relationship is neither back to back nor face to face so a distance of 29m coupled with the design and scale of the building ensures that no unacceptable impacts would arise. In terms of overlooking, the windows within the northern part of the north elevation serving the communal hallways and individual units will be obscurely glazed within the first and second floor levels. This would ensure that no direct overlooking would occur.
- 7.4.4 In respect of Chesswood Court, there has been significant objection concerning the fact that the building is less than the indicative 28m distance. The proposed building would be set back approximately 3.8m from the front of the existing office building; however it would be mix of five, four and three stories, reducing in height/stories from the south towards the north of the building. The new building will also stepped, with separation distances from Chesswood Court ranging from approximately 25m to 27m, the former of which predominately fronts the car park associated with Chesswood Court. During the application process, the external balconies were removed from all units which directly face the building at Chesswood Court. A number of external balconies remain, however, these directly face the parking area of Chesswood Court to the south and the internal access track. A condition would be recommended to ensure that obscure privacy panels are installed to the flanks of these balconies to concentrate the elevated views in an easterly direction. As per the retained external balconies, the five storey element of the building predominately fronts the car park serving Chesswood Court and the internal access track. Notwithstanding the above, given the number of stories and the proposed distances between the eastern elevation of the building and Chesswood Court the development conflicts with the indicative figure. However, whilst below the indicative figure it is considered acceptable for reasons expressed below.
- 7.4.5 As advised, the Design Criteria applies a standard across the entire district which comprises areas of both high and low densities but predominately is covered by low density development. On the basis that the Council should be encouraging higher densities (Housing Delivery Test Action Plan 2020) and that distances in excess of 28m are required, there is clear conflict between these two requirements. Having regard to the density of the area, given its town centre location, distances between buildings are far closer than in more suburban parts of the District. For the development to comply, approximately 4m extra would be required between the buildings in order to exceed the 28m distance. Whilst acknowledging that this building will be higher than all adjoining developments, other face to face buildings at two stories in height are below 20m (Ebury Road / Bury Mews) while the

distance between Bury Meadows and Goral Mead buildings at four stories in height is approximately 26m. As a result, given the town centre urban location of the building it is considered that the proposed distances between the buildings are acceptable.

- 7.4.6 It is fully acknowledged that the presence of a residential building of such scale in front of Chesswood Court will significantly alter their current privacy levels as currently they are partially overlooked by a two storey office building which does not project into the northern part of the site. However, whilst the proposed separation distances fall short of the indicative standards they are considered acceptable to ensure that privacy levels are not unacceptably harmed to the detriment of those occupiers within Chesswood Court.
- 7.4.7 It is also noted that the outlook from those within Chesswood Court will significantly change given the siting and depth of the eastern elevation of the building. However, the eastern elevation is stepped, with the majority of the elevations facing Chesswood Court four and three stories in height with a roof form which would be significantly set down from the highest part of the building. Whilst the building would be prominent from neighbouring outlook, it is considered that given the separation distances and the stepped design of the building that it would not appear so excessively prominent that would adversely affect the living conditions of those in Chesswood Court. A Daylight and Sunlight report was also submitted with the application and concluded that all windows will meet the required accepted levels within the BRE guidelines in terms of vertical sky component (i.e. sky that is visible from a window). However, it does conclude that 4 rooms will note a reduction in daylight distribution beyond the target values, one a bedroom, one a small kitchen and the other living rooms. The report states that the kitchen will retain 72% daylight distribution and will remain reasonably well day lit. The living rooms will retain 66% and 79% of their existing daylight distribution but will exceed the BRE guideline for skylight meaning that enough light will reach the windows with the report concluding that with the proposed development in place the impacts of daylight and sunlight to this property should be considered acceptable. The report also concluded that no material impact would result in terms of impacting the communal amenity space.
- 7.4.8 Ultimately, an impact upon Chesswood Court will occur; however, given the town centre location, it is considered that the impact, on balance, will not be so significant as to adversely impact the living conditions of those occupying flats within Chesswood Court.
- 7.4.9 A distance in excess of 50m will exist between the building and the boundary with The Gables ensuring that no unacceptable levels of overlooking would arise.
- 7.4.10 To the immediate south of the access track is a small residential development known as Bury Mews, a collection of five two storey dwellings, a pair of semi-detached dwellings fronting Bury Lane and three terraces immediately behind. Due to the siting of the proposed building there will be a separation distance from the eastern elevation and the rear elevation of No.5 Bury Mews of 35m. Whilst the external balconies are to remain towards the southern aspect of the eastern elevation, the obscurely glazed panels to the flanks will ensure that views from the terraces will not be directly towards their rear amenity garden.
- 7.4.11 Due to the relationship with the buildings on Goral Mead, the windows within the four storey western elevation of the new building would not directly face the neighbouring flats given they are orientated in a south easterly direction. As such, all outlook from the proposed windows would be across the road and parking areas with distances in excess of 28m. In terms of prominence, the corners of western end of the building will be set in approximately 20m and 15m from the flats within Goral Mead. However, given the orientation and relationships between them, it is not considered that the building would appear unacceptably prominent to the flats.
- 7.4.12 To the south of the proposed building the existence of the garage courts enables separation distances in excess of 50m between the new building and Bury Meadows. As such, no harm would arise.

- 7.4.13 In terms of noise pollution Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable impact on the indoor and outdoor acoustic environment of existing or planned development. The proposed parking area for the development will be concentrated between the building and the communal garden of Chesswood Court, which is physically enclosed by close boarded fencing. As it stands this area is made up of parking spaces serving the office building which extends towards the north boundary. Whilst it is accepted that on-site movements will occur throughout the day and night it is not considered that the level of movements would arise in any unacceptable harm through noise and disturbance. A Parking and Delivery Management Plan is recommended to ensure deliveries occur at acceptable times.
- 7.4.14 It is accepted that given the scale of the development that the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further details concerning timing of construction activities and deliveries to avoid unacceptable impacts.
- 7.4.15 To summarise, the proposed development will have an impact upon Chesswood Court through some minor loss of light to some rooms; however the impact is not considered to unacceptably effect their living conditions of those occupiers so as to result in harmful development. The development is therefore, on balance, considered to comply with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

7.5 Living conditions of future occupants

- 7.5.1 Policy CP12 of the Core Strategy states that development must protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 All units will have good light reception and the submitted Daylight and Sunlight Report confirms that the majority conform to BRE guidelines and those that do not, are either kitchens or bedrooms or internal corner units. The report concludes that the levels achieved are reasonably good for an urban location and should be considered acceptable.
- 7.5.3 In terms of room sizes local policy is silent; however, the nationally described space standards can be used as a guide; although it does stipulate that the standards will not be adequate for wheelchair housing where additional internal area is required to accommodate increased circulation and functionality. Nevertheless, the proposed units which range from 50sqm (one bed) up to 92sqm (two beds) exceed the standard and are considered acceptable.
- 7.5.4 In respect of outlook, the majority of views from the units will be across the parking area towards Chesswood Court, over the garage courts to the south and north west and the communal amenity space. It is considered that outlook will be adequate given the constraints of the site and existing adjoining developments.
- 7.5.5 It is fully noted that developments should be ensuring good design and that extends to spaces surrounding the building. The level of amenity space provision has been highlighted in more detail below. Whilst concerns are acknowledged regarding the extent of outdoor space, there are a number of distinct areas whereby residents will be able to use, including a landscaped garden with benches/covered seating, a potting shed to encourage residents to 'grow their own' and lawn areas to the west and north of the building. Whilst not sizable in their own right, they will provide spaces for residents to use and connectivity around the entire building will be possible. Consequently, it is not considered that the level of external communal space, combined with the fact that the majority of units will have their own private external amenity area, will be detrimental to the living conditions of future residents.

7.5.6 Impact on highway safety and parking

- 7.5.7 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.5.8 The application site is served by a single vehicular access from Bury Lane which is to be retained for the new use. As such, no alterations are proposed nor does the Highway Authority require any further upgrading works to occur as a result of the site's redevelopment.
- 7.5.9 Internally within the site and along the access road there will be a shared surface which would be acceptable to enable two vehicles to pass one another along the majority of its length with the parking spaces proposed parallel to the access road meeting the recommended standards at 6m in depth. The Highway Authority are also supportive of a defined pedestrian route (subject to appropriate signage and lighting) which will aid connectively between the building and Bury Lane.
- 7.5.10 As part of the submission swept path analysis plans have been submitted which confirm that refuse vehicles and fire tenders will be able to access the site and egress the site in forward gear. The Fire and Rescue service have not objected.
- 7.5.11 During the application process there has been objection concerning the level of vehicular activity on the site throughout the day and the highway safety impact on the adjoining road network. The submitted trip generation assessment which forms part of the Transport Assessment states that there will be 3 two-way vehicle movements in the AM peak (0800-0900), 5 two-way vehicle movements in the PM peak (1700-1800) and 113 vehicle movements from 7am to 7pm having compared three similar sites within the same use (a total number of 9 vehicle trips per hour over a 12 hour period (0700-1900)). The Highway Authority do not challenge the trip generations and have commented that they would not be significant enough to have a safety or severe impact upon the surrounding highway network, noting that the trip rates would be lower than for the current use of the site (when used to its fullest potential – 135 trips between 7am to 7pm).
- 7.5.12 The Parish within their objection comments asked that the Highway Authority re-visit their comments. Further comments were obtained by the Highway Authority who maintained the development would be acceptable in highway terms.
- 7.5.13 With regards to parking, the site will provide 20 car parking spaces which include 2 disabled parking bays and 2 active electric vehicle charging spaces with passive provision to be provided for the remainder of the parking areas. Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the car parking requirements for the District. The requirements can be adjusted according to which zone the proposed development is located in. The application site is located in zone 2 which requires 25-50% of the indicate demand based standard, which for C2 'residential institutions' with care staff on premises is 1 space per 5 resident bed space plus 1 space per 2 staff non-resident.
- 7.5.14 The new building will comprise a total of 66 beds and will, from the information submitted, have an average of 6 members of staff on site at any one time. When applied to the parking standard a total of 17 spaces are required (13.2 - rounded up to 14 for the units plus 3 staff spaces). This amount is without the zonal reduction which will reduce the required parking level to 5-9 spaces. Consequently, there would be an oversupply of parking based on the parking standards, contrary to the objections received.

- 7.5.15 Whilst noting that visitors will attend the site, the surrounding roads are all permit parking (or 1 hour no return within 1 hour (Mon-Sat 8.30 to 6.30pm)) meaning the majority of visitors will either park on site or use the local public car parks, of which there are plenty within a short walking distance. Notwithstanding the above, to ensure that residents and staff are unable to park on the surrounding road networks, a legal obligation will be included with the S106 preventing those associated with the development from applying for a permit. This will prevent the use of the permit parking spaces along Bury Lane and other nearby roads as well as ensuring that parking in the area is not displaced or put under further pressure as a result of this development.
- 7.5.16 Nevertheless, a parking & delivery management plan is considered reasonable to be secured by condition which will ensure that certain spaces on site are allocated for residents, staff and for visitors including health care visitors and to agree appropriate timings for deliveries.
- 7.5.17 Due to the location of the site it is recognised that many of the local facilities are within an easy walking distance meaning the location is considered to be acceptable with the potential to facilitate good sustainable travel options, especially when considering who will be occupying the units. The Highway Authority have therefore recommended that a Travel Plan Statement is secured by condition so as to promote and encourage sustainable modes of travel to and from the site.
- 7.5.18 As highlighted above, a Construction Management Plan would be secured by condition and will require further details concerning construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of site entrances, and the adjacent public highway.

7.6 Amenity space provision

- 7.6.1 Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, contribute to formal spaces/settings for groups of buildings or existing mature trees.
- 7.6.2 The Design Criteria is silent in respect of indicative levels of amenity space for extra care accommodation in a C2 use. However, as a guide, it states that for residential care homes and warden controlled sheltered housing at least 15sqm per bed space should be provided communally.
- 7.6.3 Based on the type of development proposed, it is considered that it would be reasonable to follow, as a guide, the indicative standard for residential care homes/warden controlled sheltered housing which would equate to 990sqm (66 beds x 15sqm) when applied to the development proposed. However, the required amount should be looked at with caution given that it will not specifically relate to extra care and the age cohort of the occupiers which are restricted via a legal agreement.
- 7.6.4 The amenity space around the building would equate to approximately 544sqm (which excludes the slight elevated banking to the south western corner, private amenity spaces and the area proposed for a future sub-station). In addition to this, 37 of the 48 units would have their own private amenity space of 6sqm which adds a further 222sqm of amenity space in the total.
- 7.6.5 As a result a total amenity space of 766sqm would be provided, both communally and privately across the development. When applied stringently against the above standard there would be a large shortfall; however, given the nature of the development and its town centre location, it is considered that sufficient amenity space, both privately and communally would be provided.

7.6.6 It is accepted that the type of occupier should not be a determining factor and that to ensure good design developments should provide acceptable levels of amenity space and efforts were undertaken to increase the extent of amenity space around the building. In this case the landscaping scheme does consist of various areas; a paved area including an area with covered seating to the rear of the communal lounge/bistro and an area of lawn to the north which would provide acceptable areas of amenity space for the occupiers to use. Whilst acknowledging the objections to the lack of amenity space, given the fact that the levels of C2 developments are not set out within the local plan, it is considered that the level provided, both communally and privately would be acceptable and would not ultimately adversely affect the living conditions of those living within the development.

7.7 Impact on trees / landscaping

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

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

7.7.3 In order to facilitate the new building the hedging will be removed; however, a significant number of new trees and soft landscaping areas will be introduced across the site and will acceptably compensate any loss.

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

7.8 Flooding and Drainage

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

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

7.8.3 The application site lies within Flood Zones 1, 2 and 3a and is at very low risk from surface water flooding (via the Environment Agency mapping). The development is considered as 'more vulnerable' which are appropriate in Flood Zones 1 and 2 and are potentially appropriate in Flood Zone 3 provided that the Exception Test is passed. The site is therefore at risk of river flooding, predominately from the Town Ditch to the north and the capacity of the culvert beneath Bury Lane being exceeded.

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

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

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

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

7.8.6 In respect of the part (a), the application site is located within a highly sustainable location and accords with the NPPF’s drive to encourage effective use of land. The scheme will generate an increase in 48 extra care units where, as identified above, there is a significant undersupply and need, both now and within the future. Further benefits would arise from the development, including freeing up market housing in the area as well as providing economic benefits to the locality. As such, it is considered that the development has demonstrated compliance with part (a).

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

7.8.8 With regards to surface water management, the proposal seeks to replicate the existing drainage situation in which surface water runoff discharges into the Town Ditch; although flows will be attenuated before discharge from the site with storage provided to accommodate excess flows. As a result attenuation storage will be provided beneath permeable paving (beneath the soft landscaping area to the north) and some additional storage capacity will be provided by a pond/wetland area, all of which will cater for all flood events including a 40% uplift for climate change. The sustainable drainage measures to be implemented will ensure a significant reduction in surface water runoff rates when compared to the current situation with improved permeability across the site when compared to the current impermeable nature of the site. Further comments regarding the acceptability of the sustainable drainage measures are awaited from the LLFA. If the LLFA are to maintain their objection, planning permission should not be approved until their objection has been removed.

7.9 Contamination

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

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

- i) There will no threat to the health of future users or occupiers of the site or neighbouring land; and
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality

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

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

7.9.5 The Environment Agency do not object to the application and agree that it will be possible to manage the risks posed to controlled waters by this development, subject to a number of pre-commencement conditions including a remediation strategy to deal with the risks highlighted above.

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

7.10 Wildlife & 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

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

7.10.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application along with a Preliminary Ecological Appraisal following a site survey in July 2021. Nevertheless, it is recognised that the demolition of the existing buildings could result in direct impacts to bats through disturbance, which is an offence and the removal of the hedgerows must not be undertaken during breeding season (March-July / August).

7.10.4 The survey has recommended a number of enhancement measures to ensure the development complies with planning policies. These include at least 4 wall-integrated bat boxes, at least 8 wall-integrated bird nesting boxes and the soft landscaping scheme should specify at least 70% native species. A further bat survey is also required prior to commencement. The above is all secured by conditions to ensure that the site will provide a net gain for biodiversity.

7.11 Sustainability

7.11.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and

renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.11.2 The application has been supported by an Energy Statement which confirms that the following design measures will be incorporated into the build; energy efficient building fabric, double glazed windows, low energy lighting, high efficient heating systems which combined will meet the policy standard without the requirement for further renewable technology such as solar panels. A condition is recommended to ensure the measures are undertaken.

7.12 Are there any public benefits?

7.12.1 In terms of the benefits that derive from the provision of extra care housing there would be an advantage to the future residents of the development as the specialist housing would provide for a range of lifestyle facilities for social, cultural, educational and recreational activity. There is access to a range of services and care that can respond flexibly to the needs of the residents. There are advantages to health providers as the care needs of residents can be changed dependant on circumstances which can facilitate earlier discharge from hospitals as support in the home can be easily organised. Care provision at this point can also reduce the need for admissions to hospital and other pressures on GP and A&E services. There is also evidence that demonstrates the provision of specialist housing would have a role in freeing up under occupied family housing, facilitating downsizing, enabling this housing back onto the market. Given the reasonable scale of this development these benefits can attribute significant weight.

7.12.2 In addition, the development by virtue of its scale would also contribute towards the District's housing land supply, by providing a market equivalent of 35 homes which also weighs significantly in favour of the scheme. The development would also help in meeting the Council's need for elderly type housing.

7.12.3 The applicant has also stated that the proposal would result in between 14-17 full-time equivalent jobs and would provide a variety of employment opportunities. This would also be of benefit, however, in light of the fact that the development would result in the loss of existing commercial businesses any weight given to this is limited.

7.12.4 Nevertheless, a development on this scale will provide a number of in-direct economic benefits to the local Rickmansworth economy and other environmental factors across the site will be enhanced, from improving drainage, providing greater soft landscaping and providing a net gain in biodiversity opportunities. These factors should also be given weight in any planning balance.

7.12.5 The above factors are all material considerations in their own right and would weigh in favour of the development. Clearly, significant benefits would arise from the scheme.

7.13 Summary

7.13.1 To summarise, whilst there is strong objection against the development, mainly in respect of its scale, impact on neighbouring properties and lack of amenity space, the above assessment has concluded that no conflict with the local plan exists. Whilst elements could no doubt have been enhanced, based on the amended development the scheme is considered acceptable in planning terms given its location and site circumstances.

7.14 Planning balance / titled balance

7.14.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)).

7.14.2 Whilst the development has been considered acceptable as no adverse impacts have been found which result in harm, it must be noted that if an alternative recommended is reached, paragraph 11 will be engaged and any identified adverse impact(s) would need to be considered against the benefits set out within section 7.12 above and any others than may exist.

7.14.3 At the time of writing the report the LLFA had not provided updated comments confirming that they were content in removing their objection. If the LLFA were to maintain their objection then paragraph 11(d) would be engaged and thus planning permission could be refused. However, as outstanding matters of concern relate to further clarification on the drainage design it is anticipated that the applicant, subject to the decision of members, would work with the LLFA to ensure that their objection can be overcome.

8 Recommendation

8.1 That subject to the recommendation of approval from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement, that the application be delegated to the Director of Community and Environmental Services to **GRANT PLANNING PERMISSION** subject to the following conditions and any additional conditions as requested by the LLFA:-

C1 Time Limit

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

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

C2 Plan numbers

The development hereby permitted shall be carried out in accordance with the following approved plans: LP 01; LP 02 Rev A; LP 03 Rev C; LP 04; PL 102 Rev C; PL 103 Rev C; PL 104 Rev C; PL 105 Rev B; PL 106 Rev C; PL 107 Rev C; PL 108 Rev C; SV 02; SV 03 & MCS23387 10 (Landscape Masterplan).

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

C3 Construction Management Plan

The development hereby permitted shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of:

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

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

Reason: This condition is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

C4 Archaeology Written Scheme of Investigation

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

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

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

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

C5 Universal condition for development on land affected by contamination

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

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

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

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

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

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

C6 Long-term monitoring

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

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

C7 Decommissioning of Investigative Boreholes

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

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

C8 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 in conjunction with Affinity Water. The Remediation Strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

This is in line with paragraph 174 of the NPPF and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Ecology Surveys

Prior to demolition of the two-story buildings identified to have low bat roosting potential (ref: Preliminary Ecological Appraisal, 3 August 2021 prepared by GreenLink Ecology), one dusk emergence / dawn re-entry survey should be undertaken during May - August inclusive to determine with confidence whether bats are roosting and, should this be the case, the mitigation measures should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C10 Materials

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

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

C11 Biodiversity Enhancements

Before above ground works commence, a Biodiversity Enhancement Plan shall be submitted and to approved by the Local Planning Authority. The Biodiversity Enhancement Plan shall incorporate all the enhancement measures as set out at section 5.3 of Preliminary Ecological Appraisal, 3 August 2021 prepared by GreenLink Ecology) and detail the location and type of habitat boxes/structures within the building. The approved measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

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

C12 Fire Hydrant

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).

C13 Travel Plan Statement

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

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013) and Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

C14 Verification report

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

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

C15 Archaeology Post Investigation Assessment

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

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

C16 Provision of Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

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

C17 Hard and Soft Landscaping Scheme

Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall also include details of all new trees including specie type and initial planting height, all boundary treatments and details of the potting shed shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme shall follow the details approved as shown on drawings PL 102 Rev C & MCS23387 10 (Landscape Masterplan).

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

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

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

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

C18 Flood Warning Measures (Emergency Plan)

Prior to the first occupation of the development hereby permitted, an Emergency Plan based on the Draft Emergency Flood Response Plan V1 dated August 2021 prepared by SLR Consulting document shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow guidance set out within the Flood Risk emergency plans for new development and include:

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

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

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

C19 Parking & Delivery Management Plan

Prior to the first occupation of the development hereby permitted, a Parking & Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the allocation of parking spaces and delivery hours. The agreed details shall be adhered to thereafter.

Reason: To safeguard neighbouring amenity from unacceptable noise and disturbance and to ensure an acceptable level of on-site parking spaces are 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).

C20 Obscure Privacy Screens

Prior to the first occupation of the development hereby permitted, details of the 1.8m high obscure privacy screens as shown on drawing numbers PL106 Rec C & PL107 Rev C shall be submitted to and approved by the Local Planning Authority. The obscure privacy screens shall be erected as approved and be permanently retained thereafter.

Reason: To protect neighbouring privacy levels in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Obscure windows

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

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

C22 External Lighting Details

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

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

Reason: In the interests of visual amenity, to preserve the character and appearance of the Rickmansworth Conservation Area, safeguard biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C23 Retention of existing signage

The existing signage above the access into the application site shall remain in situ and be permanently maintained thereafter following completion of the development.

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

C24 SuDS Infiltration of surface water into ground

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

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

C25 Piling / Foundation Works Risk Assessment

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

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

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

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

C26 Finished Floor Levels

Finished flood levels shall be set no lower than 46.8m above Ordnance Datum (mAOD). Compensatory storage shall be provided around the exterior of the building by reductions in the ground level, as stated in section 5.4.2 and Table 5.3 of the Flood Risk Assessment and Surface Water Drainage Strategy (dated July 2021). Flood End 2 storage will be preserved or increased on a level for level basis, up to the design flood height of 46.5m AOD.

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

C27 Energy measures

Prior to first occupation of the development hereby permitted, the sustainability measures detailed within the Energy Statement prepared by Energist (dated 30 July 2021) shall be incorporated into the approved development.

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

8.2 **Informatives:**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a

dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 14 Highways

Construction Management Plan (CMP)

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

14 Gas

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

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

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

15 Thames Water

Waste Comments

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

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

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

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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

16 Affinity Water

Water efficiency

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

Infrastructure connections and diversions

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

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

17 Environment Agency

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." (<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Water Resources

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

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

Residential developments

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

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

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

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

Flood Risk Activity Permit

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

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

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