

## PLANNING COMMITTEE – 22 SEPTEMBER 2022

### PART I - DELEGATED

**7. 22/1372/FUL - Second floor rear extension and alterations including replacement parapet wall to provide office premises at EMPEROR HOUSE, 12 CHURCH STREET, RICKAMSNWORTH, HERTS, WD3 1BS (DCES)**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 23.09.2022

Ward: Rickmansworth Town  
Case Officer: Lauren Edwards-Clewley

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by Batchworth Community Council (BCC) unless Officers are minded to recommend refusal. The full comments of BCC can be found in section 4.

#### **1 Relevant Planning History**

1.1 20/1575/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 6 residential units – Withdrawn

1.2 20/1624/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 10 residential units – Refused for the following reasons:

*R1 The proposed development would fail to provide adequate natural light to all habitable rooms of Flats 4, 5, 6 and 9. The proposal would therefore fail to comply with Paragraph O2 (1) of Class O, Part 3 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015.*

*R2 In the absence of a Section 106 agreement to remove the ability for future occupants to obtain parking permits the proposal fails to ensure that the transport and highways impacts of the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

1.3 20/1637/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 7 residential units – Refused for the following reasons:

*R1 The proposed development would fail to provide adequate natural light to all habitable rooms of Flats 3, 4 and 6. The proposal would therefore fail to comply with Paragraph O2 (1) of Class O, Part 3 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015.*

*R2 In the absence of a Section 106 agreement to remove the ability for future occupants to obtain parking permits the proposal fails to ensure that the transport and highways impacts of the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

1.4 20/1623/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 8 residential units - Refused for the following reasons:

*R1 The proposed development would fail to provide adequate natural light to all habitable rooms of Flats 4, 5 and 7. The proposal would therefore fail to comply with Paragraph O2 (1) of Class O, Part 3 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015.*

*R2 In the absence of a Section 106 agreement to remove the ability for future occupants to obtain parking permits the proposal fails to ensure that the transport and highways impacts of the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

- 1.5 20/2337/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 8 residential units – Refused for the following reasons:

*R1 The proposed development would fail to provide adequate natural light to all habitable rooms of Flat 3. The proposal would therefore fail to comply with Paragraph O.2 (1) of Class O, Part 3 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015*

*R2 In the absence of a Section 106 agreement to remove the ability for future occupants to obtain parking permits the proposal fails to ensure that the transport and highways impacts of the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

Appeal dismissed.

- 1.6 21/0902/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 9 residential units – Approved - works commenced

- 1.7 21/1027/FUL - Alterations to elevations of the existing building at ground, first, and second floor including timber fence to rear - Approved

- 1.8 21/0082/PDR - Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 8 residential units – Refused for the following reason:

*R1 In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Town Centre Locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the DMP LDD and the NPPF.*

- 1.9 21/1819/FUL - Second floor rear extension and increase in parapet wall at second floor roof level to provide a new flat – Refused for the following reasons:

*R1 The cumulative impact of the proposed second floor extension and the increased height of the parapet by virtue of the overall increase in bulk and mass would constitute an obtrusive and unneighbourly form of development when viewed from the windows and private amenity space of the neighbouring properties to the north. The second floor northern flank window would result in further harm to neighbouring amenity by reason of actual and perceived overlooking. As such the development would fail to accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

*R2 The proposed development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).*

*R3 In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Town Centre Locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy CP10 of the Core Strategy*

*(adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

- 1.10 21/2654/FUL - Second floor rear extension and alterations including increase in parapet wall at second floor roof level for an office premises – Refused for the following reason:

**R1** *The cumulative impact of the proposed second floor extension and the increased height of the parapet by virtue of the overall increase in bulk and mass would constitute an obtrusive and unneighbourly form of development when viewed from the windows and private amenity space of the neighbouring properties to the north. As such the development would fail to accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).*

- 1.11 21/2816/FUL - Second floor rear extension to provide a new flat – Refused for the following reasons:

**R1** *The proposed development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).*

**R2** *In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Town Centre Locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

- 1.12 21/2822/FUL - Erection of a detached two storey building to the rear of Emperor House, 12 Church Street to provide office premises [Class E (g) (i)] - Permitted

- 1.13 22/1525/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 21/2822/FUL (Erection of a detached two storey building to the rear of Emperor House, 12 Church Street to provide office premises [Class E (g) (i)]) to include two rear dormer windows - Permitted

## **2 Description of Application Site**

- 2.1 The application building has previously been used as offices however the building is currently undergoing a change of use at ground, first and second floor level to residential accommodation (approved via 21/0902/PDR). Part of the ground floor towards the front is also currently being used as a hairdressers (My Hair Social) and offices. The application building is a two storey end of terrace building with accommodation within the roof space and an undercroft and parking area to the rear. The application site is located on the south western side of Church Street, Rickmansworth.
- 2.2 The application site is served by a gated vehicular entrance which provides access to the rear parking area via the undercroft.
- 2.3 To the north and separated by the Town Ditch are The Old Vicarage, Stream House and The Courtyard House which sit within a converted two storey building.
- 2.4 Adjoining No.12a is No.12 which is a two storey mid terrace unit used as offices. The ground floor of No.12 is part of No.12a and part of the application site. There is an internal link between 12 and 12a.

- 2.5 Forge Mews is located to the south of the application site and comprises of buildings in commercial and residential use. 'The Liveries' which is immediately adjacent to the application site is used as offices.
- 2.6 The application site is located within the Rickmansworth Town Conservation Area. It is also adjacent to a Grade II Listed Building (The Old Vicarage) which is sited to the north.

### **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for a second floor rear extension and alterations including replacement parapet wall to provide office premises.
- 3.2 The proposed second floor extension would have an overall depth of 10m, extending over the existing flat roof section to the rear of the application building. The northern flank would be stepped such that the main section of the extension would be set in 1m from the edge of the existing parapet (to remain untouched) however the last 1.6m element of the extension would be set in a further 3.3m. It would have a flat roof with a height of 2m above the existing parapet. It would be finished in zinc cladding with grey fenestration. A higher level window is proposed in each of the flanks, serving a meeting room and kitchen. The rearmost part of the extension which would be set in further from the flank would provide a recessed and partly enclosed balcony area served by sliding patio doors with a glass balustrade preventing access onto the adjacent flat roof.
- 3.3 The existing zinc cladding of the dormer extension would be replaced with hanging tiles.
- 3.4 It is noted that the extensions refused via 21/2654/FUL have been amended. The parapet increase is no longer proposed and the rearmost section of the extension is set in further. The rear amenity section has been reduced in width such that it now steps in from the northern edge of the parapet rather than extending across the whole width of the main section of the extension. The overall height of the extension is also now lower. The physical form of the extensions proposed currently are the same as submitted via 21/2816/FUL however this development facilitated the creation of a residential flat as opposed to an office.

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Batchworth Community Council: [Objection]**

*Before commenting specifically on this application Batchworth Community Council notes that there has been a considerable level of activity and a series of applications in respect of this location and in particular the second floor.*

*The repetitive type of applications not only ignores that advice and direction the applicant has received to date, which is considerable. Furthermore there is an element of taking drawings and documents from previous applications but leaving content and aspects that are out of date and not relevant to application in hand.*

*The two most recent applications in respect of the second floor were refused with the decision in both instances stating the following:*

*21/2654/FUL | Second floor rear extension and alterations including increase in parapet wall at second floor roof level for an office premises | 12 Church Street Rickmansworth WD3 1BS. This was refused with the decision stating:*

*The cumulative impact of the proposed second floor extension and the increased height of the parapet by virtue of the overall increase in bulk and mass would constitute an obtrusive*

*and unneighbourly form of development when viewed from the windows and private amenity space of the neighbouring properties to the north. As such the development would fail to accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).*

*21/2816/FUL | Second floor rear extension to provide a new flat | Emperor House Church Street Rickmansworth WD3 1BS*

*1. The proposed development would not contribute to the provision of affordable housing, and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).*

*2. In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Town Centre Locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

*Added to the decision notice(s) the Conservation Officer stated that the property is located in the Rickmansworth Town Centre Conservation Area and within the setting of the Grade II listed The Old Vicarage and had reservations during the process of the various applications.*

*Having reviewed the latest application (22/1372/FUL) Batchworth Community Council (BCC) continue to have the same reservations that have been stated and associated to the two earlier applications.*

*1. Fundamentally this and the previous applications results in an overdevelopment of the property.*

*2. The proposal is largely the same as previous applications and does not take into account the comments received and refusal decisions.*

*3. The proposed design is not aligned with the adjoining properties and clashes with the Conservation Area.*

*4. The proposal still will have a negative effect on the adjoining amenity space of neighbours.*

*5. The proposed extension we understand affects the sunlight into adjoining properties and will result in viability in neighbouring properties at second floor level.*

*6. There is insufficient car parking for the overall development of the site.*

*7. We note the current drawings allow for a full kitchen and bathroom for an office suite.*

*8. With any construction in this area of the building we would expect that secondary fire escape is designed into the plans and incorporated.*

*9. Batchworth Community Council suspect that should planning permission be granted that it would be immediate be followed by a change of use to residential once constructed.*

*We therefore urge the Planning Officers to again refuse this application with a strong decision that clearly enforces that any development of this aspect of the property is inappropriate.*

*Therefore, in this respect Batchworth Community Council would ask that this application is called in for a decision by the Planning Committee unless the Planning Officers are minded to refuse.*

4.1.2 National Grid: No comments received

4.1.3 Herts Archaeology: No comments received

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 24

4.2.2 No of responses received: 5 objections

4.2.3 Site Notice: Expired 24.08.2022 Press notice: Expired 03.09.2022

4.2.4 Summary of Responses:

- Insufficient parking
- Overshadowing
- Loss of light
- Overlooking
- Reference to complex planning history and various iterations of schemes
- Office space to replace that already lost to the conversion into flats
- Impact on setting of adjacent Listed Building

## **5 Reason for Delay**

5.1 Not applicable.

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

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

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

### **6.2 The Three Rivers Local 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, CP6, CP8, CP9, CP10 and CP12.

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

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

The Rickmansworth Town Centre Conservation Area Appraisal and Character Assessment (1993).

### 6.3 Other

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

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

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

## 7 **Planning Analysis**

### 7.1 Principle of Development

7.1.1 Core Strategy Policy PSP1 advises development in Rickmansworth should maintain the overall amount of existing employment floorspace in the town, including the general supply of office accommodation in the town centre. Development should also maintain and enhance the vitality and viability of the town centre by promoting a range of town centre uses including housing, employment, shopping, leisure and community uses. This should help to improve access to housing, jobs and services.

7.1.2 Policy CP6 of the Core Strategy sets out that the Council will support development that sustains parts of the District as attractive areas for business location and development which provides a range of small, medium and large business premises. Sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas including Rickmansworth Town Centre.

7.1.3 The principle of the proposal in respect of the provision of additional office space in the Town Centre is supportive of the aims of Policy PSP1, as outlined above, however is subject to all material planning considerations as outlined below.

### 7.2 Impact on Character, Street Scene and Heritage Assets

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development

proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. The National Planning Policy Framework (The Framework) encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

7.2.2 Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

7.2.3 This application follows a previous refusal (21/2816/FUL) on affordable housing and parking grounds. The scheme submitted via this earlier proposal had the identical physical form to the development now proposed however internally the refused scheme would have provided a residential flat rather than an office. This would not have had any impact on the external appearance of the resultant extensions. The Officer's report set out that the proposed extensions were considered to be acceptable in this respect for the reasons set out below which are considered to remain relevant:

*No objections were raised in the previous application in respect of the visual impact of the proposal on the surrounding area. The proposal no longer includes the increase in height of the existing parapet, only the replacement of the existing parapet on a like for like basis. Furthermore the proposal includes the creation of a second floor rear extension in order to facilitate the creation of a two bedroom flat. It is noted that the proposed extension would result in further bulk and massing to the existing two storey rear projection. The location of the application site adjacent to the Listed Building at the Old Vicarage is also noted. The existing parapet would remain as existing with the flank of the second floor extension set in a minimum of 1m from the edge of the existing flat roof. Views from Church Street of the rear projection are also limited with only one main sight line between the application building and the dwellings to the north. The proposed two storey rear extension would be set down from the existing rear roof extension and would be recessed from the main parapet wall. The use of tiles to replace the existing metal strips on the rear projection is considered to be acceptable as this would improve its appearance relative to the host building. The use of zinc cladding on the rear extension would therefore contrast from the traditional appearance of the main section of the building. As such subject to a condition requiring the submission of further details of the proposed materials it is not considered that the rear extension would result in harm to the character and appearance of the host building, Conservation Area or adversely impact the setting of the Listed Building.*

7.2.4 The determination of 21/2816/FUL is considered to be material to the assessment of the current application where it was found that the extensions did not result in demonstrable harm the Conservation Area, adjacent Listed Building or streetscene. It is also noted that no previous refusals have included a reason relating to character grounds even though the extensions considered via 21/2654/FUL and 21/1819/FUL were greater in scale than that currently proposed. The use of the extension as an office rather than as a residential unit would not be readily apparent from the exterior. In any event the presence of an office in the Town Centre is not considered to be unacceptable. There have been no policy changes or alterations to the site circumstances which would now impact the assessment which was made above at paragraph 7.2.3.

7.2.5 In summary is not considered that the proposal would have an adverse effect on the character or appearance of the host building, Conservation Area or adversely impact the setting of the Listed Building. Thus the proposal would accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Rickmansworth Town Conservation Area and the NPPF.



### 7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should have regard to the local context and conserve or enhance the character, amenities and quality of an area. Additionally development should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.3.2 To the north of the application site are residential dwellings. The Stream House, Courtyard House and the Old Vicarage. Residential gardens are located to the north of the application building and car park.

7.3.3 As set out above the physical form of the proposed development now subject to this application is identical to that considered via 21/1819/FUL. Unlike character grounds (where no similar schemes have been found to result in demonstrable harm in this regard) there have been previous refusals relating to unacceptable neighbour impacts. However the scheme subject to the assessment of 21/1819/FUL was considered to have overcome previous concerns regarding neighbouring amenity by virtue of the amendments which had been incorporated. The Officer's report set out the following justification for this:

*The current scheme no longer proposes any alterations to the existing parapet. The form of the existing two storey dormer projection also remains unchanged in its physical form although it would be re-clad in slate tiles. The proposed rear extension would be lower in height with an overall height of 2m above the flat roof, a set in of 1m from the flank for the main section of the extensions and a further set in of 3.3m for the amenity space section which is the rearmost portion of the extension. It is not disputed that the extension would be visible from the rear windows and private amenity space of the neighbours to the north. However the visibility of a development does not automatically surmount to harm in planning terms. The existing parapet would remain at its existing height. The proposed second floor extension would have a depth of 8.4m beyond the existing second floor dormer extension however would be set in 1m from edge of the parapet with additional spacing achieved by the Town Ditch which runs between the buildings. The immediate extent of the building experienced by the neighbours would be the existing flank. Owing to its elevated level and set in nature the second floor extension would not be immediately imposing and would only be readily visible from vantage points further away within the gardens of these neighbours. Therefore whilst the extension would be visible given that it would be set in from the parapet and set down from existing element it is not considered that the extension would now result in an obtrusive or unneighbourly form of development. The previous reasons for refusal in respect of neighbour impact have therefore been overcome.*

*Higher level flank windows are proposed within the side elevation of the proposed extension. These windows would be partially clear and partially obscure glazed to allow for a good quality of accommodation to future occupiers rather than fully obscure glazing. Owing to the elevated position of the window and that it would be set in from the parapet any views afforded from this window would be toward the rearmost section of the neighbouring gardens to the north as opposed to being directly toward their windows or private most part of the amenity spaces adjacent to the rear of the building.*

*The proposed development is not considered to result in any unacceptable harm to the commercial units or residential properties to the south as has been the case for the two previous refusals.*

7.3.4 The above assessment is considered to remain relevant and the determination of 21/1819/FUL is material to the assessment of the current application. The current scheme has the identical form to that considered within the justification above. Arguably its use as an office would have a lesser impact as the meeting room served by the flank window would not be used in the same way as a second bedroom. It is wholly acknowledged that the proposed extensions would be visible to neighbours however this does not automatically result in demonstrable harm to their amenity. As set out above by virtue of its reduced

height, stepped flank and removal of any increase in height to the parapet the position remains that the proposed development would not result in detrimental harm to neighbouring amenity and previous reasons for refusal in this regard have been overcome.

- 7.3.5 In summary, the proposed development as submitted is considered to have addressed previous reasons for refusal relating to the impact on the neighbouring properties to the north. Therefore the development would now accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

#### 7.4 Wildlife and Biodiversity

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

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

- 7.4.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. Given that there is existing second floor accommodation and that the LPA has no evidence to suggest that bats are likely to be present it is not considered that the proposed development would result in unacceptable harm in this respect.

#### 7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies document sets out that document proposals should seek to retain trees and other landscape and nature conservation features and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 7.5.2 The application site is located within the Rickmansworth Town Conservation Area and as such all trees are protected. There are also TPOs to the rear of the site. However owing to the nature of the development with extensions taking place at second floor level and that there is plentiful hardstanding for the storage of materials it is not considered that unacceptable harm would result in this respect.

#### 7.6 Highways, Access and Parking

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

- 7.6.2 Appendix 5 outlines that 1 parking space should be provided per 30sqm of office space. The proposed second floor office would therefore require 3 parking space. Parking is available to the rear of the application site however the 8 spaces are already secured by condition for the use of the 8 residential units under construction pursuant to 21/0902/PDR. As such the additional office space would not benefit from any on-site parking provision. Notwithstanding this the application site is located within the Town Centre which benefits from a number of shops and services and has transport links via bus, train and TFL underground services in addition to chargeable long stay car parks within the locality. Cycle parking is also provide within the undercroft.

- 7.6.3 To secure 'car free' residential development in the Town Centre it is the general procedure of the LPA to seek to secure this by removing the ability of future occupiers to obtain parking permits. Resident parking permits would allow for parking within the relevant CPZ which could exacerbate the pressure for spaces in the locality and undermine the benefits of a car free development. However in this case the proposed development would provide office accommodation not a residential unit. The mechanism for obtaining a business parking permit follows a different procedure to that of obtaining a resident parking permit. This application would allow for an office use and would not restrict the nature of the business this office serves. However business parking permits would only allow for one permit (subject to an application to Hertsmeres parking services) to be given for a vehicle to be parked in a specific council owned car park. Additionally the test of obtaining a business permit also requires justification that such a permit is required for an 'operation vehicle' it cannot simply be used for the parking of a staff member's vehicle. It must be demonstrated that it is needed to support the operations of the business. Not seeking a S106 to remove the ability for a future occupier of a residential unit to obtain a parking permit does not have the same implications as removing the ability for the proposed office to seek a parking permit for one operation vehicle to be parked in a council owned car park. The test as to whether the permit is required for an operation vehicle and whether the council owned car park has capacity would be dealt with under separate cover by Three Rivers Parking Services, Hertsmeres at the time of an application. As such the need for a S106 agreement falls away in this case as the harm of not having one in place is not considered to be demonstrable.
- 7.6.4 The shortfall in three parking spaces is noted however given the Town Centre Location which benefits from good transport links and that there are public car parks in the locality it is not considered that the resultant shortfall would be harmful. Nor is it considered that a S106 in respect of parking permits would be required. Therefore the development is considered acceptable in terms of its highway and transport impacts, in accordance with the requirements of Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the DMP LDD (adopted July 2013) and the NPPF.

## 7.7 Refuse and Recycling

- 7.7.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 7.7.2 The submitted site plan indicates a bin storage area within the undercroft. However the block plan does not show the correct number of bins required for both the 8 units under construction and those additional bins required by the proposed new office space subject to this application. It is also unclear whether the collection is proposed by a private waste and recycling company or the local authority refuse service. The undercroft is not large enough to provide access for a local authority refuse lorry. As such, in the event of planning permission being granted, a condition is considered reasonable to require further details of the collection and storage arrangements. It is noted that this application cannot control the arrangements for the 8 units pursuant to 21/0902/PDR however a condition can ensure arrangements for the additional office are acceptable.

## 8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: TRDC 001 (Location Plan), P9/001, P9/002, P9/003, P9/004, P9/005, P9/006, P9/007, P9/008 and P9/009

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP1, CP1, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014) and The Rickmansworth Conservation Area Appraisal and Character Assessment (1993).

- C3 Prior to the commencement of the development hereby permitted electronic samples providing specifications and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C4 The development shall not be occupied until a scheme for the separate storage and collection of waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities to serve the office space hereby permitted and their proposed storage location on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies document (adopted July 2013).

- C5 Before the first occupation of the building hereby permitted the second floor flank windows serving the 'meeting room' and 'kitchen' shall be fitted with purpose made obscured glazing and shall be positioned 1.7m above the floor level of the room 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).

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

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 The applicant is reminded of the approved parking management plan pursuant to 21/0902/PDR (which was submitted and approved via discharge of condition application 21/1901/DIS) which requires the parking spaces shown to be made available only to the future occupiers of the consented residential units.