

PLANNING COMMITTEE – 19 JANUARY 2023

PART I - DELEGATED

9. 22/2255/FUL – Installation of 7no. Air source heat pumps within timber enclosure in south western corner of top floor of car park at THREE RIVERS HOUSE, NORTHWAY, RICKMANSWORTH WD3 1RL

Parish: Batchworth Community Council

Ward: Rickmansworth Town.

Expiry of Statutory Period: 3 February 2023

Case Officer: Adam Ralton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is Three Rivers District Council.

1 Relevant Planning History

1.1 Three Rivers House has a fairly detailed planning history back to its original planning permission at the end of the 1980s. The following recent applications are considered to have some relevance to the current application and its material planning considerations:

1.1.1 10/2174/FUL: Change of use of part of the ground floor of Three Rivers House to a police station with associated parking, including the erection of a small storage shed. Approved December 2010.

1.1.2 12/1444/FUL: Change of use of part of ground floor from Council office space to use as part of Police Station either for office use or locker/amenity area and for storage; increase in parking from 12 spaces to 25 spaces. Approved September 2012.

1.1.3 12/1981/FUL: Reallocation of parking spaces at Three Rivers House to provide 25 spaces in total (increase of 13) for the Police in order to provide sufficient parking for Intervention Team Officers. Erection of 2 metre high green paladin fencing to side of bays 20 and 21 (Rose Garden) and automatic barrier. Approved December 2012.

1.1.4 15/1874/FUL: District Council Application: Installation of photovoltaic panels to roofslopes. Approved November 2015.

2 Description of Application Site

2.1 The application site as edged in red on the submitted site location plan comprises part of the car park serving Three Rivers House, and the road providing access to the car park from Northway. The wider site comprises an office building and associated car parking, located to the north east of Rickmansworth High Street and within Rickmansworth Town Centre. The main building has an H-shaped footprint, with Hertfordshire Constabulary operating out of the eastern side of the building and the majority of the western side occupied by Three Rivers District Council.

2.2 A surface level car park is located to the north of the building, and a two storey (ground floor and lower ground) car park is located to the east of the main building.

2.3 Watersmeet Theatre is located to the south of the application site, adjacent to Rickmansworth Library. Between the two is Grade II listed Basing House. Residential flats are located to the west beyond Northway, and residential dwellings in The Cloisters are located to the east of the site beyond the car park.

2.4 The application site is within the Rickmansworth Town Conservation Area.

3 Description of Proposed Development

3.1 This application seeks planning permission for the installation of seven air source heat pump units. They are to be installed on the south western corner of the top deck of the two-storey car park to the eastern side of the main building.

3.2 The proposed units would each measure approximately 1m by 2m, and 1.7m high. They would be within a new enclosure formed by a 1.8m high closed boarded timber fence. The fence would enclose three existing car parking spaces, with a width of 7.5m and depth of 5.6m.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting.

4.1.2 National Grid: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting.

4.1.3 Conservation Officer: [No objection]

Will not be any more harmful than the existing development. Screening would assist in mitigating.

4.1.4 Environmental Health Officer: [No objection]

Having viewed the proposal, Environmental Health would have no concerns.

4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Posted 16 December 2022, expired 9 January 2023.

4.2.2 Press notice: Posted 23 December 2022, expires 16 January 2023.

4.2.3 Number consulted: 6

4.2.4 No of responses received: 1 letter of objection received, making the following comments (summarised):

- There is already noise from air conditioning unit at Watersmeet and noise from a pump serving the below ground parking area, and a third source of noise is unacceptable and intolerable.
- Existing installations emit a constant droning noise which spoils the amenity of property, especially in the summer.
- Such installations emit more noise as they age.
- Not against TRDC Green Policies but hope the cost is justified.
- Should be re-sited to a more sensible place.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

Legislation:

- 6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of the Town and Country Planning Act 1990).
- 6.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.3 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.4 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.5 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.

Policy:

- 6.6 National Planning Policy Framework and National Planning Practice Guidance

In July 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.

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).

- 6.7 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, 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, DM4, DM6, DM9, DM13 and Appendix 5.

- 6.8 Other

Rickmansworth Conservation Area Appraisal (1993)
Three Rivers District Council Climate Emergency and Sustainability Strategy 2021.

7 Planning Analysis

7.1 Impact on the character of the building, the street scene on impact on the significance of heritage assets

- 7.1.1 Rickmansworth is the Principal Town in the District's spatial strategy, with the largest town centre, a good range of services and facilities and public transport facilities. PSP1 within the Core Strategy sets out that Development in Rickmansworth will conserve and where possible enhance the distinctive and historic character of the centre. Policy CP1 of the Core Strategy sets out that all development in Three Rivers will contribute to the sustainability of the District, and this means taking into account the need to: tackle climate change by reducing carbon emissions, protect and enhance historic environments from inappropriate development, and manage and reduce risk of and from pollution.
- 7.1.2 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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 to conserve and enhance heritage assets. Policy DM3 relates specifically to the historic environment and states that the council will preserve the District's listed buildings, and will permit development in Conservation Areas where the proposal is of a design and scale that preserves or enhances the character or appearance of the area.
- 7.1.3 The proposed air source heat pumps would be installed to a corner of the upper deck of an existing car park. They would be enclosed by 1.8m high timber fencing, which would be taller than the units and act to screen them almost entirely from their surroundings. The car park has a 1m high solid parapet to part of the southern elevation, and the proposed fencing would therefore extend 0.8m above this. Given its very limited height above the car park parapet, its proximity to two storey built form, and that the juxtaposition with neighbouring buildings means very few views are impacted by the proposed installation, it is not considered that the proposed heat pumps or surrounding fencing would result in any adverse impact on the character or appearance of the building or surrounding area.
- 7.1.4 The proposal is considered to preserve the character and appearance of the conservation area, given the limited views that would result and given the appearance of the car park on which it would be installed.
- 7.1.5 The proposed units and enclosure would be set away from Basing House, a Grade II listed building. Whilst the fence enclosure might be visible in some views that also take in the listed building, such views are limited and there is a distance of approximately 14 metres between the two buildings. On the basis of the distance and intervening built form, it is not considered that the proposal would impact the setting of the listed building.
- 7.1.6 The applicant's agent has advised that the fence enclosure is required to avoid tampering with the equipment, and to avoid public views of the equipment which can be unsightly when compared to a conventional timber fence. Furthermore, the fence reduces potential impacts of wind-blown debris and dust on the equipment. The fence is to be treated timber, unpainted, and this is considered to be acceptable.
- 7.1.7 On the basis of the above, having regard to the siting of the proposed equipment on the corner of a car park, adjacent to substantial built form and in a setting framed by modern built development, it is considered that the proposal would preserve the character and appearance of the conservation area and wider locality, and would not harm the setting of the adjacent listed building. It would not result in any harm to the character of the area.

7.2 Impact on Amenity of Neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. DM9 sets out that the council will refuse planning permission for development which would or could give rise to polluting emissions by reason

of disturbance. It states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.

7.2.2 The proposed development would not exceed 1.8m high and would be at least 26 metres from the eastern boundary of the application site. This boundary comprises the 1m high parapet wall serving the car park, with vegetation beyond. The nearest neighbouring residential property is No. 11 The Cloisters and the proposed fencing would be at least 28 metres from that neighbouring property. Given the distance, the presence of a car park between the proposal and the neighbouring property it is not considered that the proposal would appear overbearing or intrusive when viewed from No. 11 The Cloisters.

7.2.3 The objections received relating to the noise impacts of the proposal are noted. The application sets out that the sound pressure level at 1m is 59db(A) (comparable to moderate to quiet conversation) and at 10m is 51db(A) (comparable to faint/moderate rainfall). Given that 68dB(A) is comparable to the noise produced by a normal conversation, and 70dB(A) the noise from traffic, it is considered that the intervening distance of some 28 metres between the equipment and the nearest neighbouring property, along with the use of timber enclosure, would ensure no harmful noise pollution results to the neighbouring property from the proposal. The noise from use of the car park is likely to exceed that of the operation of the units.

7.2.4 The proposed development is considered to be sufficient distance from all other neighbouring residential properties such that it would not result in any harm to amenity. As such, the proposed development would accord with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies document.

7.3 Wildlife and Biodiversity

7.3.1 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.

7.3.2 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.

7.3.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site, but is a concrete car park. As such, it is not considered that the proposal would result in harm in this respect.

7.4 Trees and Landscaping

7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development 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.

7.4.2 There are no protected trees in or adjacent to the site and the proposed development would not adversely impact any protected trees or any soft landscaping.

7.5 Highways, Access and Parking

- 7.5.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. Three Rivers House has a floor area of approximately 3991 square metres. The parking standards at Appendix 5 requires one parking space per 30sqm of floor area – with a requirement for 133 parking spaces to be available for the building based on this. At the current time there are 151 car parking spaces available for users of Three Rivers House, which exceeds the policy requirement.
- 7.5.2 The submitted plans show the proposed development would result in the loss of three car parking spaces within the car park. However, the plans include double doors opening onto a fourth parking spaces, so when those doors are in use a fourth space would be lost. The applicant's agent has advised that those doors are likely to be used only in the rare event of plant replacement, with the single access doors used for routine maintenance. The upper deck car park is reserved for staff use only between 08:00 and 18:00 Monday to Friday.
- 7.5.3 No change is proposed to the size of the existing building or its use either by council staff or police staff. The proposed development is not considered to impact demand for car parking spaces. Whilst it would result in the loss of three car parking spaces, there would remain sufficient car parking spaces to comply with the standards at Appendix 5. It should be noted that Appendix 5 sets out that the standards may be adjusted according to which zone the proposed development is in, with zones influenced by levels of accessibility. The car park is within Zone 2, where 25-50% of indicative demand based standard may be appropriate, allowing a further reduction from the standard. This is in the context of a car park serving a building in a town centre location with other staff car parking areas located on the lower deck and within the Rose Garden car park. Outside of office hours, the proposal would result in fewer publicly accessible car parking spaces but there are many other public car parking areas in the immediate vicinity. It is noted that the application site is within the principal town centre, with bus and rail links within 350 metres of the site. On this basis, there are sustainable methods of transport available in the vicinity to help reduce any existing reliance on private car. Following the Covid pandemic, the Council has adopted new ways of working which include staff no longer needing to work on site five days a week. The use of new technology to facilitate this means fewer car journeys to the offices, and a reduced demand on car parking spaces. In the context of this reduced demand for car parking spaces during weekday business hours where use is restricted to staff permit holders, the loss of only three parking spaces is considered to be acceptable and is not considered to result in any adverse impact on highway safety or the free flow of traffic in the vicinity.
- 7.5.4 There is a Traffic Regulation Order in place which would need to be amended to ensure the three parking spaces to be occupied by the proposed equipment are no longer classified as parking spaces. An informative is attached, reminding the applicant that this work must be implemented.

7.6 Other Matters

- 7.6.1 In 2019 Three Rivers District Council declared a climate emergency and has published a Climate Emergency and Sustainability strategy. The strategy includes a number of aims, including (in relation to energy) to 'minimise energy-related emissions in the District through reducing consumption, improving efficiency and transitioning to renewable energy sources'. One objective of this includes 'utilise financial support measures wherever possible to install low carbon energy technologies across Council buildings'. Three Rivers House already uses a ground-source heat pump for heating and comfort cooling in the three main public meeting rooms. The proposed air source heat pump, for which some funding has been obtained, would provide heat via radiators and for hot water, and allow the existing hot water gas boiler to be decommissioned. This would save approximately 46628kg of CO2 per annum.

- 7.6.2 The strategy also seeks to enable and encourage journeys made by sustainable transport modes, with objectives to enable and encourage cycling and walking trips, and continue to develop, promote and improve passenger transport and infrastructure. These matters would all further reduce any possible impact of the loss of the car parking spaces. The proposed installation therefore helps toward the council achieving the aims of this strategy.

8 Recommendation

- 8.1 That subject to no new material considerations being raised 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:

TR1077-GED-TR-XX-DR-M-0002 Rev P05 (Proposed ASHP General Arrangement)
TR1077-GED-TR-XX-SC-M-0002 (ASHP Heating Mechanical Schematic)
HUB394.3RC.PS.02 (Existing and proposed site plan)
HUB394.3RC.PS.01 (Location plan, block plan).

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with PSP1, CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM4, DM6, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2021).

- C3 Prior to the first use of the air source heat pumps hereby approved, the 1.8 metre high tanalised feather edge fence enclose shall be constructed as shown on Drawing No. TR1077-GED-TR-XX-DR-M-0002 Rev P05 and shall be permanently maintained as such thereafter whilst the air source heat pumps are in place.

Reason: In the interests of neighbouring amenity and the character and appearance of the locality in accordance with Policy CP12 of the Local Plan Core Strategy (2011) and Policies DM3 and DM9 of the Development Management Policies LDD (2013).

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 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 14 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.
- 15 The applicant is reminded that a Traffic Regulation Order relating to the car park would need to be amended as a result of the development subject of this application, and arrangements should be made to undertake the amendment.