

PLANNING COMMITTEE - 16 JULY 2020

PART I - DELEGATED

- 7** **20/0660/FUL: Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space at BURFORD HOUSE, RICKMANSWORTH ROAD, CHORLEYWOOD, HERTS (DCES)**

Parish: Chorleywood
Expiry of Statutory Period: 26.06.2020
(Extension agreed to 20 July 2020)

Ward: Chorleywood North and Sarratt
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

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

1 **Relevant Planning History**

- 1.1 8/747/84: Change of use from residential to old peoples home. Application permitted.
- 1.2 8/821/86: Kitchen,lounge,4 bedrooms, bathroom for residents
- 1.3 8/825/88: 6 Bedrooms
- 1.4 96/0013: Conversion and alterations to create new dwelling and extensions to provide office and laundry room. Application permitted.
- 1.5 96/0606: (Outline) 22 bed extension and alterations for nursing home.
- 1.6 97/0390: Two storey extension
- 1.7 15/1406/FUL: Demolition of existing care home and construction of replacement three storey care home with basement level and associated parking and landscaping. Application withdrawn.
- 1.8 16/1218/FUL: Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping. Application permitted. Permission implemented through the demolition of the original building on site.
- 1.9 19/1522/FUL: Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space. Application withdrawn.
- 1.10 19/1949/FUL: Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and

width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space. Application withdrawn due to issues relating to trees and drainage.

2 Description of Application Site

- 2.1 Until recently, the application site contained a three storey building which was used as a residential care home, providing nursing, respite and palliative care for up to 30 elderly residents. The application site is located within the Metropolitan Green Belt and is located within the north eastern part of the Chorleywood Common Conservation Area. This section of the conservation area has a more urban character due to its setting along Rickmansworth Road. The streetscene is characterised by a mix of residential and commercial properties varying in size and architectural design.
- 2.2 The pre-existing building was white rendered with a Dutch Hipped roof form with sloping cat-slide roof forms to the flank elevations. It had been largely extended and altered historically including a large dormer style addition to the flank elevation of the building facing towards the north western boundary. To the rear, there was a large single storey extension extending along the boundary adjacent to the neighbouring residential dwelling, known as The Holt. In addition, there was a two storey side/rear extension to the north eastern boundary which created a horseshoe shaped footprint to the rear. The rear amenity space consisted of a courtyard area between the two rear wings. Beyond the building was a large area of soft landscaping.
- 2.3 The neighbouring building to the south east is an existing residential building known as The Holt. This building has been subject to a number of significant extensions and alterations including a large single storey extension located in close proximity to the boundary with the application site. The neighbouring property to the north-east is The Gate Public House, the car park serving this premises adjoins the boundary with the application site.
- 2.4 At the front of the pre-existing building was an area of hardstanding used for off street car parking provision. A large Corsican Pine tree is located within the frontage and is afforded protection by the Three Rivers (Whitehayes, Rickmansworth Road) Tree Preservation Order 1985.

3 Description of Proposed Development

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

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

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

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

- 3.2 This permission has recently been implemented as the original building has now been demolished.

- 3.3 The applicant is now seeking to vary the above condition to allow alterations to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space.
- 3.4 The replacement building would continue to provide 46 bedrooms as approved under application 16/1218/FUL; in addition to other ancillary facilities including a café, cinema, spa therapy room, hair salon, fine dining areas, courtyard garden and rear amenity space. The proposed building would be set back from the Rickmansworth Road frontage by a minimum of 16.2m and a maximum of 19.5m. The building would be set in from the boundary with The Gate Public House by a minimum of 1.6m and would be set in from the boundary with The Holt by a maximum distance of 8.4m and a minimum distance of 4.7m (to the front wall of the proposed fine dining area at ground floor level).
- 3.5 The plans indicate that the proposed building would have a maximum width of approximately 23.2m. The building would have a stepped depth such that the elevation adjacent to The Gate Public House would have a maximum depth of 41.4m. However, when including the depth from the front elevation of the proposed café (front projection) to the rearmost projection of the proposed Quiet Room, the building would have a maximum depth of 44.5m. The flank elevation adjacent to The Holt would have a depth of approximately 36.1m. The second floor accommodation would have a reduced width of 17.8m and would be set in from the common boundary with The Holt by approximately 8.4m. The basement accommodation would not extend beneath the whole building and would provide ancillary facilities mainly for staff as well as a cinema and spa therapy room for use by residents.
- 3.6 In terms of design, the building would have a mansard roof form, with two front projecting gables to the front elevation. The building would two gabled features to the front elevation, with the one adjacent to The Gate Public House having a maximum height at the front elevation of approximately 11.7m, whilst the gable adjacent to The Holt would have a height of approximately 11.2m. The building would have a reduced height centrally and to the rear of approximately stepping down to the rear to 9.3m. The western elevation facing The Gate Public House would be broken up through the provision of three Dutch hipped elements. The elevation immediately adjacent to The Holt would be two storey with a maximum height of 6.1m.
- 3.7 The site would continue to be served by the existing vehicular access from Rickmansworth Road; which would provide access to 17 car parking spaces.
- 3.8 To the rear of the building, an amenity space measuring approximately a total area of 347.6 square metres. In addition, the proposed building would provide residents with an enclosed central courtyard with an area of approximately 70.4square metres.
- 3.9 The proposed amendments relative to planning permission 16/1218/FUL include:
- Increase in the maximum height of the proposed building from 9.7m to 11.7m to the ridge of the front gabled projection;
 - Increase in the maximum depth of the building from 41.8m to 44.3m including the addition of a single storey flat roofed projection to the rear elevation accommodating a proposed quiet room facing the rear amenity space;
 - Flank wall adjacent to The Holt reduced in height from 6.5m to 6.1m with a crown roof form proposed rather than a mansard roof form with catslide;
 - Elevation adjacent to the Holt reduced in depth from 38.9m to 36.5m (by reason of the front elevation of this element being set back from the main front elevation of the building);
 - Alterations to the proposed fenestration detail including the removal of rooflights to the eastern elevation facing the Holt, and the level of fenestration at second floor level reduced;
 - The addition of a lift shaft to the eastern elevation facing The Holt;

- Alterations to the Basement footprint;
- Alterations to the layout and orientation of the central courtyard.

3.10 The applicant has advised that the amendments are sought for the following reasons:

- The ethos behind good healthcare design has moved on since the original design was prepared.
- The 13 year old Department for Health minimum standards for care homes is considered to not meet the growing expectations of the general public who require more than the absolute minimum.
- The previous design have different configurations on each floor, making the construction complicated.
- The previous design had the fine dining room in the basement which is not appropriate given the lack of daylight and ventilation
- Bedroom sizes are too small and third floor accommodation had not taken into account the slope of the roof.
- En-suites were too small
- Thirteen of the bedrooms had no aspect, and reduced privacy due to their arrangement around a courtyard.
- Finished floor levels were insufficient in the approval. The applicant states, *'after taking account of floor construction thicknesses and the need to have a service void behind suspended ceilings the industry standard floor to floor dimension is 3m for a care home as these are well serviced building with more demands than a typical dwelling house. Such additional service requirements over and above a typical dwelling house relevant to a care home include mechanical ventilation / extraction and sprinkler systems'. The approved building was unable to accommodate these requirements and as such the building would not have been fit for purpose.*

4 Consultation

4.1 Statutory Consultation

4.1.1 Development Plans: (No objection)

The application seeks a variation of condition relating to an extant planning permission (16/218/FUL) for the demolition and replacement of a care home, which was granted approval in 2016.

Policy CP3 of the Core Strategy states that the Council will promote development that caters for a range of housing needs, including the provision of housing for the elderly. The extant planning permission for the demolition and replacement of a care home forms part of the Three Rivers Housing Land Supply (2019) as an outstanding C2 development. The proposed development would result in a net gain of 16 bedrooms (equivalent to a net gain of four dwellings). The most recent SHMA (2016) indicates that there is need for 593 additional residential/nursing care bed-spaces in Three Rivers for the period 2013-2036, equating to an annual need of 26 bed-spaces. The proposals would contribute to this indicative need being met by providing an increased number of bedrooms and subsequently there is support for the delivery of the development. It is worth noting that an update to the SHMA will be published in due course and therefore these figures are subject to change.

4.1.2 Conservation Officer: (Objection)

This application is for Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space.

This application largely replicates the withdrawn application 19/1949/FUL, for which built heritage advice was also sought. The alterations between each application largely concern the interior of the building and internal layout, which is not relevant to this consultation response. Therefore, my response to 19/1949/FUL is copied below.

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

The proposed changes will increase the height of the replacement building on the south west (front) elevation. This will increase the bulk of the building and will have an impact upon the street scene and Conservation Area.

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

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

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

Officer note: The plans now include rendered elements as previously requested by the Conservation Officer under application 19/1949/FUL. Further comments were therefore requested from the Conservation Officer to take into account the consideration of the changes. The following has been noted by the Conservation Officer:

The rendered elements don't raise any concerns. The render reflects the finish of previous building on the site and the neighbouring buildings so it is in keeping with the general streetscape. It also helps to break up the elevations, particularly the long northwest elevation.

4.1.3 Landscape Officer: (No objection)

4.1.4 Initial Comments: (Objection)

The current application applies to vary approved plans in regard planning permission 16/1218/FUL in respect to a variety of design features including alterations to amenity space.

The updated tree report and associated protection plans address the issues surrounding the basement excavation sufficiently, and the service runs adequately, but the latter are far from ideal. However, the amendments to the car park layout, and in particular the landscaping element are not addressed or shown. The amended landscape layout, in respect to the parking amendments, make a further encroachment into the RPA of the pine tree, with an unacceptable design. It should be appreciated that the approved layout is far from suitable, and would normally not be acceptable from an arboricultural point of view. Any further reduction of the soft landscaping surrounding the pine tree will therefore not be tolerated.

It is also not clear what the extent of the 'no dig' design will be, presumably the whole of the asymmetrical RPA for T1. I would suggest that a tree protection plan for the landscaping phase would be beneficial for clarity. And that in addressing a more appropriate landscaping design around T1, the design team should consider some remediation/mitigation measures to assist the tree in tolerating the heavy impact of the development.

4.1.5 Further comments 19 May: (No objection)

Further to previous comments in respect to the current application, the documents submitted on 6th May, including the updated arboricultural method statement and tree protections plans, have addressed the outstanding concerns.

In light of the above I am content to retract my previous objections, and would only request that a suitable condition is attached to ensure compliance with the method statement (AMS), and in particular regular supervision/monitoring reports to be submitted to the LPA as detailed within sections 19.4-19.6 of the AMS.

4.1.6 Lead Local Flood Authority (No objection subject to conditions)

4.1.7 Initial Comments (Objection)

Following a review of the updated proposed drainage layout (ref: ref: 5640-JPG-XX-00-DR-D-1400, revision P17, dated 24.03.20) along with the updated SuDS Statement (ref: 5640-JPG-XX-XX-RP-D-S2-P08, dated 24.03.20), we understand that the proposed drainage scheme has changed significantly from previously proposed deep bore hole soakaways to a singular attenuation tank and connection to the foul water sewer in Rickmansworth Road. We note that further infiltration testing has been carried out on the site (Site Investigation carried out by Ground & Water, ref: GWPR3472, dated: December 2019). Falling head test were undertaken in three locations on the site and provided infiltration rates of 5.53×10^{-7} , 6.63×10^{-7} and $3.63 \times 10^{-7} \text{m/s}$ as well as discovering soft spots highlighting possible dissolution features within the chalk.

The updated drainage layout proposes an attenuation tank providing 81m³ of storage and a combined connection to the Thames Water foul water sewer at a restricted discharge rate of 5l/s. We acknowledge that the applicant has provided a notice of conditional consent to connect to the Thames Water Foul sewer (Appendix D of the updated SuDS Statement), however the applicant will still need to provide an agreement from Thames Water that they are satisfied with the proposed surface water discharge rate of 5l/s into the foul sewer.

We would like to highlight that as surface water discharge into a foul sewer sits at the bottom of the surface water discharge hierarchy, evidence should be provided that the applicant

has followed the sequential approach to the disposal of surface water and considered all other practical means. The sequential approach or discharge hierarchy gives preference to discharge of surface water via infiltration, then a nearby watercourse, followed by surface water sewer and lastly foul water sewer. We note that detailed infiltration testing and falling head tests have been completed on site and showed that infiltration is likely not feasible on the site. The applicant will need to provide evidence that all the above options have been considered and are not feasible before proposing to discharge to the foul water sewer. If evidence is provided and shows that discharge into the foul water sewer is the only feasible option, as low a rate as possible should be sought.

In addition, we note that the updated drainage strategy shows the location of the proposed attenuation tank in close vicinity to the proposed foul water pumping station which will require clarification to ensure the structural feasibility of the tank in the proposed location. As LLFA, we will require a secured feasible discharge mechanism for the site and therefore, this information should be submitted including confirmation of an agreement reached with Thames Water.

Informative to the Applicant: Due to the amendments to the proposed drainage strategy as shown in this variation of condition application, we would like to highlight that we will require all details and supporting documents to be submitted as part of any application to discharge condition 19 as well as an updated maintenance strategy to address condition 20. The maintenance strategy included within the provided SuDS report is currently not legible and will require resubmission to improve the quality.

Informative to the LPA: We note there is a current outstanding objection from the LLFA for condition 19 (drainage strategy) for this application, however we are aware that this condition has been partially discharged to allow the demolition of the existing building after consultation with ourselves as LLFA, however the decision notice for planning application 19/1758/DIS clearly states that no other further works can be undertaken prior to the submission of a further application to discharge the condition in full and address points 1 and 2. Due to the amendments to the proposed drainage strategy as shown in this variation of condition application, we would like to highlight that we will require all details and supporting documents to be submitted as part of any application to discharge condition 19 as well as an updated maintenance strategy to address condition 20. The maintenance strategy included within the provided SuDS report is not legible and will require resubmission to improve the quality.

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

4.1.8 Further comments (2 July)

We acknowledge the following as additional information; SuDS Statement, carried out by JPG, reference: 5640-JPG-XX-XX-RP-D-S2-P11, dated 18.06.20.

Within our previous response (dated: 21.04.2020) we highlighted that the proposed drainage scheme has changed significantly from previously proposed deep bore hole soakaways to a singular attenuation tank and connection to the foul water sewer in Rickmansworth Road. We acknowledge that a pre-planning enquiry from Thames Water has been submitted (ref: DS6074048, dated: 09.06.2020) to confirm capacity for the proposed restricted discharge of 5l/s into the foul water sewer.

Following a review of the information provided in support of the above application, we can confirm, we would have no objection on the proposed variation of condition 2 on surface water grounds.

Informative to the Applicant: Due to the amendments to the proposed drainage strategy as shown in this variation of condition application, we would like to highlight that we will require all details and supporting documents to be submitted as part of any application to discharge condition 19 as well as the updated maintenance strategy to address condition 20 submitted within revision P11 of the SuDS Statement (dated: 18.06.20).

Informative to the LPA: We note there is a current outstanding objection from the LLFA for condition 19 (drainage strategy) for this application, however we are aware that this condition has been partially discharged to allow the demolition of the existing building after consultation with ourselves as LLFA, however the decision notice for planning application 19/1758/DIS clearly states that no other further works can be undertaken prior to the submission of a further application to discharge the condition in full and address points 1 and 2. Due to the amendments to the proposed drainage strategy as shown in this variation of condition application, we would like to highlight that we will require all details and supporting documents to be submitted as part of any application to discharge condition 19 as well as the updated maintenance strategy to address condition 20.

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

4.1.9 Herts Ecology: (No objection)

I understand the building has now been demolished. *Burford House* was a confirmed bat roost for two pipistrelle bats (two species) in 2019. A bat Low Impact Class Licence was registered in August 2019 with Natural England to proceed lawfully with demolition and to provide suitable mitigation and enhancement bat roosting features.

The submitted bat report shows the location of two suitably placed, integrated compensatory bat bricks on the new building as well as bat box locations on retained trees (reference: Figure 2, page 15 of the *Bat Roost Assessment Report by JD Ecology, 21 August 2019*). I do not consider these bat roost features will be impacted by the proposed changes.

I am pleased to see retained trees will be protected from harm during construction. Also that native species and wildlife friendly plants are included within the landscape plans, to attract local wildlife and pollinators.

4.1.10 Herts Highways: (No objection)

HCC has reviewed the submitted documents and notes that the changes from the previous drawings do not result in an impact on the highway.

4.1.11 Thames Water: (No objection)

Waste Comments: Thank you for consulting Thames Water for the discharge of matters relating to FOUL WATER networks. Thames Water confirms the foul water condition referenced, can be discharged based on the information submitted.

Thank you for consulting Thames Water for the discharge of matters relating to SURFACE WATER. Thames Water confirms the surface water condition referenced can be discharged based on the information submitted.

Water Comments: Thames Water have no objection to the variation of condition 2 attached to planning permission 16/1218/FUL.

Thames Water have reviewed the information provided and agree to discharge Condition 21. This is based on the understanding that piling works are carried out a distance further than 15 meters from Thames Water assets as per drawing 5640-JPG-XX-ZZ-DR-S-2242 and 19-092-101 Rev A . Please advise Thames Water if these plans change so that we can re-assess the risk to our assets. Please discharge Condition 21. Demolition, piling and excavation works all have the potential to adversely impact Thames Water assets. Please bear in mind that Thames Water will hold the developer and any relevant contractor/sub-contractor liable for any losses incurred or damage caused to Thames Water assets arising from construction works or subsequent use of the facility. The developer should contact the clean water supplier in the area "Affinity Water" and look for the piling condition to be discharged as Thames Water will only discharge a piling condition in relation to its assets in the area.

Officer note: Plan 19-092-101 Rev A has been superseded, however, the change relates to the location of the disabled parking by and therefore has no impact on piling arrangements as indicated on plan 5640-JPG-XX-ZZ-DR-S-2242

4.1.12 Environmental Health: (No objection)

No objection in principle to the provision of plant and air conditioning units. However, a noise assessment will be required prior to the first use of the equipment and to the occupation of the building.

4.1.13 Affinity Water: No comments received.

4.1.14 Chorleywood Parish Council: (No objection)

The committee had no objection to this application.

4.1.15 National Grid: No comments received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6 No of responses received: None

4.2.2 Site Notice: Expiry 08.05.20 Press notice: Expiry 16.05.2020

4.2.3 Summary of Responses:

- None received

5 Reason for Delay

5.1 To allow issues raised by statutory consultees to be addressed.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, 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 DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

6.3 Other

The Chorleywood Common Conservation Area Appraisal

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.

PPG Planning Practice Guidance Notes.

7 Planning Analysis

7.1 Principle of Demolition

7.1.1 The principle of demolition of the existing building was found to be acceptable under application 16/1218/FUL. This permission was implemented at the end of 2019 through the demolition of the existing building, however, no further works have been undertaken on site.

7.2 Principle of Development

7.2.1 The proposed building would provide specialist residential and dementia care for 46 residents. The PPG makes it clear that the need to provide housing for older people is critical as people are living longer and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over, but by mid-2041, this is projected to double to 3.2 million (Office of National Statistics). When considering planning applications for elderly accommodation the PPG states that decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people and where there is an identified unmet

need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.

7.2.2 In assessing this type of application, Policy CP3 of the Core Strategy is relevant and relates to housing mix and density and advises the following:

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

7.2.3 The previous building was utilised as a residential care home for occupancy by 30 residents for a number of years. Given the history of the site, the principle of a residential care home was viewed as acceptable in 2016 and it is emphasised that this permission has been implemented through the demolition of the existing building. The extant planning permission 16/1218/FUL forms part of the Three Rivers Housing Land Supply (2019) as an outstanding Class C2 development and in addition the proposed development would result in a net gain of 16 bedrooms (equivalent to a net gain of four residential dwellings).

7.2.4 The most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed spaces equating to an annual need for 26 bed spaces. This therefore highlights that there is a need within the District for this type of accommodation. It is considered that the given the history of the site and the extant permission, that the principle of the proposed development is acceptable.

7.3 Green Belt

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

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

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

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

- Limited infilling or the partial redevelopment or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development or;
 - Not cause substantial harm to the openness of the Green Belt where the development would re- use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.3.3 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land in it. The proposed development is considered to fall into one of the exceptions listed above in that it seeks to replace an existing building with another and would remain in the same use. However, to be considered as an appropriate form of development, the building must not be materially larger than the one it replaces. At the time of the previous application, it was considered that the development would constitute an inappropriate form of development as the proposed building would be materially larger than that it replaced. The scheme included an increased floor space of approximately 158%, which is indicative that the replacement building was materially larger. However, it was found that there were very special circumstances which outweighed the identified harm to the Green Belt. These included the need for such specialist accommodation within the district, the outdated nature of the pre-existing accommodation which was not considered fit for purpose and the evolving regulations governing this kind of accommodation. The following considerations were given significant weight by officers and the Planning Committee:

The regulations surrounding care requirements have evolved since Burford House was first established. Whilst efforts have been made to enhance the existing accommodation, larger bedrooms are required to meet current care standards and to accommodate all of the requisite hoisting equipment that is required in this environment. Furthermore, none of the existing bedrooms have en-suite facilities. These are now a new standard requirement as infection control regulations require isolation facilities. All of the new bedrooms will incorporate en-suite facilities which are required for residents to retain their dignity. In addition, some rooms incorporate kitchenettes so that residents are able to retain some level of independence.

The existing premises are not fully accessible due to the piecemeal nature of the extensions. There are split levels, corridors are narrow and lifts are too small. The supporting statement sets out that the 'lift installation does not conform to DDA standards for independent access by wheelchair users'. The new development will incorporate wider corridors and larger lifts in accordance with current standards.

Burford House will specialise in care for patients with dementia. Wandering paths have been incorporated in to the proposed development at ground and first floor levels. Within the corridors there will be seating areas for rests and memory walls. The communal spaces have been increased in size, with the proposed dayroom and dining facilities enhanced to provide more generous standards.

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

'the costs of running care homes have gone up so exponentially as a direct result of the need to adhere with change in regulations and so economies of scale is a major factor. The care home has to be financially viable to allow investment and rebuilding it to meet the

increasing needs of the community. There is an optimum point where the capacity of the care home renders significant investment unviable. The 46% increase in GEA is a critical threshold in viability terms’.

7.3.4 The current application now proposes a further increase in size to the pre-existing building equating to an approximately 166% increase in internal floorspace. Again this is indicative that the scheme is materially larger and thus would be an inappropriate form of development in the Green Belt. However, it is useful to compare the difference in internal floor space between the approved scheme and that now proposed below.

	Approved (16/1218)	Current Scheme	Percentage Increase
Basement	368 square metres	386square metres	5%
Ground Floor	806square metres	827 square metres	3%
First floor	794square metres	791 square metres	0%
Second floor	517square metres	564square metres	9%
Total	2,485square metres	2,568 square metres	3%

7.3.5 The increases in floor spaces indicated above relative to the approved, implemented scheme are considered to be modest and it is not considered that changes in floor space in themselves would adversely affect the openness of the Green Belt. However, whilst floorspace calculations are a useful indicator in assessing harm, this is not the only factor that should be considered and design is also a material consideration in the assessment of harm. In this instance, the proposed design includes a further increase in ridge height by a maximum of 2m to the front elevation and an increase in width of the gabled elevations to the front elevation. The roof form also appears more bulkier to the rear due to the change in roof pitch. These elements are considered to increase the prominence of the development in the Green Belt beyond what has been previously approved. As such, one must consider whether there are further very special circumstances which outweigh this additional harm.

7.3.6 The applicant has advised that the Department of Health’s Document entitled ‘Care Homes for Older People National Minimum Standards, Care Homes Regulations, 3rd Edition, published 2006’ is traditionally the starting point for the design of care homes. As such, the 2016 approved building was designed to this guidance. However, throughout the industry it is recognised that this 14 year old document no longer meets the expectations of the end users, as people are seeking more comfortable and spacious accommodation. Consequently, in order to construct a building which remains fit for purpose and viable in the coming years, the applicant has sought to make a number of changes resulting in the need to make alterations to the size and height of the building. The applicant has provided a summary, however, in brief reasons are provided below:

Bedroom sizes are no longer acceptable. Whilst there are a variety of bedroom sizes incorporated in the design there are a number of bedroom types (the smallest being only 12.9sqm in usable area) that only marginally exceed the 2006 12sqm guidance. Also the third floor accommodation needed to discount the restricted headroom zones. There are also bedrooms that do not accommodate a 1500mm wheelchair turning head either side of the bed.

En-suites sizes are too small. En-suite wet rooms are approx. 3.5sqm in area. From a functionality point of view Westgate Healthcare have learnt through experience that the

minimum size now needs to be 3.9-4.2sqm. This is to ensure that the shower is far enough away from the door to stop water flowing under the door into the bedroom.

Finished floor levels were not indicated on the approved drawings and were found to be insufficient. The applicant states the following: After taking account of floor construction thicknesses and the need to have a service void behind suspended ceilings the industry standard floor to floor dimension is 3m for a care home as these are well serviced building with more demands than a typical dwelling house. Such additional service requirements over and above a typical dwelling house relevant to a care home include mechanical ventilation / extraction and sprinkler systems. The height of the approved building ridge when measured on elevation is only 9m and the height to the second floor window cill is only 6.5m from ground level. The approved design is not capable of accommodating these vertical dimension standards.

One of the approved dining areas was located in the basement which is inappropriate with no daylight or natural ventilation.

The approved building includes some functionality issues including the use of laundry chutes/dumb waiter facilities. These are not considered to be appropriate in this setting causing noise and smell. The new design allows the goods lift to serve all floors.

Thirteen of the approved bedrooms overlooked an internal courtyard with six of them being north facing. The bedrooms had no aspect, reduced privacy and were overshadowed. They would not be marketable.

- 7.3.7 It is therefore apparent, that the building permitted in 2016 (if constructed) would not have been fit for purpose in the near future due to design and functionality issues. It would not have been able to provide the standards which are expected by both care providers and future occupants of the accommodation which would have resulted in further changes after the construction of the building. As such, whilst it is acknowledged that the proposed development would result in some additional harm to the Green Belt, particularly by reason of its increased height, that the above constitutes very special circumstances which would outweigh the identified harm. In addition, as already outlined, there is a need for this type of accommodation in the District and there are therefore public benefits which outweigh the identified harm to openness. Therefore, taking all of the above into consideration, it is considered that the development would be acceptable and in accordance with Policies CP1 and CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD

7.4 Impact on Character and Street Scene

- 7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.4.2 Policy DM3 of the Development Management Policies LDD relates to Heritage Assets and advises that development within Conservation Areas are of a 'design and scale that preserves or enhances the character or appearance of the area'. The Chorleywood Common Conservation Area Appraisal is also relevant to the current application.

- 7.4.3 In terms of siting, the overlaid ground floor plans indicate that the proposed front wall of the building would be sited in a similar location to that previously approved. In addition, it would be set back relative to the front building line of both adjacent neighbours which helps reduce its visual impact from the street scene. Compared with the previous scheme, the front wall of the part of the building adjacent to The Holt would be set further back which further minimises its prominence. In addition, the nature of a stepped front elevation helps add interest to the front elevation which would be encouraged in this location. As with the previous application, the basement accommodation would not be readily visible from any public vantage points which also minimises any harm. Appendix 2 of the Development Management Policies LDD also provides guidance on distances to flank boundaries stating:
- 'Development at first floor level and above should be set back from flank boundaries by a minimum of 1.2m. This distance may be increased in low density areas or where development would have an adverse effect on the adjoining property'.*
- 7.4.4 The flank elevation adjacent to the boundary with The Holt would be set in by a maximum of 8.4m at the front elevation which ensures a degree of openness is retained around the building in keeping with the setting in which it is located. The flank elevation adjacent to the boundary with The Gate would be set in by approximately 2.2m which is again viewed favourably given the character of the locality. In addition, the adjacent building, The Gate, is set away from the boundary with the car park serving this building providing further spacing between the buildings. As such, there is a significant degree of spaciousness between the two buildings preserving openness in this location.
- 7.4.5 As already set out, the building is located within the Chorleywood Common Conservation Area and thus regard must be had to the impact on the character and appearance of this area. The Conservation Officer has raised concern that the proposed building would be harmful to the Conservation Area and to Listed Buildings within the vicinity; enlarging the proposed building to an inappropriate mass. In addition, the Conservation Officer has raised concern with regard to the increased height of the building and the increased width of the front facing gabled elements which would increase the prominence of the front elevation.
- 7.4.6 It is noted that the proposed development would include an increase in height of the two proposed gable elements to the front elevation to a height of 11.7m and 11.3m (a maximum of 2m in comparison to the previous approval). However, one must also have regard to the previously approved plans in assessing whether the proposed increased height is acceptable. Whilst it is acknowledged that the front facing gables would be higher, the central recessed area to the front elevation would have a height of 9.3m, therefore, would be not significantly higher than the approved scheme. Likewise the roof form to the rear elevation would only be 0.2m higher than previously approved. Whilst the gables would be higher than approved, given the stepped ridge height, the articulation and the retained distances from the boundary, it is not considered that the proposed development would result in increased demonstrable harm to the Conservation Area relative to what has previously been approved and can be implemented. Furthermore, it is noted that alterations have been made to the external finish of the building and rendered sections have been added. The Conservation Officer has provided further comments on this aspect and notes that the use of render reflects the previous building on site and that of neighbouring buildings so it is considered that the external appearance of the building is in keeping with the general streetscape and the wider Conservation Area, Furthermore, the Conservation Officer considers that the use of render helps to break up the elevations, particularly with regard to the north western elevation.
- 7.4.7 The proposed building would be of increased bulk relative to the pre-existing structure. However, a large roof form was approved previously which is not dissimilar to the currently proposed mansard roof form and as such, it would be unreasonable to object to the scheme based on the bulk of the roof form particularly given the modest increase in height of 0.2m to the flank and rear elements of the three storey elements. It is noted that the proposed development includes a lift shaft which would include a flat section. Whilst this is shown on

the front elevation, it would be set back such that its impact would be limited when viewed from the frontage. The current plans also indicate the addition of photovoltaic cells which would be located on the lower roof form adjacent to The Holt. It is acknowledged that these are indicated to be raised and tilted in order to maximise solar gain. However, it is not considered that they would result in visual harm given they would be positioned set back from the forward-most elevation of the building by 17m, with a setback of approximately 33.4m from the front boundary. Views of the panels would also be obscured by the adjacent residential dwelling, The Holt.

- 7.4.8 It is acknowledged that the Conservation Officer does have concerns in relation to the proposed development and its harm to the character and appearance of the Conservation Area. However, the National Planning Policy Framework requires the harm to a heritage asset to be weighed against any public benefits of the proposal. In this case, the proposed development would allow the retention of specialist accommodation in the District. As, set out previously, the most recent SHMA (2016) indicates that there is a need for 593 additional residential/nursing care bed spaces in Three Rivers for the period of 2013-2037 equating to an annual need for 26 bed spaces. Furthermore, the PPG sets out that the need to provide housing for older people is critical and that local authorities should take a positive approach to schemes that propose to address this need. In this case, given the need for this type of accommodation, the location of the site as historically providing such accommodation and that there is an extant planning permission already for a scheme of similar scale, it is considered that there are public benefits to the proposed development which would outweigh the harm to the Conservation Area.

7.5 Impact on amenity of neighbours

- 7.5.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.5.2 The western elevation of the proposed building would be located adjacent to the boundary with The Gate Public House. It is acknowledged that a deep flank wall containing a large number of windows would be introduced, however, as this is a non-residential neighbour which is set off the boundary itself, it is not considered any significant harm would occur to this building.
- 7.5.3 To the east of the site, is The Holt, a detached residential dwelling also fronting Rickmansworth Road. Appendix 2 of the Development Management Policies LDD sets out the following with regard to two storey developments:

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

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

At present, Burford House has a large single storey addition with pitched roof form projecting along the common boundary with this neighbouring dwelling, this element has a maximum height of approximately 6m. The proposed scheme would introduce a two storey element along this boundary with a height of 6.1m, therefore not significantly higher than the existing maximum height. The proposed two storey element would also not be significantly deeper than existing single storey element of similar height and a distance of 3m would still be

retained at the deepest point of this element. With regard to the three storey element, the plans indicate that this would be located a minimum of 8.2m away from the common boundary with this neighbour, with the deepest point of the three storey projection being located 14.4m from the boundary. Whilst it is acknowledged that this three storey element would be visible, due to the distances from the boundary and the existing level of development at Burford House, it is not considered that this would be so overbearing as to justify a refusal on this basis. Based on the submitted drawings and orientation, it is also not considered that this would result in significant loss of light relative to the existing situation. Furthermore, the maximum ridge height of the proposed building has been lowered relative to the maximum ridge height of the existing building by approximately 3.2m.

- 7.5.5 The proposed plans indicate an increased depth of the building into the rear garden by a maximum of 2.5m (relative to the previously approved rearmost wall). However, the flank wall immediately adjacent to The Holt would project no deeper than previously, would be set 3.2m from the boundary and be of comparable height to both the pre-existing building (in this location) and the approved building. As such, it is not considered that the element immediately adjacent to The Holt would result in increased harm. With regard to the three storey element, the plans indicate that it would be set a minimum of 8.3m from the boundary, with the deepest section being located 13.8m away. It is not considered that the reduced distance of 13.8m in comparison to 14.4m would result in significantly increased harm to justify refusal. Whilst it is acknowledged that this three storey element would be visible from The Holt, due to the distances to the boundary and the pre-existing level of development at Burford House it is not considered that significant harm would occur to justify refusal on this basis.
- 7.5.6 Regard must also be had to impacts in terms of overlooking to The Holt. It is noted that there are four windows shown on the second floor elevation (south eastern) which face towards The Holt. However, all of these openings would serve corridors which are non-habitable areas and therefore can be conditioned to be obscurely glazed. In addition, the openings are also set off the boundary which would further minimise any harm. It is noted that the development is designed around a central courtyard and consequently there are bedroom windows facing inwards into the courtyard which would be visible from the neighbouring dwelling. However these windows are set in from the boundary and their siting in relation to the neighbour is such that any views would be oblique. It is therefore not considered that any harm would occur. With regard to the ground floor windows in the south eastern elevation, these would serve communal areas and would be set in from the boundary and screened by a close boarded fencing with a trellis on the side of the application site at 1.8m to minimise harm in terms of overlooking.
- 7.5.7 It is noted that the plans do include the provision of air conditioning units/plant at second floor level. The Environmental Health Officer has indicated that these are unlikely to result in an issue as they are located a significant distance from the boundary. However, it is advised that a noise survey should be conditioned to ensure that no harm occurs and appropriate mitigation (if required) is confirmed. A recent appeal decision emphasised that noise from any plant/machinery can be appropriately managed via the imposition of appropriate planning conditions and as such this is a reasonable approach to take.
- 7.5.8 The neighbour to the rear of the site is known as Pembury Cottage. The proposed building would be visible from this dwelling, however, a back to back distance (from the nearest rear facing first floor windows) would retain a distance of approximately 39m between the buildings. This would be in excess of the 28m as set out as generally acceptable under Appendix 2.
- 7.5.9 There would be no impact to neighbours opposite the site due to the separation by the highway.
- 7.5.10 In summary, it is considered that the development would not result in significantly increased harm relative to what has been previously considered acceptable. The development is

considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Amenity Space Provision for future occupants

7.6.1 Appendix 2 of the Development Management Policies LDD sets out the standards for the provision of amenity space and advises that for residential care homes, there should be at least 15 square metres per bed space provided communally. As such, the proposed development would require 690 square metres of amenity space.

7.6.2 A rear amenity space would be provided which would have a total area of 347.6 square metres. In addition, the proposed building would provide residents with an enclosed central courtyard with an area of approximately 70.4square metres. This would therefore result in a total amenity space provision of 418square metres, which would equate to a shortfall of 272square metres in comparison to the standard set out in Appendix 2. In 2016, a total useable amenity space of 446 square metres was supported representing a shortfall of 244 square metres. However, the following justification was provided by the applicant and this is still considered applicable to the current scheme:

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

7.6.3 In 2016, it was noted that whilst the development would result in an overall shortfall in amenity space provision, the proposed development would offer a more useable amenity space specifically designed for the needs of those occupying the new building. As with the previous consent, the current scheme offers a variety of ancillary, communal facilities for enjoyment by residents. These include quiet seating areas, cafes, 'Burford Bar' and fine dining areas, all of which would provide further spaces for enjoyment by future occupiers. It is therefore considered that whilst there is a shortfall in amenity space, the space that would be provided is more suited to the needs of those residents occupying the building.

7.6.4 It is not considered that the further shortfall in amenity space of 31 square metres would result in significant harm particularly given the use of the building and the requirements of future residents. The development is therefore still considered to be acceptable in this regard.

7.7 Wildlife and Biodiversity

7.7.1 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.

7.7.2 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.

7.7.3 The former building was a confirmed bat roost for two pipistrelle bats (two species) in 2019. A licence was registered in August 2019 with Natural England which allowed the applicant to proceed lawfully with demolition and to provide suitable mitigation and enhancement bat roosting features. The submitted Bat Report indicates the location of bat bricks on the

proposed buildings as well as the provision of bat boxes on retained trees and Herts Ecology consider that these measures are suitable and acceptable. A condition shall be added requiring that the new development is undertaken in accordance with the submitted details.

7.7.4 Herts Ecology also note that native species and wildlife friendly plants have been incorporated within the landscape plans, to attract local wildlife and pollinators.

7.7.5 In summary, subject to the above suggested condition, the development would not result in harm to any protective species with measures being taken to conserve and enhance wildlife and biodiversity on site. The development is therefore acceptable in this regard.

7.8 Trees and Landscaping

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

7.8.2 The Landscape Officer raised a number of initial concerns with regard to the information provided by the applicant, particularly with regard to proposals to the site frontage. In response, the applicant provided an updated arboricultural method statement and tree protection plans. The Landscape Officer considers that these overcome the concerns raised and has withdrawn her initial objections to the proposed development. A number of conditions are suggested including the requirement to undertake the development in accordance with the approved plans. In addition, the Landscape Officer requests that the condition includes the requirement for regular supervision/monitoring reports to be submitted to the Local Planning Authority as specified in the agreed arboricultural method statement.

7.8.3 With regard to landscaping, the plans indicate a garden area to the rear of the building with varying pathways for residents. The details indicate new planting with Herts Ecology noting that the proposals include native species and wildlife friendly planting. The Landscape Officer has raised no objection to the proposed landscaping details, and a condition is recommended requiring that the landscaping is undertaken in accordance with the approved details. It is therefore considered that the proposed development is in accordance with Policy DM6 of the Development Management Policies LDD

7.9 Highways, Access and Parking

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

7.9.2 The Highways Officer has raised no objection to the current application and considers that it would not have an unacceptable impact on the adjacent highway.

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

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

7.9.4 As a 46 bedroom care home, a total of 11.5 spaces would be required for residents (46 x 0.25 spaces). With regards to staff, the applicant has advised that a total of 46-50 staff would be employed, although during a typical daytime shift, it would be anticipated that 16/17 staff would be there at any one time. During a night time shift, staff numbers would

drop to 5. Therefore based on a maximum of 17 staff members being on site at any one time, a total of 8.5 spaces would be required, creating a cumulative total of 20 spaces. The plans indicate that a total of 17 spaces would be provided on site, which is considered to be sufficient and was considered acceptable at the time of the previous application. The application site is located in Parking Zone 4, where 75%-100% of the demand based standard should be applied. If one, applies a restraint of 75%, a total of 15 spaces would be required. Given a total of 17 spaces would be provided, the proposed development would be in accordance with the provisions of Appendix 5. As such, given the site circumstances and the nature of the use, it is not considered that a shortfall of three spaces would result in significant harm to justify refusal.

7.10 Sustainability

7.10.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.10.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.10.4 An Energy Statement has been submitted with the application and details that the development would achieve a 5.13% reduction in carbon emissions which would be in accordance with the above requirements. The savings would be achieved through the installation of high performance glazing, low air permeability of the façade, efficient heating system and recovery system. In addition, the applicant is proposing to install solar photovoltaic cells. These measures are considered to be acceptable and a condition shall be attached requiring that the development is undertaken in accordance with the submitted Energy Statement.

7.11 Flood Risk and Drainage

7.11.1 The NPPF at paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should a) take account of advice from the lead local flood authority, b) have appropriate proposed minimum operational standards, c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

7.11.2 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).

7.11.3 The LLFA were consulted and raised initial objections to the development, stating that they required additional information from Thames Water with regard to the water discharge rate into the foul sewer. In response, a revised drainage strategy has been provided and reviewed by the LLFA who have advised that Thames Water have confirmed capacity for the proposed restricted discharge of 5l/s into the foul water sewer. The LLFA have also advised that a number of conditions are required prior to the commencement of the drainage works on site. Subject to conditions, the proposed development is considered to be acceptable and no objections are made in this regard.

7.12 Conclusion

7.12.1 The original planning permission (16/1218/FUL) approved the demolition of Burford House and provision of a new replacement building in the same use. In 2016, it was considered that whilst the building was materially larger than the one it replaced, there were very special circumstances to justify the development; one of which was that the building was no longer able to provide fit for purpose accommodation for its elderly residents, some of which were receiving nursing and end of life care. This permission has been recently implemented through the demolition of the existing building and the extant planning permission is a material consideration.

7.12.2 In considering the new plans, it is acknowledged that the proposed building would be of increased mass and bulk and there would be some additional harm to the Metropolitan Green Belt and to the Conservation Area. However, officers still consider that there are very special circumstances and public benefits of the proposed scheme which would outweigh the identified harm.

7.12.3 As highlighted throughout the report, the PPG emphasises that the need to provide specialist accommodation for the elderly population is critical and that Local Planning Authorities should take a proactive approach to such developments. There is an identified need in Three Rivers for accommodation for the elderly and the extant permission forms part of the Three Rivers Housing Land Supply (2019) as an outstanding Class C2 development. . The loss of this sort of specialist accommodation would result in harm. On balance, when considering the public benefit of providing specialist accommodation along with the fact that a planning consent already exists at the site, the development is considered to be acceptable and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8 **Recommendation**

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

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

19-092-100 Rev C, 19-092-101 Rev B, 19-092-055 Rev B, 19-092-056 Rev B,

19-092-057 Rev A, 19-092-058 Rev C, 19-092-120 Rev G, 19-092-121 Rev R, 19-092-122 Rev H, 19-092-123 Rev H, 19-092-124 F, 19-092-151 E, 19-092-151 F, D7.1B, D7.2H, 19-092-103 Rev C, D6.1G, TP/BHRRCH/0101/E1, TPP/BHRRCH/010/E2

Reason: For the avoidance of doubt, in the proper interests of planning, the character and appearance of the Conservation Area and the openness of the Metropolitan Green Belt; in accordance with Policies CP1, CP9, CP10, CP11 and CP12; of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM6, DM8, DM9, DM13 and of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal

C2 The development permitted in full by this planning permission shall be carried out in accordance with the updated SuDS Statement, carried out by JPG, reference: 5640-JPG-XX-XX-RP-D-S2-P11, dated 18.06.20 and the Proposed Drainage Layout Ground Floor Level prepared by JPG, reference: 5640-JPG-XX-00-DR-D-1400, revision: P19, dated: 28.05.2020 and the following mitigation measures as detailed within the drainage strategy.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 81m³ (or such storage volume agreed with the LLFA) of total storage volume in an attenuation tank.

3. Discharge of surface water from the private drain into the Thames Water foul sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority (LPA).

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LPA.

Reason: prevent the increased risk of flooding, both on and off site in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C3 No further development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.

2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C4 Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

1. Provision of complete set of 'as built' drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C5 No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan (as discharged under ref: 19/1756/DIS). During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

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

- C6 Prior to the installation of the 2nd floor 'tilt and turn' window, full details and specification of how they will be constructed to ensure no overlooking will be facilitated, and how they shall be restricted to only be openable for maintenance purposes shall be submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed and maintained only in accordance with the details approved by this condition.

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).

- C7 Prior to the first occupation of the development hereby permitted, details of all plant, machinery and equipment to be installed or operated in connection with the carrying out of this permission and measures to enclose these and/or attenuate noise arising from their operation shall be submitted and approved in writing by the Local Planning Authority.

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

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

- C8 Prior to the first occupation of the development hereby permitted, the boundary treatment as shown on plan 19-092 D6.1G shall be erected in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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).

- C9 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C10 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans (D7.2H) and no external materials shall be used other than those approved.

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

- C11 The development shall be undertaken and maintained in accordance with the recommendations set out in the submitted Bat Roost Assessment by JD Ecology.

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

- C12 The proposed piling works shall be carried out a distance further than 15meters from Thames Water assets as per drawing 5640-JPG-XX-ZZ-DR-S-2242 and 19-092-101 Rev B.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- C13 The development shall be undertaken in accordance with the submitted Construction Management Plan (Demolition/Construction Management and Logistics plan within Document MPB H & SM 01 02 JULY).

The approved Construction Method Statement shall be adhered to throughout the construction period.

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

- C14 The development including supervision shall be implemented only in accordance with the approved arboricultural method statement (Arboricultural Method Statement and Tree Protection Plans, David Clarke, May 2020). The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site.

The tree protective measures, including fencing, shall be undertaken in full accordance with the approved scheme (TP-BHRRCH-010 E1) and before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

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

- C15 The Landscaping works shall be undertaken in accordance with the approved details as set out in the approved Landscaping Scheme (.Andrew Hastings Landscape Consultants Ltd, 19.4045, August 2019 (Rev G -29.04.20)

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 accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C16 Before the first occupation of the building/extension hereby permitted the window(s) in the second floor flank elevation (serving the main corridor area and facing the courtyard) facing The Holt shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

8.2 **Informatives:**

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. 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.
- 14 In order to protect breeding birds, their nests, eggs and young, demolition/major renovation activities should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.