

DELEGATED REPORT

Application Reference:	17/1010/FUL
Address:	Carpenders Park Farm, Oxhey Lane, Carpenders Park, WD19 5RJ
Proposal:	Demolition of existing buildings and provision of 76-bed care home, with landscaping improvements, the upgrading of an existing access, provision of car parking, and associated infrastructure
Case Officer:	Rob Morgan / Claire Westwood
Expiry Date:	29.09.17 (Agreed extension)
Recommendation:	Approve subject to conditions
Plan Nos:	G4074 (00) 01 A, G4074 (00) 02, 2764-101 (Rev B), G4074-01-01 Q, G4074-01-02 R, G4074-01-03 N, G4074-01-04 D, G4074 (03) 01 B, G4074 (21) 01 B, G4074 (90) 01 J, G4074 (02) 01 D, G4074-(02)-02 C

1. Relevant Planning History

1.1 16/1926/PREAPP – 78-bed care home. Summary of response dated 6 October 2016:

'Whilst there is no objection to the principle of the redevelopment of this Green Belt site, there are concerns that the development as currently proposed would have a greater impact on the openness of the Green Belt. As discussed at our meeting, revisions to the design are considered necessary and any subsequent application should be accompanied by additional informative to support your contention that the development would not have a greater impact on the openness of the Green Belt; and/or details of very special circumstances put forward in favour of the proposal.'

1.2 02/00418/FUL – Replace existing monopole and replace with 20m lattice mast with associated equipment. Permitted.

1.3 8/543/91 – Construction of a flood storage reservoir. Permitted.

1.4 8/116/79 – Conversion of existing farmhouse into four flats. Permitted.

1.5 8/374/78 – Two storey extension and alterations to farm cottage. Permitted.

1.6 8/331/77 – Three storey block of nine flats (Outline application). Refused.

1.7 8/307/76 – Three storey block of 9 flats to replace existing house (Outline application). Refused.

2. Site Description

- 2.1 The application site is located to the east of Oxhey Lane, Carpenders Park and is within the Metropolitan Green Belt. The area is predominantly residential in character with existing residential development located to the western side of Oxhey Lane. With the exception of the application site, the eastern side in the immediate vicinity is open land.
- 2.2 The application site is a commercial site, most recently used as a dairy, although this use has ceased with the site currently disused. There are a number of commercial buildings/barns within the site associated with the former use, with the remainder of the site consisting of hard surfacing. There are also four residential units within the site.
- 2.3 The site is served by two vehicular accesses off Oxhey Lane opposite the junction with Highfield.
- 2.4 The site slopes up steeply from the front to rear. To the rear of the site there is a mast. There is a line of trees to the site frontage although tree works were ongoing at the time of the site visit.

3. Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing buildings and redevelopment of the site to provide a 76-bed care home with landscaping improvements, upgrading of the existing access, provision of car parking and associated infrastructure.
- 3.2 The proposed development would comprise a single building separated into three elements; a central section running north to south with two wings running east to west at either end of the central section. Each of the elements would be joined by fully glazed links. The building would be set back from the highway by approximately 30m and would have a central width of approximately 75m and a maximum depth of 47m along the north wing and approximately 52m along the south wing.
- 3.3 The building would be 2.5 storeys in height with roof level accommodation served by dormers and rooflights. The building would have a flat roof sections with hipped and gabled elements. The building would have a maximum height above ground level of 10.8m; although, due to the change in land level this would vary across the building.
- 3.4 The existing central access would be retained to serve the dwelling which would lead to a parking and turning area to the building frontage containing 37 parking spaces. The remainder of the site would be softly landscaped to provide amenity space for residents of the care home. The existing access road to the telecoms mast at the north-eastern end of the site would be re-laid with grass-crete to continue to serve the mast.
- 3.5 The development would provide a total of 76 ensuite bedrooms set over ground, first and second floors. Communal lounges, restaurants, activity rooms and terraces would also be provided within the building. The development would provide accommodation for elderly people with dementia.
- 3.6 During the course of the application amended plans have been submitted which reduced the depth of the northern flank and increased the depth of the southern flank resulting in a reduction to the number of bedrooms within the development of two beds.

4. Consultee Responses

4.1 Hertsmere Borough Council [No objection]

*'I advise that Hertsmere Borough Council raises **No Objection** to the proposed development, the proposal is not considered to be of a scale or location that would affect Hertsmere Borough Council.'*

4.2 National Grid – no comments received.

4.3 HCC Flood Risk Management [Initial objection overcome, no objection subject to conditions]

Comments dated 9 June 2017:

'Thank you for consulting us on the above application for the Demolition of existing buildings and provision of 78-bed care home, with landscaping improvements, the upgrading of an existing access and provision of car parking, at Carpenders Park Farm Cottages, Oxhey Lane, Carpenders Park, WD19 5RJ.

We understand this application seeks full planning permission for a major development, and we have assessed the Flood Risk Assessment and Drainage Strategy prepared by Peter Brett Associates LLP, document reference 39301/4001, dated May 2017, submitted to support to this application. However the information provided to date does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

We therefore object to the grant of planning permission and recommend refusal on this basis for the following reasons.

Details of how surface water arising from a development is to be managed is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015. Therefore for the LLFA to be able to advise the Local Planning Authority that there is no flood risk from surface water an application for full planning permission should include the following:

- 1. Updated, detailed calculations of the existing surface water storage volumes and discharge flows for the development site.*
- 2. Updated, detailed post development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.*
- 3. A detailed drainage plan including the location of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan. It should be noted that the drainage system should be designed to accommodate all surface water up to and including the 1 in 30 Year rainfall return period. Please note all drawings to be the final design.*
- 4. Detailed modelled outputs of flood extents and flow paths for a range of return periods up to the 1 in 100 year plus climate change event.*
- 5. Full details of any required mitigation or management measures for any identified source of flooding.*
- 6. Justification of SuDS selection including technical evidence.*
- 7. Evidence that if the applicant is proposing to discharge to the sewer network that they have confirmation from the relevant water company or sewer network operator that they have the capacity to take the proposed volumes and runoff rates.*
- 8. Updated details of any required maintenance of any SuDS features and structures and who will be adopting these features for the lifetime of the development. Please note that for residential development the lifetime is 100 years.*

Overcoming our objection

1. and 2. We acknowledge the existence of Micro Drainage calculations for the 1 in 100 year event plus climate change allowance. We require the overall run-off rate and the required storage volume to ensure that the proposed drainage strategy (all SuDS features) can attenuate for all rainfall events up to and including the 1 in 100 year plus 40% allowance for climate change event.

Please note that climate change allowances have been updated and we now require all SuDS component to cater for all rainfall events up to and including the 1 in 100 plus 40% for climate change event. Looking at the worst case scenario, for the design of SuDS feature we recommend that upper end allowance (+ 40% climate change) to be applied.

Pre-development and post-development surface water calculations should take account of the whole site area (0.97ha) not just impermeable areas (0.341ha), as shown in the Micro Drainage calculations. The runoff rates that are generated by the whole site should be provided, this should include all rainfall events up to and including the 1 in 100 year plus climate change event. Permeable areas will generate runoff at greenfield rates, and this will need to be managed by the proposed drainage scheme therefore the required attenuation volumes and run-off rates should reflect this.

We note that the Applicant proposed to limit surface water discharge rate to 5 l/s. As Thames Water requested, the Applicant needs to reduce at least 50% of the existing flows from the same site area for a range of storm conditions.

3.and 4. We acknowledge that the applicant has provided the Drainage Layout drawing with CCTV survey details, dated 02.03.2017, drawing number A1_1148/01_Rev_00 and Drainage Layout drawing, drawing no. 39301/4002/001, dated 10.05.2017. However the manholes which are listed as a part of the drainage strategy in the report (e.g. MH661A and MH6650) should be included on the drawing, as well as any proposed discharging points from the proposed development. We need to ensure that the drainage strategy for the proposed development is feasible.

As it is established that the infiltration is not working on the site, we require that any storage volume of surface water on site will be connected to the surface water network on the site. In line with that, all permeable paving areas on the site should be connected to the surface water network.

If there will be informal flooding within the site, these areas need to be identified on a development layout plan, showing the extent and depth of the flooding and under what rainfall event the flooding will occur. No flooding should occur at and below the 1 in 30 year rainfall event. It should be demonstrated that any flooding above this can be managed within the site without increasing flood risk to the proposed properties and the surrounding area. Both the 1 in 100 year and the 1 in 100 year plus climate change extents, depths and volumes should be established.

5. We require full details of any required mitigation or management measures of any identified source of flooding supported by detailed modelling. As the Applicant identified depression area in the landscaping, we require a clarification how the surface water will be mitigated at this location not to increase flood risk on site.

6. We understand that the Applicant proposed to discharge surface water from the development

site to Thames Water foul water sewer network. As this method is on the bottom of the disposal hierarchy, the LLFA would agree proposed discharge just if all other methods will be justified that are unfeasible.

We would strongly recommend the Applicant to explore the opportunity to discharge surface water to the existing watercourse. We note that this discharge method would be linked with crossing third party land and the Applicant needs to have an agreement with the landowner to cross his land. If this cannot be achieved we require a strong technical justification.

7. We note that the Applicant has a permission from Thames Water to discharge to their surface water drainage sewer network at the rate of 5 l/s/ha.

However, as the Applicant proposed to direct overland flow to Highways feature, we require confirmation from the Highways that they are satisfied to receive the proposed discharge at the proposed rates and volumes.

As this is for a full planning application we require that this confirmation should be provided prior to the approval of planning permission to ensure that the proposed scheme is feasible. An agreement in principle rather than a formal permission at this stage would be acceptable.

If the Applicant will explore discharge to watercourse, as stated above, the Applicant needs to have an agreement with the landowner to cross his land.

As this watercourse is a main river, Environmental Agency should be consulted. Please note any works taking place within and/or over the culvert or within 8m of the top of bank of the Main River will require prior written consent from the Environment Agency under the Water Resources Act regardless of any planning permission.

8. We acknowledge that the Applicant provided maintenance information about activities with frequency. However the Applicant will need to satisfy the LPA that the proposed drainage scheme can be adopted and maintained for its lifetime by providing a maintenance plan, detailing key operations, management and person of company responsible for the works. The maintenance of the cellular storage structure must be appropriate to prevent the risk of failure or reduction of its capacity. Underground and any mechanical features are likely to carry a higher risk as a result of poor maintenance.

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

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Informative to the LPA

We recommend the LPA to obtain a maintenance plan that explains and follows the manufacturer's recommendations for maintenance or that it follows the guidelines explained by The SuDS Manual by CIRIA. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure.

We understand that the Applicant proposed to discharge surface water from the development site to Thames Water foul water sewer network. We recommend the LPA to require from the Applicant to explore the opportunity to discharge surface water to the existing watercourse on the south from the site.

The applicant can overcome our objection by submitting information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods.

If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted when the amended surface drainage assessment will be submitted. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate surface water drainage strategy has been submitted.'

Comments dated 18 July 2017:

'Thank you for re-consulting us on the above application for the demolition of existing buildings and provision of 78-bed care home, with landscaping improvements, the upgrading of an existing access and provision of car parking, at Carpenders Park Farm Cottages, Oxhey Lane, Carpenders Park, WD19 5RJ.

We understand this application seeks full planning permission for a major development, and we have assessed the Flood Risk Assessment prepared by CWA, document reference CWA-16-598, dated June 2017, submitted to support to this application. However the information provided to date does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

We therefore object to the grant of planning permission and recommend refusal on this basis for the following reasons.

Details of how surface water arising from a development is to be managed is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015. Therefore for the LLFA to be able to advise the Local Planning Authority that there is no flood risk from surface water an application for full planning permission should include the following:

- 1. Evidence that if the Applicant is proposing to discharge to the sewer network that they have confirmation from the relevant water company or sewer network operator/ owner that they have the capacity to take the proposed volumes and runoff rates.*

Overcoming our objection

We acknowledge that the Applicant explored the opportunity to discharge surface water to the existing watercourse, by discharge into Flood Protection Basin. As this watercourse is a Main River, Environmental Agency should give a written permission to discharge additional water into the watercourse within Flood Protection Basin.

As we stated in our previous letter dated 9th June 2017, we note that this discharge method is linked with crossing third party land and the Applicant needs to have an agreement with the landowner to cross his land. We need to ensure that the drainage strategy for the proposed development is feasible.

As this is for a full planning application we require that these confirmations should be provided prior to the approval of planning permission to ensure that the proposed scheme is feasible.

Informative to the LPA

For the LLFA to be able to advise to the LPA that the proposed development will not increase flood risk in the area the Applicant needs to provide an agreement from the landowner to cross his land and an agreement from Environmental Agency to discharge by headwall into Flood Protection Basin. Without these agreements discharge from the proposed development is not feasible.

The applicant can overcome our objection by submitting information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods.

If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted when the amended surface drainage assessment will be submitted. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate surface water drainage strategy has been submitted.'

Comments dated 21 August 2017:

'Thank you for re-consulting us on the above application for the demolition of existing buildings and provision of 78-bed care home, with landscaping improvements, the upgrading of an existing access and provision of car parking, at Carpenders Park Farm Cottages, Oxhey Lane, Carpenders Park, WD19 5RJ.

We understand this application seeks full planning permission for a major development, and we have assessed the Flood Risk Assessment prepared by CWA, document reference CWA-16-598, dated June 2017 and confirmation from Environment Agency for discharge as shown in option B of proposed discharge scheme, submitted to support to this application. However the information provided to date does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

We therefore object to the grant of planning permission and recommend refusal on this basis for the following reasons.

Details of how surface water arising from a development is to be managed is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015. Therefore for the LLFA to be able to advise the Local Planning Authority that there is no flood risk from surface water an application for full planning permission should include the following:

- 1. Evidence that if the Applicant is proposing to discharge to the watercourse that they have confirmation from the relevant owner that they have permission to discharge to the watercourse.*

Overcoming our objection

As previously stated in our letter, we acknowledge that the Applicant explored the opportunity to discharge surface water to the existing watercourse, by discharge into Flood Protection Basin.

We note that the Applicant proposed two discharge options: option 'A' and 'B'.

We acknowledge that the Applicant provided an agreement from Highways to cross their land and applied for Section 50 consent linked with discharge option A. However, no agreements have been submitted from Highways to secure a connection point and EA to secure surface water discharge.

We note as well that the Applicant submitted EA's agreement for surface water discharge option B. However, no agreement to cross the third party land has been submitted.

In line with the above we cannot state if the proposed discharge is feasible, as none of the proposed discharge options are fully secured.

As we stated in our previous letter, as this is for a full planning application we require that these confirmations should be provided prior to the approval of planning permission to ensure that the proposed scheme is feasible.

Informative to the LPA

The Applicant can overcome our objection by submitting information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods.

If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted when the amended surface drainage assessment will be submitted. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate surface water drainage strategy has been submitted.'

Comments dated 21 September 2017:

Thank you for re-consulting us on the above application for the demolition of existing buildings and provision of 78-bed care home, with landscaping improvements, the upgrading of an existing access and provision of car parking, at Carpenders Park Farm Cottages, Oxhey Lane, Carpenders Park, WD19 5RJ.

Following a review of the Flood Risk Assessment prepared by CWA, document reference CWA-16-598 dated June 2017 and the confirmation from the Environment Agency and Highways for discharge as shown in option A of the proposed discharge scheme, we can confirm that we, Hertfordshire County Council as the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.

The drainage strategy is based upon underground cellular storage, rain water gardens, attenuation pond and basin and discharge to a main river under the highway. We note surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change with 5 l/s discharge to the river.

We therefore recommend the following conditions to the LPA should planning permission be granted.

LLFA position Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by CWA the Flood Risk Assessment, document reference CWA-16-598, dated June 2017:

- 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 397 m³ (or such storage volume agreed with the LLFA) of total storage volume in underground attenuation tank, attenuation pond and basin.*
- 3. Discharge of surface water from the private drain into Hearts Bourne – a main river.*

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.

Reason

- 1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.*
- 2. To reduce the risk of flooding to the proposed development and future occupants.*

Condition 2

No 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.

- 1. Detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.*
- 2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.*

Reason

- 1. To prevent the increased risk of flooding, both on and off site.*

Informative to the LPA

The LPA will need to satisfy itself that the proposed underground surface water attenuation features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the Applicant.

Please note, if the LPA decide to grant planning permission we wished 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.

4.5 NHS Herts Valleys – no comments received.

4.6 Environmental Health – no comments received.

4.7 Environment Agency [Advisory comments]

'Thank you for consulting us with this application. The proposed development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters. We are however unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult with your Environmental Health / Environmental Protection Department for further advice. Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site. This approach is supported by Paragraph 109 of the National Planning Policy Framework.'

We recommend that developers should:

- 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.*
- 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.*
- 3. Refer to the contaminated land pages on GOV.UK for more information.'*

4.8 Environmental Protection – no comments received.

4.9 Crime Prevention Design Service – no comments received.

4.10 Fire Protection Department [Advisory comments]

'Thank you for your letter dated 25 May 2017, enclosing a copy of the Planning Application and drawings in respect of the above premises.'

We have examined the application and make the following comments:

ACCESS AND FACILITIES

- 1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.*
- 2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of **18 tonnes**.*
- 3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.*

WATER SUPPLIES

- 4. Water supplies should be provided in accordance with BS 9999. Water supplies appear sufficient.*
- 5. This authority would consider the following hydrant provision adequate:*
 - Not more than 60m from an entry to any building on the site.*
 - Not more than 120m apart for residential developments or 90m apart for commercial developments.*

- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.'

4.11 HCC Property Services [No comments to make]

'Thank you for your email regarding the above mentioned planning application.

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers' CIL Area C and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (development.services@hertfordshire.gov.uk).'

4.12 Health and Community Services – no comments received.

4.13 Highways Authority [No objection subject to conditions]

'Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions:

Condition (access design) The development shall not begin until details of the proposed access arrangements onto Oxhey Lane have been submitted to and approved in writing by the Local Planning Authority. The details should confirm that the proposed retaining wall on the south side of the access will be constructed along the site boundary and will not encroach upon the strip of land between that boundary and the existing highway.

Reason: To ensure that the development construction is contained within the site boundary and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (pedestrian access) The development shall not begin until details of the proposed pedestrian refuge island on Oxhey Lane have been submitted to and approved in writing by the Local Planning Authority. The details should confirm the proposed dimensions of the island and the provision of suitable tactile paving to define the proposed pedestrian crossing route.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (construction management):- The development shall not commence until full details of all proposed vehicle access, routing within the site, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. Reason;- To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

I recommend inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any land forming part of the highway. Prior to commencement of any works the applicant is advised to contact the County Council Highways via either the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or telephone 0300 1234047 to enter into the necessary agreement with the Highway Authority to enable works in the highway to proceed.

Highway comments:-

This application proposes the demolition of the existing buildings on site and the construction of new buildings to deliver a 78 bed care home. The details submitted with the application include a Transport Assessment document giving information on the following:-

Proposed site access arrangement

The proposed access arrangement is from A4008 Oxhey Lane which is classified as a Main Distributor Road. This assumes the retention of one of the two existing accesses to the site from this road and is indicated on Drawing No. G4074 (90) 01 E. Visibility splays of 2.4m x 71.4m are proposed to the left and right of the proposed access. These will deliver an improvement in the visibility for a vehicle driver compared to the existing access arrangement and have been calculated in consideration of the recorded speed of traffic on Oxhey Lane. The proposed visibility splay to the left of the access will cross an area of land in the ownership of Hertfordshire County Council. The inclusion of this land within an extended area of highway verge is acceptable to HCC (subject to the provision of a suitable site boundary detail). The design should therefore ensure that the full extent of any land within the ownership of HCC is retained on the highway side of the proposed boundary / retaining wall.

These proposals will be subject to formal Section 278 and Section 38 agreements with the Highway Authority. However, it requests that further details of the positioning of the boundary wall are submitted to avoid the need for land acquisition as part of the proposed development. The Transport Assessment confirms the intention to deliver a new pedestrian refuge island on Oxhey Lane but there are no details provided of the proposed layout and design elements.

Trip Generation and Distribution

The Transport Assessment presents trip generation information from the TRICS database

relating to the proposed use of the site. The proposed vehicular trips to and from the site have been used to deliver a parking accumulation analysis. The information presented on the predicted trip patterns to and from the site is not disputed by the Highway Authority.

Parking

The Transport Assessment confirms a proposed on-site parking provision of 31 car spaces (with 3 additional bays for disable users) and storage for 6 cycles. The Local Planning Authority will give consideration to the proposed parking arrangements in relation to its current parking standards.

Sustainable Travel Modes

The National Planning Policy Framework requires that decisions on development proposals of this nature should consider whether opportunities for sustainable transport modes have been taken up and also that safe and suitable access to the site can be achieved for all people. The site is not considered to be well located for access to bus services but the anticipated passenger demand associated with the development would not be sufficient to justify additional bus service infrastructure.

The Transport Assessment includes information on the walking distances to various facilities local to the site. The anticipated route to the majority of these facilities (including bus stops) will generate a pedestrian crossing demand on Oxhey Lane. Although a central traffic island exists to the north of the site access, this is not a suitable refuge for pedestrians to wait to cross the carriageway of Oxhey Lane. The development therefore proposes the construction of a new central pedestrian refuge island between the site access and the junction with Carpenders Avenue. The island should be of suitable dimensions with dropped kerbs and tactile paving to demonstrate that a safe pedestrian route can be delivered between the site and the local facilities identified in the Transport Assessment.

Highway Consultation Summary

The details submitted propose alterations to the existing highway access arrangements on Oxhey Drive. These proposals will deliver improved standards of visibility for users of the development. The proposed development will not generate a significant increase in traffic movements to and from the surrounding highway network. The Transport Assessment has included a capacity analysis of the access arrangement to demonstrate that this will distribute traffic in an acceptable manner. The completed development is therefore not expected to have a significant impact on the safety and operation of the adjacent highway network.

The Highway Authority requests that further details are submitted to confirm details of the proposed access and the pedestrian refuge island. It also requests that formal consideration is given to construction management issues to ensure that any inconvenience to users of the adjacent highway is minimised. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions and advisory note identified above.'

4.14 HCC Minerals and Waste Team [No objection subject to condition]

'I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

"When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal."*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy; Policy 2: Waste Prevention and Reduction: & Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.'

4.15 Hertfordshire Ecology [No objection subject to conditions]

'I have read and reviewed the Post Submission File Note 17/1010/FUL: Addendum to Ecological

Assessment Report (PBA, March 2017), and I have reviewed 'Bat Mitigation for embedding into final design'. The combination of the outlined construction phase mitigation and avoidance, and the post construction compensation and enhancement schemes are adequate to assure the continuing conservation status of bats within the boundary of the application site. Therefore I believe the third test of the Conservation of Species and Habitats Regulations 2010 can be satisfied.

In which case I would suggest the following condition is placed within any planning application:

Prior to the commencement of the development, follow-up dusk emergence / dawn re-entry surveys should be undertaken during May - September (inclusive) to determine whether bats are roosting and, should this be the case, the outline mitigation strategy should be modified as appropriate based on the results and then be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

I am still unsure of the lighting scheme around the southern building where a majority of the post construction compensation and enhancement will be placed. The outside of the building will be illuminated by low light emitting bollards; however the design of the intended bollards appears have no cap and therefore will effectively be up lighting. Hertfordshire Ecology would seek assurances and the levels of light spill on the embedded bat mitigation will be within appropriate levels. Therefore in addition the above condition I am also inclined to include the following condition to safeguard the ongoing status of bats within the application site post construction.

Prior to occupation a "lighting design strategy for biodiversity" features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.'

4.16 Herts and Middlesex Wildlife Trust – no comments received.

4.17 Landscape Officer [No objection subject to conditions]

'From an arboricultural point of view, I hold no objections to the proposal. The site is within Green Belt. It was commented on the PREAPP advice that the trees to the front at the entrance are low grade but offer some screening.

I note a landscape plane. We will require a species list of the trees and an establishment plan.

The following conditions should be applied:

Landscape management plan – Details

A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Saved Policies N15, N16, N17 and D6 of the Three Rivers Local Plan 1996 – 2011 and Policies CP1 and CP12 of the Core Strategy (Adopted July 2013).'

4.18 Local Plans – no comments received.

4.19 Economic and Sustainable Development – no comments received.

4.20 Affinity Water – no comments received.

4.21 Thames Water [Advisory comments]

'Waste Comments

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

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

4.22 NHS England – no comments received.

4.23 TRDC Traffic Engineer – no comments received.

4.24 Watford Rural Parish Council – no comments received.

4.25 Natural England [No comments to make]

'Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

5. Neighbour Consultation

5.1 Site/Press Notice

- Site notice posted 9 June 2017 and expired 30 June 2017.
- Press notice published 9 June 2017 and expired 30 June 2017.

5.2 Number consulted: 15

5.3 Number of responses: 19

5.4 Summary of responses:

- Impact on ecology
- Insufficient parking
- Impact on highway safety
- Development on Green Belt land
- Noise and light pollution
- Intensification of use

6. Relevant Local and National Planning Policies

6.1 The Three Rivers Local Plan:

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include PSP3, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include DM1, DM2, DM4, DM6, DM7, DM8, DM9, DM10, DM11 and DM13 and Appendices 2 and 5.

The Site Allocations LDD was adopted on 24 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA1.

6.2 On 27 March 2012, the framework of government guidance in the form of Planning Policy

Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

- 6.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.4 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.
- 6.5 Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012) and Hertfordshire Minerals Local Plan Review 2002 – 2016 (2007).

7. Analysis

7.1 Loss of Commercial Use

- 7.1.1 Policy CP6 of the Core Strategy (adopted October 2011) relates to employment and economic development. It is noted that the site is not an identified employment area within the Site Allocations LDD (SALDD) (adopted November 2014). The application site was formerly used as a commercial dairy; however this activity has ceased.
- 7.1.2 The applicant has provided a breakdown of the lawful use of the existing commercial buildings which includes Classes B1 (a) (office), B2 (general industry) and B8 (storage and distribution) as well as the Class C3 (dwelling houses) which also exist on site. The lawful use of these buildings ceased a number of years ago and it is said that the site was recently marketed for employment purposes alongside the marketing of the land to the north acquired by Hertfordshire County Council for a new school. The applicant contends that there was no commercial interest from prospective tenants, although no evidence has been provided.
- 7.1.3 Policy CP6 of the Core Strategy advises that the Council will support development that retains overall levels of industrial and warehousing floor space in the District. In regards to office space, Policy CP6 supports a flexible approach to the release of offices within the District as it notes that there is an oversupply of this use.
- 7.1.4 While evidence has not been provided in respect of the marketing of the site, it is acknowledged that the site is currently not in use and many of the buildings have fallen into a poor state of repair. The current site therefore does not contribute to employment levels in the District. The applicant has provided an Economic Impact Statement which identifies that the proposed development would provide 60 direct FTE jobs on-site upon completion and operation of the development as well as indirect employment associated to the development. The proposed use would therefore provide economic and employment benefits which is supported by Policy CP6. Furthermore, Policy CP3 of the Core Strategy supports the provision of accommodation for the elderly which will be encouraged in suitable and sustainable locations.
- 7.1.5 As such, while the development would result in the loss of B2 and B8 uses within the site, the economic and employment benefits would outweigh the loss of the industrial and warehousing floor space which is currently underutilised and does not contribute to the levels of provision within the District.

7.2 Principle of Development

- 7.2.1 The proposed development involves the construction of a 76-bed residential care home on a previously developed site within the Green Belt which is not an allocated housing site.
- 7.2.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy
 - ii. The sustainability of the development and its contribution to meeting local housing needs
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.2.3 Policy CP3 of the Core Strategy advises that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. This includes the provision of housing for the elderly and supported and specialist accommodation which will be encouraged in suitable and sustainable locations.
- 7.2.4 It is noted that the SW Herts SHMA (January 2016) identified a need for 593 residential/nursing car bed spaces between 2013-36. The applicant has provided a further Planning Need Assessment dated February 2017 which takes into account planned schemes and identifies an unmet need of 392 market standard bed spaces equivalent to 89 market standard bed spaces in the District.
- 7.2.5 The Spatial Strategy identifies Carpenders Park as a Secondary Centre and states that within Secondary Centres limited new development will take place on previously developed land and appropriate infilling opportunities. Policy PSP3 of the Core Strategy states that development in Secondary Centres will focus future development predominantly on site within the urban area, on previously developed land. Carpenders Park Farm is previously developed land having been previously used as a commercial dairy.
- 7.3 Green Belt
- 7.3.1 The National Planning Policy Framework (NPPF) states the local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.3.2 Paragraph 89 of the NPPF lists a number of exceptions where construction of new buildings is not considered inappropriate and includes limited infilling or the partial or complete redevelopment of previously developed sites. The redevelopment of a site should however not have a greater impact on the openness of the Green Belt and the five purposes of including land within it than the existing development. Policies CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD (adopted July 2013) reflect national policy as outlined by the NPPF.
- 7.3.3 The proposed development would involve the demolition of the existing buildings and redevelopment of the entire site to provide a 76-bed care home. The application is accompanied by detailed calculations of the existing and proposed gross external area and building footprint. When taking account all of the existing buildings on site, the proposed development would result in a reduction to the gross external area of approximately 1,021sq.m and a reduction in footprint of approximately 2,535sq.m. The applicant has submitted full floor plans and elevations of the existing buildings which support the quoted figures. The development would therefore constitute a significant reduction to the level of built form within the

site when taking account of the gross external area and footprint of the buildings.

- 7.3.4 The existing buildings constitute single storey and two storey buildings while the proposed building would be largely 2.5 storeys in height. The maximum ridge height of the building would be no higher than the maximum ridge height found within the site (10.8m) although it is noted that across the development there would be an average increase in height and consequently bulk and massing of built form. However, given the significant reduction to the footprint of the building and gross external area, it is not considered that the proposed development would have a greater impact on openness relative to the existing development.
- 7.3.5 Furthermore, the design of the building would largely restrict its footprint to the existing developed part of the site with the wings not extending past the existing built form. In addition, the siting of the building some 30m back from the highway would have a positive impact on openness at the site frontage where a number of two storey buildings are currently situated. While the width of the building would be significant at around 75m across its central point, each of the three sections would be linked by glazed communal areas which would provide views through the building to the open landscape to the rear. The design of the building would serve to break up its overall bulk and massing and reduce the impact of the building on the openness of the Green Belt. The positive impact on openness across the full site is therefore considered to outweigh any harm associated to the increased height of built form.
- 7.3.6 The existing buildings are entirely surrounded by hard surfacing and the proposal would introduce significant levels of softly landscaped amenity space to replace the hard surfacing. While hard surfacing does not have an impact on openness it detracts from the rural setting of the surrounding landscape with an urbanising impact on the Green Belt. One of the five purposes of including land in Green Belt is to assist in safeguarding the countryside from encroachment. The significant reduction in hard surfacing would serve to soften the appearance of the site within the landscape and reduce the level of urbanising development particularly where the site adjoins open landscape to the north, east and south.
- 7.3.7 The existing site is a commercial site including B1 (a), B2 and B8 uses. The site is not subject to any planning restrictions relating to hours of operation or level of activities on site. The lawful use of the site may therefore attract significant levels of commercial activity within the site and surrounding roads which could have a significant impact on the rural character of the Green Belt. The replacement of the existing use with residential development would not have a greater impact on the Green Belt by virtue of associated noise disturbance and comings and goings.
- 7.3.8 The proposal would therefore constitute the complete redevelopment of a previously developed site and would not have a greater impact on the openness of the Green Belt than the existing development. As such, the development would constitute an exception to inappropriate development in the Green Belt and would be acceptable in accordance with the NPPF and Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD.

7.4 Character & Appearance

- 7.4.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but 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.'
- 7.4.2 The application site is located on the eastern side of Oxhey Lane with existing residential

development located to the west of the main road. The closest properties are those within the development opposite (accessed from Highfield) which predominantly consist of modern detached properties of varying size, built in the 1990s.

- 7.4.3 The proposed layout comprises a single footprint with three elements linked by glazed communal areas. The central element would run north to south and roughly parallel to the main road and two wings projecting west to east would be sited at either end of the central section. The building would comprise a crown roof with a series of gable ends to each wing. Appendix 2 of the DMP LDD advises that crown roofs can exacerbate the depth and massing of properties and are therefore discouraged.
- 7.4.4 The site is in a relatively isolated position on the eastern side of the road with no immediate neighbours to either side. The proposed building would be of substantial footprint and the land level increases away from the road which would increase the prominence of the proposed building. However, the 2.5 storeys design of the building would not appear excessive and the building would be set back from the road and set in from the flank boundaries to provide sufficient spacing within the site. Furthermore, the development would not be viewed in context with any existing properties. It would replace the existing redundant commercial dairy and associated buildings which are in a poor state of repair and are of differing scale and design.
- 7.4.5 Overall, the scale and design of the proposed development is not considered to appear unduly prominent in the street scene or result in significant harm to the character or appearance of the wider area.

7.5 Residential Amenity

- 7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.'
- 7.5.2 Policy DM1 and Appendix 2 of the DMP LDD set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria at Appendix 2 of the DMP LDD provide specific guidance including, in the interests of privacy and to avoid overlooking, a distance of 28m should be achieved between the faces of single or two storey buildings backing on to each other; distances should be greater in situations where there are site level differences involved.
- 7.5.3 There are no existing neighbours on the application site side of Oxhey Lane. Dwellings opposite are not accessed from the main road and have their rear boundaries backing on to Oxhey Lane. The application site slopes steeply from Oxhey Lane. In any event, given the separation distances to the neighbouring properties of a minimum of 45m it is not considered that the proposed 2.5 storey building would appear overbearing or cause loss of light to the neighbouring dwellings opposite.
- 7.5.4 The development would introduce residential accommodation with habitable accommodation at ground, first and second floor levels served by front facing windows. The windows would have direct outlook onto the front parking area of the site with 45m separating the development from the rear boundaries of the nearest dwellings opposite. The design of the building limits the number of windows within the front roof slope at second floor level and given the separation distances, which would be well in excess of 28m, it is not considered that a loss of privacy would occur.

7.5.5 The design of the building would provide adequate living conditions for future occupiers with over 28m separating the two wings providing sufficient spacing between the windows which face one another. However, each floor would include a north facing window serving a communal room within the central section which would be approximately 10m from the northern wing. To provide acceptable levels of privacy to the facing bedrooms it is considered that the first floor window serving the juice bar should be obscure-glazed and top level opening only; a condition would be attached to any permission granted.

7.6 Amenity Space

7.6.1 Appendix 2 of the DMP LDD advises that at least 15sq.m amenity space should be provided per bed space (to be provided communally). As such the proposed 76-bed care home results in a requirement for 1,140sq.m amenity space.

7.6.2 The development would be served by ample amenity space well in excess of the required level. The amenity space would include activity gardens, seating areas and recreation zones to be used by residents; as well as communal terraces to the rear. The amenity space provision would provide suitable accommodation for future residents and would serve to soften the appearance of the site in the landscape compared to the existing hardstanding.

7.7 Highways and Access

7.7.1 Policy CP10 of the Core Strategy states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District and demonstrate that it provides a safe and adequate means of access.

7.7.2 The development would utilise one of the existing access points from Oxhey Lane to the centre of the site. The Highway Authority has advised that the visibility splays proposed would represent an improvement to the visibility for a vehicle driver compared to the existing access arrangement. The Highway Authority has also advised that the development is not expected to generate a significant increase in traffic movements to and from the surrounding highway network and raises no objection to the development which is not expected to have a significant impact on the safety and operation of the adjacent highway network.

7.7.3 The applicant has indicated that the proposed works would include the creation of a pedestrian refuge island but full details have not been provided. The Highway Authority has suggested a condition requiring the submission of further details in relation to this island and such a condition would be attached to any permission. The works would also be subject to a Section 278 Agreement.

7.8 Parking

7.8.1 Policy CP10 of the Core Strategy sets out that development should make adequate provision for all users including car and vehicle parking and Policy DM13 and Appendix 5 of the DMP LDD set out parking standards; C2 residential institutions require 0.25 spaces per resident bed space plus 1 space per 2 staff non-resident.

7.8.2 In relation to residents, this would equate to a requirement for 19 spaces. In relation to staff, the development is expected to provide 60 FTE jobs; this would equate to a requirement for 30 spaces. Thus, the proposed development would attract a car parking requirement of 49 spaces.

7.8.3 The proposed development would provide a total of 31 standard car spaces, three disabled spaces, one delivery space and a drop off point which can accommodate a further three car

spaces. The development would therefore result in a shortfall of 15 spaces excluding the delivery and drop off points.

7.8.4 Appendix 5 of the DMP LDD allows for a 50-75% adjustment to the parking standards which would equate to a parking provision requirement of 24.5 – 36.75. In this regard, the proposed development would meet the required standards. The parking provision is therefore considered acceptable to serve the development.

7.9 Refuse & Recycling

7.9.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the DMP LDD sets out

7.10 Flood Risk & Drainage

7.10.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. In certain circumstances, and provided effective mitigation measures are in place, development may be acceptable in such areas. Policy CP1 of the Core Strategy (adopted October 2011) also advises that in order to contribute towards the sustainability of the District, development proposals should manage and reduce risk of and from pollution in relation to quality of land, air and water dealing with land contamination.

7.10.2 Policy CP12 of the Core Strategy (adopted October 2011) 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.

7.10.3 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) 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.

7.10.4 Policy DM9 (Contamination and Pollution Control) of the Development Management Policies LDD (adopted July 2013) requires development to include Sustainable Drainage Systems (SuDs). Policy DM9 of the Development Management Policies LDD (adopted July 2013) also states that;

b) The Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that;

i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and

ii) There will be no adverse impact on the quality of local groundwater or surface water quality.

7.10.5 HCC as Lead Local Flood Authority have been consulted in relation to the application. Whilst they raised an initial objection, following the submission of additional information during the course of the application they have confirmed that they raise no objection subject to conditions.

7.10.6 HCC have advised that following a review of the Flood Risk Assessment prepared by CWA, document reference CWA-16-598 dated June 2017 and confirmation from the Environment

Agency and Highways Authority in relation to the proposed discharge scheme, they raise no objection on flood risk grounds. They note that the drainage strategy is based upon underground cellular storage, rain water gardens, attenuation pond and basin and discharge to a main river under the highway. They note that the surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change with 5 l/s discharge to the river.

7.11 Biodiversity

7.11.1 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.11.2 Hertfordshire Ecology have reviewed the submitted details and have advised in relation to bats, that the combination of the outlined construction phase mitigation and avoidance, and the post construction compensation and enhancement schemes are adequate to assure the continuing conservation status of bats within the boundary of the application site. Subject to a condition requiring following up dusk emergence and dawn re-entry surveys they raise no objection in this regard.

7.11.3 Some concerns have been raised in relation to external lighting. Whilst Hertfordshire Ecology do not object in principle on ecology grounds, they have requested assurances to ensure that ecology is safeguarded and it is considered appropriate to require further details by condition on any grant of consent.

7.12 Sustainability

7.12.1 Policy CP1 of the Core Strategy sets out that all applications for all new commercial development of one unit or more will be required to submit a CPLAN Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design and construction. Policy DM4 of the Development Management Policies Document states that development should provide 5% less Carbon Dioxide than Building Regulations Part L (2013) having regard to feasibility and viability.

7.12.2 An Energy Statement has been submitted which demonstrates that the proposal would exceed policy requirements. A condition would require the development to be implemented in accordance with the approved details.

7.13 Contributions

7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. However, there is no CIL charge for certain types of development including residential care homes.

8. **Recommendation**

That PERMISSION BE GRANTED subject to the following conditions:

8.1 Conditions

C1 Time Limit

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

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

C2 Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: G4074 (00) 01 A, G4074 (00) 02, 2764-101 (Rev B), G4074-01-01 Q, G4074-01-02 R, G4074-01-03 N, G4074-01-04 D, G4074 (03) 01 B, G4074 (21) 01 B, G4074 (90) 01 J, G4074 (02) 01 D, G4074-(02)-02 C.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM4, DM6, DM7, DM8, DM9, DM10, DM11 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Materials

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Site Waste Management Plan (SWMP)

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

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

C5 Surface Water Drainage

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by CWA the Flood Risk Assessment, document reference CWA-16-598 Rev B, dated August

2017:

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 397 m³ (or such storage volume agreed with the LLFA) of total storage volume in underground attenuation tank, attenuation pond and basin.

3. Discharge of surface water from the private drain into Hearts Bourne – a main river.

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.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C6 Drainage Strategy

No 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.

1. Detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

C7 SuDS Implementation

No development shall take place until details of the implementation, maintenance and management of the Sustainable Drainage Scheme approved in accordance with condition C6 have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: This is a pre-commencement condition to prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Access Design

The development shall not begin until details of the proposed access arrangements onto Oxhey Lane have been submitted to and approved in writing by the Local Planning Authority. The details should confirm that the proposed retaining wall on the south side of the access will be constructed along the site boundary and will not encroach upon the strip of land between that boundary and the existing highway. The development shall be carried out and maintained in accordance with the approved details.

Reason: This is a pre commencement condition to ensure that the development construction is contained within the site boundary and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C9 Pedestrian Access

The development shall not begin until details of the proposed pedestrian refuge island on Oxhey Lane have been submitted to and approved in writing by the Local Planning Authority. The details should confirm the proposed dimensions of the island and the provision of suitable tactile paving to define the proposed pedestrian crossing route. The development shall be carried out and maintained in accordance with the approved details.

Reason: This is a pre commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C10 Construction Management Plan (CMP)

The development shall not commence until full details of all proposed vehicle access, routing within the site, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. The approved Construction Method Statement shall be adhered to throughout the construction period.

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

July 2013).

C11 Ecological Surveys

Prior to the commencement of the development, follow-up dusk emergence / dawn re-entry surveys should be undertaken during May - September (inclusive) to determine whether bats are roosting and, should this be the case, the outline mitigation strategy should be modified as appropriate based on the results and then be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: This condition is a pre commencement condition 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 Lighting

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

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C13 Landscape Management Plan – Details

A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C14 Obscure Glazing

Before the first occupation of the building/extension hereby permitted the window(s) in the first floor northern elevation of the 'Juice Bar / Lounge / Café' as shown on plan G4074-01-02R; 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 occupiers 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).

C15 Boundary Details

Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation 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 amenity 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).

C16 Energy Statement

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.

8.2 Informatives:

1. General Advice:

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 £97 per request (or £28 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

applicant's expense.

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

2. Construction Hours:

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.

3. Positive & Proactive:

The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and the Local Planning Authority engaged in pre-application discussions and the Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

4. Highways Advisory Note:

The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any land forming part of the highway. Prior to commencement of any works the applicant is advised to contact the County Council Highways via either the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or telephone 0300 1234047 to enter into the necessary agreement with the Highway Authority to enable works in the highway to proceed.

5. Environment Agency Advisory Note:

It is recommended that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to the contaminated land pages on GOV.UK for more information.