



Appeal Decision

Site visit made on 10 October 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/P1940/W/22/3300549

Beeson's Yard, Bury Lane, Rickmansworth WD3 1DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Natabi Properties T/A NL Property and NL Care Property Limited against the decision of Three Rivers District Council.
 - The application Ref 21/1971/FUL, dated 6 August 2021, was refused by notice dated 21 February 2022.
 - The development proposed was originally described as full planning application for the demolition of existing buildings and structures and the erection of a 48-unit extra care (Use Class C2) scheme with car parking and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping at Beeson's Yard, Bury Lane, Rickmansworth WD3 1DS in accordance with the terms of the application Ref 21/1971/FUL, dated 6 August 2021, subject to the attached schedule of conditions.

Preliminary Matters

2. The description of development in the formal decision above has been taken from the Council's decision notice and the appeal form. This is because it is a more accurate reflection of the development for which permission is sought than that given on the application form.
3. During the appeal process a completed Section 106 agreement was provided to address the third reason for refusal. I shall return to this matter later in my decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on the living conditions of the occupants of Chesswood Court, with particular reference to privacy, sunlight and daylight; and
 - Whether the development would be acceptable in terms of parking, having regard to the requirement of a Section 106 agreement.

Reasons

Character and appearance

5. The appeal site is accessed from Bury Lane and contains two commercial buildings. Part of the access drive falls within the Rickmansworth Town Centre Conservation Area (CA). The existing buildings are two-storey in height. The majority of the site is hard surfaced and includes parking areas. Views of the existing buildings are extremely limited from public vantage points due to the adjacent built development. For these reasons, the appeal site currently makes a neutral contribution to the character and appearance of the surrounding area.
6. The proposed building would be a part five (served by roof accommodation), part four and part three storey building, with an "L" shaped footprint. It would have a combination of crown and hipped roofs, small gables and dormer windows. The building would include a mix of external materials, including red brick, white render and slate roof tiles. Externally, parking and landscaping are proposed.
7. I observed on my site visit that the appeal site is surrounded by built development which is mixed in character and appearance. Gables Cottage (a locally listed building) is an attractive two-storey dwelling with a distinctive character, adjacent to the access drive of the site. Chesswood Court is adjacent to Gables Cottage and comprises a two-storey building fronting Bury Lane and a three-storey building (which abuts the eastern boundary of the appeal site), with associated parking and communal gardens. Bury Mews is also adjacent to the access drive and comprises two-storey dwellings.
8. To the south of the appeal site is a garage court and Bury Meadows which is a four-storey, flat roofed flatted development with a large footprint. Bury Meadows is a gated development and there is no public access. Towards the west of the appeal site is Goral Mead which comprises three/four storey buildings with a large footprint. Goral Mead is accessed via a residents only private road. To the north of the appeal site is Town Ditch and the rear elevations of two-storey dwellings situated on Ebury Road. These detached and semi-detached dwellings have relatively small gaps to the side which restrict views of the appeal site.
9. The proposed building would be much larger than the existing buildings within the appeal site and would inevitably change the character and appearance of the area. However, a particular characteristic of the area is that the buildings are varied, with no dominant style, footprint, scale or massing. Particularly due to the five-storey element of the building, it would be higher than buildings in the immediate locality and significantly taller than the single storey garage blocks adjacent to the site. The proposed materials would be in keeping with the local area.
10. The reason for refusal refers to harm to the area and adjacent street scenes. The building would have no immediate street facing elevations. From the Bury Lane access, the five-storey height of the building would be visible, along with the balconies and inset doors within the roof. Given the set back from nearby roads and the surrounding built development, there would be glimpsed views of the proposed development from public vantage points (including Bury Lane and Ebury Road). Views from the surrounding roads would primarily be dominated

by the existing residential development in the foreground, rather than the proposed development.

11. The development would be more prominent and visible from private vantage points, including Bury Meadows, Chesswood Court, Goral Mead and some properties on Ebury Road as well as their private gardens. However, the building would be seen in the context of the existing built development which includes a variation in the type of roof forms and scale of buildings.
12. As stated above, the proposed building would include crown roof sections. Policy DM1 of the Council's Local Plan: Development Management Policies Local Development Document (2013) (DMP) states all applications for residential development should satisfy the design criteria as set out in Appendix 2. Appendix 2 states that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.
13. The appellant questions the status of Appendix 2, having regard to the Town and Country Planning (Local Planning) (England) Regulations 2012 Legislation, the Planning and Compulsory Purchase Act (2004) (as amended) and a legal judgement¹. They consider that whilst applications should satisfy the Design Criteria in Appendix 2, there is no policy requirement that they must do so.
14. The Design Criteria does not specifically state that crown roofs are unacceptable. The proposed building would have a greater visual presence than the existing two-storey buildings. The crown roof sections of the proposed building would emphasise the bulk and scale of the building. However, having regard to the design of the building (including varying height, roof forms and materials), siting of the crown roof section, and also the varied character and roof forms in the locality, the proposed building (including its height, bulk and massing) would not result in an unduly prominent form of development. The proposal would make efficient use of land whilst respecting the distinctiveness of the varied built form in the locality.
15. For these reasons, the proposed development would not be harmful to the character and appearance of the surrounding area. Consequently, it would comply with Policies CP1, CP3 and CP12 of the Council's Local Development Framework: Core Strategy (2011) (CS) and Policy DM1 of the DMP. These seek, amongst other matters, to ensure development proposals make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing, and use of materials. It would also comply with the overarching aims of Appendix 2 which states new development must not be excessively prominent to the general streetscene. The development would also comply with the overall aims of the National Planning Policy Framework (the Framework) which seeks to achieve well-designed places which are sympathetic to local character.

Living conditions

16. The Council's concerns in this regard relate to specifically the occupiers of Chesswood Court. Chesswood Court is situated towards the east of the appeal site and comprises residential flats. As acknowledged, in the previous section,

¹ Cherkley Campaign Ltd v Mole Valley DC v Longshot Cherkley Court Ltd [2013] EWHC 2582 (Admin), 22 August 2013.

the proposed development would be taller than the existing buildings within the appeal site. The land levels between the appeal site and Chesswood Court are similar. The higher part of the proposed building would be situated towards the southern end of the appeal site, facing towards Chesswood Court's car park and the appeal site's access drive.

17. The Design Criteria sets out that distances between buildings should be sufficient as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved.
18. The Council, and residents, highlight that as the proposed building is greater than two storeys, the guidance requires a distance in excess of 28m. The distance between the proposed building and Chesswood Court would be marginally less than the indicative figure of 28m.
19. It is important to acknowledge that the Design Criteria applies a standard across the entire district which comprises both high and low densities, but predominantly is covered by low density development. The appeal site is located within the town centre where there is a higher density than other parts of the district. In urban areas such as this, the area is characterised by tighter, higher densities where there are greater degrees of overlooking than in low density areas. Furthermore, the distance is indicative. There is also competing requirements with the Design Criteria and the Council's Housing Delivery Test Action Plan which encourages higher densities. In this regard the appellant has also drawn my attention to the National Model Design Code, the status of Appendix 2 and a legal judgement².
20. The appellant also highlights that the Council has amended the indicative figure to 22m in the emerging local plan. However, in their submission they state it is at a very early stage and has stalled, and the latest Local Development Plan Scheme suggests an adoption date for the new local plan of July/August 2025. Therefore, having regard to paragraph 48 of the Framework, I give limited weight to this figure contained within the emerging local plan.
21. My attention has been drawn to examples of residential developments, in the locality, which have less than a 28m separation distance. For example, the appellant states that the separation distance between 6-12 Chesswood Court and 1-5 Chesswood Court is approximately 17m.
22. The proposed building would undoubtedly alter the privacy levels of occupiers of Chesswood Court which face the appeal site, compared to the existing arrangement. The windows which would directly face Chesswood Court would serve mainly bedrooms and living rooms, as well as non-habitable stairwell windows.
23. The separation distance between the proposed building and Chesswood Court would not be considerably less than the indicative 28m figure. Thus, having regard to the distance between Chesswood Court and the proposed building, the density of the local area (where there is an inherent degree of overlooking and separation distances which are less than 28m) and the requirements of the Housing Delivery Test Action Plan, the development would not result in

² Suffolk Coastal District Council v Hopkins Homes Ltd [2017] UKSC 37

- unacceptable overlooking (including perception of overlooking). The distances between the buildings would be sufficient to maintain acceptable standards of privacy for the occupiers of Chesswood Court.
24. The planning application was accompanied by a daylight and sunlight report, with reference to BRE guidance³. The BRE guidance has since been comprehensively revised in 2022, but the appellant confirms that the methodology for determining daylight and sunlight impacts to surrounding properties remains unchanged.
25. The target values provided in the BRE guidelines provide useful tests, but they are guidance, and I am required to make an overall judgement about living conditions, bearing in mind the Framework and any development plan policies. In relation to achieving appropriate densities and in the context of housing land supply shortages, paragraph 125 c) of the Framework states that when considering applications for housing, local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
26. The Council highlight that four rooms have been identified that would, as a result of the proposed development, experience reductions in Daylight No Sky Line (NSL). There is no doubt that there would be a reduction in daylight in NSL terms. However, the appellant's case sets out that three of the affected rooms do not contravene the recommendations within the BRE Guidelines and the reasons why the impact to NSL to the other room is considered acceptable.
27. The BRE Guidelines proposes the Vertical Sky Component (VSC) and NSL tests for daylight and the Annual Probable Sunlight Hours (APSH) test for sunlight. Three of the rooms would experience reductions in their existing NSL of between 20-30%, and so are defined as minor adverse and not significant. The appellant highlights that the guidelines set out that bedrooms are considered to be less important when it comes to the consideration of NSL, and given that the windows retain a high level of daylight (VSC), the impact on the bedrooms would not be unacceptable.
28. The appellant has provided a photograph of an example kitchen within Chesswood Court which shows a small kitchen. Given the size of the kitchen, and the provided habitable rooms definition⁴, it would be deemed as a non-habitable room. Therefore, the impact to the kitchen would not contravene the BRE guidelines and the window serving the kitchen would retain a high level of daylight (VSC). As a result, the impact on the kitchen would be acceptable.
29. The ground floor living/dining room is served by three windows. The room will experience a reduction in daylight in NSL (distribution of daylight at desk height within the room) which will be noticeable. This room would retain more than 27% VSC. The evidence before me demonstrate that this room would retain daylight in VSC terms above the level where the BRE Guidelines state, *then enough skylight should still be reaching the window of the existing building*. This flat also meets the recommendations within the BRE Guidelines in relation to sunlight.

³ BRE Guidelines (BR 209): Site layout planning for daylight and sunlight: a guide to good practice (2011)

⁴ The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

30. The evidence before me suggests that within Chesswood Court all windows will meet the BRE guidelines for VSC and APSH and the two living rooms that retain less than 80% of their existing daylight distribution retain over 27% VSC in absolute terms.
31. Residents have commented on the daylight and sunlight report. Some of these comments are particularly detailed and relate to the room layouts, RICS guidance, instances where the test fails, ADF results, own analysis, colour of walls, ceilings and floor.
32. The appellant asserts that BRE guidelines make no specific reference to home offices and only living rooms require analysis for sunlight. In addition, only living rooms have a sunlight requirement in RICS guidance, rather than home offices. I understand that the ADF test included in the 2011 BRE guidance has been removed in the latest guidance. In any event, Chesswood Court does not qualify as an instance where it may be appropriate to assess a neighbouring building using ADF. In relation to the local residents own analysis, this refers to winter VSC. However, VSC does not change depending on season as it is an assessment of the visible sky angle which is constant. The assumption of white ceilings, cream walls and wooden floors is not wholly unreasonable.
33. For these reasons, having regard to the findings of the daylight and sunlight report, as well as the layouts, number of windows serving the rooms/flats and paragraph 125 c) of the Framework, the flats within Chesswood Court would remain well-lit with the proposed development in place, and the proposal would not have an unacceptable effect on daylight and sunlight.
34. The Council has raised concern in relation to planting trees along the boundary. They consider this would adversely impact light to Chesswood Court and their shared amenity space, as well as conflicting with the proposed parking area. A planning condition relating to soft landscaping, and the submitted landscape masterplan and site layout drawing, could be attached to ensure that all planting is appropriate.
35. Consequently, I am satisfied that the proposed development would not adversely affect the living conditions of the occupiers of Chesswood Court to a degree that would warrant planning permission being refused, particularly in an urban area such as this. The proposed development would not have an unacceptable effect on the living conditions of the occupants of Chesswood Court, with particular reference to privacy, sunlight and daylight. Consequently, it would comply with Policies CP1 and CP12 of the CS, Policy DM1 of the DMP, as well as the overarching aims of Appendix 2 of the DMP. These seek, amongst other matters, to ensure development will not result in the loss of residential amenity. The development would also comply with the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users, amongst other things.

S106

36. Local residents have raised concerns relating to parking, and the restricted available parking in the local area. The appeal site is located within the town centre. In this area parking is permit controlled and parking is in high demand. A S106 agreement is required due to the high demand for parking in the area and this would be exacerbated by the addition of the proposed development if not restricted.

37. The statement of common ground sets out that it is agreed that this reason for refusal can be overcome by the completion of a S106 legal agreement, to ensure the prevention of applications for on-street parking permits by future residents of the scheme. A signed S106 agreement has been submitted during the appeal process, to restrict the ability for new residents to obtain parking permits. Based on the information before me, I am satisfied that the legal agreement meets the relevant tests⁵.
38. For these reasons, the signed legal agreement satisfies this reason for refusal. Consequently, the proposed development would comply with the overarching aims of Policy DM13 and Appendix 5 of the DMP, which set out car parking requirements for the district.

Other Matters

39. In addition to matters relating to the main issue, I have considered in detail the objections from residents. The concerns relate to a range of matters including: harm to living conditions of other nearby residential units, strain on the NHS locally, the proposed amenity space (including potting shed), highway safety, conservation area and locally listed buildings. In addition, matters relating to: a revised scheme, the developer building another care home nearby, biodiversity, flooding, 24/7 usage, noise, disturbance, light pollution, loss of commercial units and property value. The Council did not refuse the planning application on these grounds.
40. Given the distance between the proposed development and other nearby residential units, I am satisfied that the scheme would not have an unacceptable effect on the occupiers of nearby residential units in a built-up area such as this, with regard to privacy, outlook, light. Similarly, whilst on-site movement would occur during the day and night, the level of movements would not result in unacceptable harm through noise and disturbance. Any noise and disturbance to neighbouring residents during construction is inevitable but would be temporary and does not amount to a reason to withhold planning permission. A condition relating to a construction management plan could also be secured by condition, relating to timing of construction activities.
41. There is no substantive evidence to demonstrate that the proposal would give rise to additional strain on the NHS locally. On-site care would be provided which could reduce potential extra demands on the NHS and GP surgeries.
42. Local planning policy does not provide indicative levels of amenity space for extra care accommodation in a C2 use. Given the nature of the development, and its location in the town centre, and the various elements included within the landscaping scheme, the communal and private levels of amenity space would be acceptable.
43. I have taken into account the concerns relating to highway and pedestrian safety. These include concerns relating to increased traffic, splay lines, the access, fatality nearby, traffic act, mobility carriages and parking layout. In addition, I acknowledge the characteristics of Bury Lane, including sections without a pavement, kerb height, one-way road, corners with restricted visibility and width. I have also considered the photographs submitted.

⁵ Paragraphs 55 and 57 of the Framework

44. The Highway Authority did not object to the proposal, and they did not challenge the findings of the transport statement or trip generations data. The number of vehicle trips associated with the proposed use would not be severe nor significant. Furthermore, the anticipated number of vehicle trips is less than the current use of the site and the site is in a sustainable location in close vicinity to the town centre with the potential to reduce the need to travel and maximise/ promote sustainable travel options for residents, visitors and employees of the site. Accordingly, the proposed development would not have an unacceptable impact on highway or pedestrian safety and would comply with both local and national planning policy.
45. As already stated above, part of the access drive falls within the CA. There are also two locally listed buildings (Beresford Almshouses and The Gables) in close proximity to the appeal site. The conservation officer did not object to the scheme, and I am satisfied that the proposed development would preserve the character and appearance of the CA, including its setting, and the locally listed buildings. The proposed development would not have a harmful effect on these designated and non-designated heritage assets. This is because of the sympathetic design of the building, distance between the proposed building and the locally listed buildings (including intervening built development) and mixed character of the area.
46. It has been drawn to my attention that since the application was refused, the appellant has presented a revised scheme to interested parties ahead of a new planning application being submitted. Nevertheless, in relation to this matter and the indication that the developer is building another care home nearby, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me.
47. In relation to biodiversity, an ecological report was submitted with the planning application. The ecology advisor did not object to the proposal, subject to specified planning conditions. The proposal would be acceptable in this regard.
48. Residents highlight there is often flooding in Bury Lane, and have provided a photograph. The appeal site lies within Flood Zones 1, 2 and 3a and is at low risk from surface water flooding. Furthermore, the development is considered as 'more vulnerable'. Initially the Lead Local Flood Authority and Affinity Water objected to the proposal. These concerns have been addressed, and subject to planning conditions, they do not object to the proposed development. The proposal has been tested in accordance with the policy set out in the Framework, with the submission of a Sequential Test, and the undertaking of an Exception Test as part of the Flood Risk Assessment of the site. The proposal is acceptable in terms of flood risk and drainage.
49. The proposal would result in the loss of two existing local businesses, which the Council acknowledges would conflict with Policy CP6 of the CS. However, the Council cannot meet its 5 year housing land supply and there is a need for specialist C2 use. In addition, the proposed development would provide employment. For these reasons, the loss of the commercial units is acceptable.
50. In terms of impact on property values, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

51. Consequently, subject to appropriate conditions, there is no credible evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised, or that could justify the dismissal of the appeal on these grounds.

Planning Balance

52. The appellant has clearly set out benefits of the proposal in their submission. The main parties agree that the Council cannot demonstrate a 5 year housing land supply, and the Council has a 1.9 year supply. They consider that the scheme would contribute towards the Council's housing land supply by way of the provision of between 35-37 market dwellings. The development would free up market housing and provide for an identified need for C2 housing within the district.
53. There would also be social benefits arising and on-site care could assist to reduce the need for hospital and GP services as well as health and well-being benefits. In addition, there would be economic benefits through the construction process, job creation and use of local amenities and services. There would also be biodiversity/ environmental benefits. Collectively these benefits carry substantial weight.
54. As set out above, there would be no harm to the character and appearance of the area or the living conditions of the occupants of Chesswood Court. I have found that the appeal scheme accords with the development plan as a whole.

Conditions

55. I have assessed the Council's suggested conditions in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision. Having regard to the consultation responses (including the landscape and ecology officers as well as the Lead Local Flood Authority), I also consider additional conditions are necessary to those suggested. The appellant and Council were given the opportunity to comment on the slightly altered wording of the conditions and the new conditions.
56. It is necessary to attach a condition specifying the approved plans as this provides certainty. A construction management plan condition is necessary to protect amenity and highway safety. Similarly, a parking and delivery management plan condition is necessary to safeguard neighbouring amenity from unacceptable noise and disturbance and to ensure an acceptable level of on-site parking spaces. A condition relating to a Travel Plan statement is necessary to ensure that sustainable travel options associated with the development are promoted and maximised. A condition relating to the provision of parking and servicing area is necessary in the interest of highway safety.
57. Archaeology conditions are necessary to protect any archaeological remains present within the development site. Contamination, borehole and infiltration of surface water conditions are necessary to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.
58. An ecology condition is necessary to ensure the continued ecological functionality of bats and their roosts are maintained. A biodiversity condition is necessary to ensure biodiversity net gain. A condition relating to a construction

environmental management plan, is necessary to ensure that the watercourse is protected from any adverse impact.

59. Materials, hard and soft landscaping scheme as well retention of existing signage conditions are necessary in the interest of visual amenity of the area, as well as the character and appearance of the CA. A condition relating to external lighting is necessary in the interests of visual amenity, to preserve the character and appearance of the CA and safeguard biodiversity. In order to safeguard nearby trees, a condition relating to tree protection is necessary.
60. A fire hydrant condition is necessary to ensure that there is adequate capacity for fire hydrants. A verification report condition is necessary to ensure that the site does not pose any further risk to the water environment. Conditions relating to the Flood Risk Assessment, Drainage Strategy, surface water drainage, verification report, SuDS, flood warning measures and finished floor levels are necessary to ensure flood risk is not increased elsewhere, that the development would not be subject to unacceptable risk of flooding and to reduce the risk of flooding to the proposed development and future occupants. A condition relating to piling/ foundation works risk assessment is necessary to ensure that the proposed development does not harm groundwater resources.
61. To protect neighbouring privacy levels conditions relating to obscure privacy screens and obscure windows are necessary. In order to ensure that the development will meet the requirements of local planning policy, a condition relating to energy measures is necessary.
62. The Planning Committee report sets out a list of informatives for the appellant to be aware of, in relation to consultation responses.

Conclusion

63. I realise that this decision will come as a disappointment to those who objected against the proposed development. However, taking everything into account, there is no compelling reason to withhold planning permission in this case. Consequently, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal succeeds.

L Wilson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP 01 (site location plan); LP 02 Rev A (conservation area contextual site plan); LP 03 Rev C (Contextual site plan showing approx. building heights); LP 04 (Combined title information site plan); PL 102 Rev C (Proposed site layout plan); PL 103 Rev C (Proposed floor plans – ground & first floor); PL 104 Rev C (Proposed floor plans- second & third floor); PL 105 Rev B (Proposed floor plans- fourth floor and roof plan); PL 106 Rev C (Proposed elevations- south & east); PL 107 Rev C (Proposed elevations- north & west); PL 108 Rev C (Proposed contextual elevations- south & east); SV 02 (Partial surveyed building plans (existing)); SV 03 (Topographic survey (existing site)) and MCS23387 10 (Landscape Masterplan).
- 3) The development hereby permitted shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of:
 - Construction vehicle numbers, type, routing;
 - Access arrangements to the site;
 - Traffic management requirements;
 - Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - Siting and details of wheel washing facilities;
 - Cleaning of site entrances, site tracks and the adjacent public highway;
 - Timing of construction activities (including delivery times and removal of waste);
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 4) The development hereby permitted shall not commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
 1. The programme and methodology of site investigation and recording;
 2. The programme and methodology of site investigation and recording as suggested by the evaluation;
 3. The programme for post investigation assessment;
 4. Provision to be made for analysis of the site investigation and recording;
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. Provision to be made for archive deposition of the analysis and records of the site investigation; and

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

- 5) The development hereby permitted shall not commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - i. all previous uses;
 - ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors; and
 - iv. potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

- 6) The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.
- 7) Prior to commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall describe how the watercourse habitat will be protected from any adverse impact. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 8) No development shall take place until a detailed surface water drainage scheme for the site based on the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 04, dated: July 2021) and the response to the LLFA's Consultation dated: 11th

January 2022, ref: 425.05039.00023, dated: 14.01.2022) and sustainable drainage principles and sent to the local planning authority for approval. The scheme shall also include;

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as lined permeable paving, pond/wetland areas etc. and reducing the requirement for any underground storage.
4. Detailed post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change.
5. Provision of pre- and post-development modelling of risk of flooding from surface water utilising the existing and proposed ground levels.
6. All proposed SuDS features should be lined to mitigate groundwater contamination and prevent groundwater ingress.
7. Confirmation of final acceptance of updated modelling of Flood Zone 2 by the Environment Agency, and subsequent provision of SuDS features outside of Flood Zones (2 & 3).
8. Provision of overland flows and exceedance routes along with any informal flooding identified with location and depths and shown on a plan.
9. Provision of half drain down times less than 24 hours for proposed SuDS features.
10. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved scheme.

- 9) A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.
- 10) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority in conjunction with Affinity Water. The Remediation Strategy shall be implemented as approved.
- 11) Prior to demolition of the two-story buildings identified to have low bat roosting potential (ref: Preliminary Ecological Appraisal, 3 August 2021 prepared by GreenLink Ecology Ltd), one dusk emergence / dawn re-entry survey should be undertaken during May - August inclusive to determine with confidence whether bats are roosting and, should this be the case, the mitigation measures should be modified as appropriate based on the results

and then be submitted in writing to the local planning authority. Thereafter the development shall be carried out in accordance with these approved details.

- 12) Before above ground works commence, samples and details of the types, colour and finish of all external materials, shall be submitted to and approved in writing by the local planning authority prior to their first use on site. Development shall be carried out in accordance with the approved details/samples.
- 13) Before above ground works commence, a Biodiversity Enhancement Plan shall be submitted to and approved by the local planning authority. The Biodiversity Enhancement Plan shall incorporate all the enhancement measures (as set out at section 5.3 of Preliminary Ecological Appraisal, 3 August 2021 prepared by GreenLink Ecology Ltd) and detail the location and type of habitat boxes/structures within the building. The approved measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.
- 14) Before above ground works commence, a scheme for the provision of fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the local planning authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.
- 15) No site clearance, preparatory work or development shall take place until a scheme for the protection of trees within 15m of the site (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the trees shall be carried out as approved.
- 16) At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.
- 17) Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

- 18) The development hereby permitted shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis and publication where appropriate.
- 19) Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.
- 20) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall also include details of all new trees including specie type and initial planting height, all boundary treatments and details of the potting shed shall be submitted to and approved in writing by the local planning authority. The hard and soft landscaping scheme shall follow the details approved as shown on drawings PL 102 Rev C (Proposed site layout plan) and MCS23387 10 (Landscape Masterplan).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 21) Prior to the first occupation of the development hereby permitted, an Emergency Plan based on the Draft Emergency Flood Response Plan V1 dated August 2021 prepared by SLR Consulting Limited document shall be submitted to and approved in writing by the local planning authority. The Plan shall follow guidance set out within the Flood Risk emergency plans for new development and include:
- measures to ensure occupiers are aware of the likely frequency and duration of flood events; and
 - safe access to and from the development.
- The plan shall be implemented in accordance with the approved details and maintained thereafter.
- 22) Prior to the first occupation of the development hereby permitted, a Parking and Delivery Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall set out the allocation of parking spaces and delivery hours. The agreed details shall be adhered to thereafter.
- 23) Prior to the first occupation of the development hereby permitted, details of the 1.8m high obscure privacy screens as shown on drawing numbers PL 106 Rec C (Proposed elevations- south & east) and PL 107 Rev C (Proposed elevations- north & west) shall be submitted to and approved by the local planning authority. The obscure privacy screens shall be erected as approved and be permanently retained thereafter.
- 24) Prior to the first occupation of the development hereby permitted, the windows in northern elevation (closest to the northern boundary of the

application site) above ground floor level; shall be fitted with purpose made obscured glazing. Any top level opening will be at 1.7m above the floor level in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

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

- 26) The existing signage above the access into the application site shall remain in situ and be permanently maintained thereafter following completion of the development.
- 27) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 28) No works involving excavations (e.g., piling) shall be carried out until the following has been submitted to and approved in writing by the local planning authority in consultation with Affinity Water:
- Further Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
 - A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
 - A Method Statement detailing the depth and type of excavations (e.g., piling) to be undertaken including mitigation measures (e.g., turbidity monitoring, appropriate piling design, off site monitoring boreholes) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- The applicant / developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.
- 29) Finished floor levels shall be set no lower than 46.8m above Ordnance Datum (mAOD). Compensatory storage shall be provided around the exterior of the building by reductions in the ground level, as stated in section 5.4.2 and Table 5.3 of the Flood Risk Assessment and Surface Water Drainage Strategy (Version 04, dated July 2021). Flood End 2 storage will be preserved or increased on a level for level basis, up to the design flood height of 46.5m AOD.

- 30) Prior to first occupation of the development hereby permitted, the sustainability measures detailed within the Energy Statement prepared by Energist (dated 30 July 2021) shall be fully installed and operational prior to the occupation of the development and thereafter maintained.
- 31) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR (ref: 425.05039.00023, rev: 04, dated: July 2021) and the response to the LLFA's Consultation (dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022)) and the following mitigation measures:
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 1.0/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 in lined geo-cellular crates, lined permeable paved area and a pond/wetland area.
 3. Discharge of surface water from the site into the Town Ditch main river at a restricted rate of 1.0l/s.
- 32) The development hereby permitted shall not be occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the local planning authority. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and Control mechanism.
- 33) Upon completion of the drainage works in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the local planning authority. The scheme shall include;
1. Provision of complete set of built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.
- The development shall be carried out in accordance with the approved scheme.