

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 19 June 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Oliver Cooper
Harry Davies
Steve Drury
Philip Hearn
Stephen King

Elinor Gazzard (Vice-Chair)
Chris Lloyd
Abbas Merali
Chris Mitchell
Debbie Morris

*Joanne Wagstaffe, Chief Executive
Wednesday, 11 June 2025*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

1. Apologies for Absence

2. Minutes

(Pages 5 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 22 May 2025.

3. Notice of Urgent Business

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

4. Declarations of Interest

To receive any declarations of interest.

5. 24/0532/FUL: Demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at Overbury, Woodside Walk, Northwood, HA6 3ET (Pages 13 - 102)

Demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at Overbury, Woodside Walk, Northwood.

Recommendation: that subject to no new material considerations being raised, planning permission be granted subject to conditions.

6. 24/1963/FUL: Construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross, WD3 9SW (Pages 103 - 194)

Construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross.

Recommendation: that following the completion of a S106 agreement to secure financial contributions toward biodiversity monitoring, travel plan monitoring and sustainable transport improvements, planning permission be granted subject to conditions.

7. 25/0153/FUL – Change of use from builder's merchant (Sui Generis) to Class B8 (Storage and Distribution) use with ancillary trade counter at Units A & B, Valley Park, Olds Approach, Rickmansworth, Watford, Hertfordshire WD18 9TL (Pages 195 - 206)

Change of use from builder's merchant (Sui Generis) to Class B8 (Storage and Distribution) use with ancillary trade counter at Units A & B, Valley Park, Olds Approach, Rickmansworth.

Recommendation: that planning permission be granted.

8. Other Business - if approved under item 3 above

Exclusion of Public and Press

If the Committee wishes to consider any items in private, it will be appropriate for a resolution to be passed in the following terms:

"that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items).

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

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Planning Committee MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 22 May 2025 from 7.30 – 9.17 pm

Present: Councillors Chris Whately-Smith, Elinor Gazzard, Oliver Cooper, Harry Davies, Steve Drury, Andrea Fraser, Philip Hearn, Stephen King, Chris Lloyd, Chris Mitchell and Debbie Morris

Also in Attendance:

Councillor Narinder Sian

Officers in Attendance:

Matthew Barnes, Planning Solicitor
Lauren Edwards, Senior Planning Officer
Emma Lund, Senior Committee Officer
Adam Ralton, Development Management Team Leader
Kimberley Rowley, Head of Regulatory Services

PC139/25 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Merali. Councillor Fraser substituted for Councillor Merali.

PC140/25 MINUTES

The minutes of the meeting of the Planning Committee held on 17 April 2025 were confirmed as a correct record and signed by the Chair.

PC141/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC142/25 DECLARATIONS OF INTEREST

The Liberal Democrat Group declared a non-pecuniary interest in agenda item 9 (25/0658/FUL – 10 Oak Green, Abbots Langley) as the agent is a member of the Council and a member of the Liberal Democrat Group.

Councillor Fraser declared a non-pecuniary interest in agenda item 5 (24/1401/FUL: Christ Church C of E School, Rickmansworth Road, Rickmansworth) as a governor of St Mary's School which is part of the same academic Trust. Councillor Fraser declared that she would leave the meeting whilst the application was discussed and would not participate in determining it.

Councillor Fraser declared a non-pecuniary interest in agenda item 8 (25/0651/ADV: Rickmansworth Aquadrome, Riverside Drive, Rickmansworth) as the Chair of Batchworth

Community Council. Councillor Fraser declared that she had not been involved in any discussions at the Parish Council in relation to the application and therefore remained in the meeting for the item and participated in the debate and vote.

PC143/25 24/1401/FUL – DEMOLITION OF EXISTING FRONT BOUNDARY WALL AND ERECTION OF REPLACEMENT WALL AND RAILINGS INCLUDING VEHICLE AND PEDESTRIAN GATES; FENCING AND ASSOCIATED ALTERATIONS TO PARKING LAYOUT AT CHRIST CHURCH C OF E SCHOOL, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE WD3 5SG

Councillor Fraser left the meeting room.

The application was for demolition of existing front boundary wall and erection of a replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at Christ Church C OF E School, Rickmansworth Road, Chorleywood, Rickmansworth.

The Planning Officer reported that since the previous meeting at which the application had been deferred the applicant had supplied additional information as set out at section 7.1 of the report. A letter from the Head Teacher and a copy of a report from Hertfordshire Constabulary's Designing Out Crime Officer had also been provided earlier in the day and circulated to Members.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- The lower part of the wall was to be flint finished to match the existing walls, with brick piers and railings of black powder-coated metal. The railings would be 1.1m high from the top of the brick wall; the maximum height from the ground to the railings was 2m. Condition 4 required samples and details of proposed materials and finishes to be submitted and approved in writing prior to the commencement of works.
- Several committee members expressed reservations about the design of the wall and its impact on the heritage asset. However, the committee's decision involved balancing this against other considerations such as the security and safeguarding concerns which had been raised.
- Members expressed differing views over the need for and wording of condition 3 but following debate no amendment was proposed.

A speaker on behalf of the applicant spoke in favour of the application.

Councillor Lloyd moved, and Councillor Mitchell seconded, approval of the application subject to conditions. On being put to the vote this was agreed, the voting being unanimous.

RESOLVED: that planning permission is granted subject to conditions.

Councillor Fraser re-joined the meeting.

PC144/25 24/1670/FUL – PART SINGLE, PART TWO-STOREY REAR EXTENSIONS, FRONT PORCH ALTERATIONS; ALTERATIONS TO ROOF TO ALLOW HABITABLE ACCOMMODATION INCLUDING REMOVAL OF CHIMNEY AND INCREASE IN RIDGE HEIGHT, REAR DORMERS AND ROOF LIGHTS; ALTERATIONS TO FENESTRATION AND INTERNAL ALTERATIONS; CONSTRUCTION OF TWO-STEPPED REAR PATIO AREA; CONSTRUCTION OF BASEMENT; ALTERATION OF EXISTING GARAGE TO ALLOW USE AS PART GARAGE, PART ANNEXE, INCLUDING EXTENSION TO EXISTING GARAGE AND ROOF ALTERATIONS TO ALLOW FOR HABITABLE ACCOMMODATION INCLUDING INCREASE IN RIDGE HEIGHT, DORMERS AND ROOF

LIGHTS; ERECTION OF AN OUTBUILDING TO THE REAR AT BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE WD3 4EH

The application was for part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth.

The application had been deferred from the last meeting to allow for a site visit. Two additional drawings had subsequently been supplied by the applicant's agent which aimed to clarify the change in built form between the existing and proposed development.

Committee members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included:

- The proposal would involve the removal of some trees, including one Western Red Cedar which was not subject to a Tree Protection Order.
- The outbuilding exceeded the tolerances for permitted development. Therefore, external alterations to it would not be permissible without planning permission.
- For the reasons set out in section 7.2.7 of the report, officers did not consider that there would be any demonstrable harmful overlooking or overshadowing to neighbours. Whilst there would be some impact on neighbouring amenity arising from overlooking or overshadowing, the level was judged by officers to be acceptable.
- Permitted development rights for further outbuildings at the site could be removed if Members considered this to be reasonable and necessary for the development.

Councillor Hearn moved, and Councillor Gazzard seconded, approval of the application subject to conditions including the removal of permitted development rights under Class E of the General Permitted Development Order. On being put to the vote this was agreed, the voting being 7 for, 0 against, 4 abstentions.

RESOLVED: that the application be approved subject to conditions including the removal of permitted development rights under Class E of the General Permitted Development Order.

PC145/25 25/0154/FUL AND 25/0155/LBC – DEMOLITION OF CONCRETE SHED AND PART DEMOLITION OF CART SHED ADJOINING THE BLACK BARN; CONSTRUCTION OF FRONT/SIDE EXTENSION; ALTERATIONS TO DOORS AND MATERIALS; ALTERATION OF FRONT ACCESS PATH AND COURTYARD; CREATION OF DROP OFF ZONE AND PARKING AREA; CHANGE OF USE FROM AGRICULTURE TO A MIXED COMMERCIAL USE AND COMMUNITY USES, PROVISION OF EDUCATION, PUBLIC HALL, EXHIBITION HALL AND AS A PUBLIC MEETING PLACE; WIDENING OF ACCESS OFF DENHAM WAY AT WOODOAKS FARM, DENHAM WAY, MAPLE CROSS, RICKMANSWORTH WD3 9XQ

The applications were a full application and associated listed building consent application for demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as

a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)); widening of access off Denham Way at Woodoaks Farm Denham Way Maple Cross Rickmansworth.

The Planning Officer provided an update to the Committee, outlining that whilst officers were satisfied with the conclusions set out in the committee report (i.e. that the proposed development would result in less than substantial harm to the heritage asset and harm to the openness of the Green Belt but that there were other considerations that existed to outweigh that harm) officers were not satisfied that the mechanisms proposed within the report to secure the very special circumstances met the necessary tests. Those mechanisms included a number of the recommended planning conditions, and the draft Heads of Terms for a legal agreement which were detailed at section 7.7 of the report.

As a result, officers had been working with the applicant and the Council's Planning Solicitor to produce a revised set of Heads of Terms which were considered to better secure what would be necessary to make the application acceptable in planning terms. These had been circulated to Members of the Committee prior to the meeting as a supplementary item and were available to view on the committee agenda online. It was considered that these would secure the public benefits proposed by the scheme, and they therefore replaced what had been set out in section 7.7 of the report. The Planning Officer summarised the revised draft Heads of Terms for the benefit of the Committee.

In terms of the proposed use of the building, the Planning Officer reported that the description of the development, the report, and condition 4 referred to a number of uses. It was subsequently agreed by the Committee that as the permitted uses were secured by the conditions and Heads of Terms, the description of the development in both the full application and the listed building consent application should be revised to omit the references to the use classes as follows:

'Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses; widening of access off Denham Way at Woodoaks Farm Denham Way Maple Cross Rickmansworth WD3 9XQ.'

The Planning Officer also reported that as the refined Heads of Terms addressed a number of elements which were usually covered by recommended planning conditions, the following conditions which had been included in the report could be deleted: Conditions 4, 6, 7, 8, 9, 10, 12 and 13. Condition 12 was not considered necessary. Condition 5 should be kept, but the hours of operation revised to allow use between 6:00 and 23:30 with all persons attending in connection with a Function required to leave the site by midnight.

Following these changes, the recommendation on the full application was proposed to be amended as follows:

That authority is delegated to the Head of Regulatory Services, following the completion of a S106 agreement securing the Heads of Terms set out in the addendum heads of terms document circulated prior to the meeting (and subject to any minor alterations to those terms as agreed between the Head of Regulatory Services and the Planning Committee Chairman), to grant planning permission subject to conditions (subject to any minor alterations to those conditions as agreed between the Head of Regulatory Services and the Planning Committee Chairman).

In terms of the listed building consent application, the only necessary change would be to the description of the proposed development.

A speaker on behalf of the applicant spoke in favour of the application.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included:

- The Biodiversity Net Gain (BNG) monitoring fee and the S106 monitoring fee were one-off fees. The BNG monitoring was a legislative requirement and the fee would cover periodic monitoring over 30 years. It took account of inflation over that period and was calculated on a cost-recovery basis. The S106 monitoring fee was also calculated on a cost-recovery basis. Members sought clarification on the need for the BNG monitoring fee and the services it covered and debated the appropriateness of the fee level.
- The development would cause some harm but was balanced by significant public benefits. On balance, these were considered to represent very special circumstances which justified the development.
- The restriction on use of the Temporary Open Air Use Land to 28 days per calendar year was considered by officers to achieve a balance between minimising harm and not curtailing the existing uses of other parts of the site. It covered all temporary use of the land and not solely car parking.

In relation to application 25/0154/FUL, Councillor Gazzard moved and Councillor Mitchell seconded that the description of the development should be amended to remove reference to use classes, and that authority be delegated to the Head of Regulatory Services, following the completion of a S106 agreement securing the Heads of Terms set out in the addendum Heads of Terms document (and subject to any minor alterations to those terms as agreed between the Head of Regulatory Services and the Planning Committee Chairman), to grant planning permission subject to conditions (subject to any minor alterations to those conditions as agreed between the Head of Regulatory Services and the Planning Committee Chairman). On being put to the vote this was agreed, the voting being 10 in favour, 0 against, 1 abstention.

In relation to application 25/0155/LBC Councillor Lloyd proposed, and Councillor Whately-Smith seconded that the description of the development be amended to remove reference to use classes and that Listed Building Consent is granted subject to conditions. On being put to the vote this was agreed, the voting being unanimous.

RESOLVED:

25/0154/FUL

That the description of the development be amended to remove reference to use classes, and that authority be delegated to the Head of Regulatory Services, following the completion of a S106 agreement securing the Heads of Terms set out in the addendum Heads of Terms document (and subject to any minor alterations to those terms as agreed between the Head of Regulatory Services and the Planning Committee Chairman), to grant planning permission subject to conditions (subject to any minor alterations to those conditions as agreed between the Head of Regulatory Services and the Planning Committee Chairman).

25/0155/LBC

That the description of the development be amended to remove reference to use classes and that Listed Building Consent is granted, subject to conditions.

PC146/25 25/0651/ADV - ADVERTISEMENT CONSENT: INSTALLATION OF A WELCOME SIGN AT RICKMANSWORTH AQUADROME (RIVERSIDE DRIVE PEDESTRIAN AND CYCLE ENTRANCE) AT RICKMANSWORTH AQUADROME, RIVERSIDE DRIVE, RICKMANSWORTH, HERTFORDSHIRE WD3 1NB

The application was for advertisement consent for installation of a welcome sign at Rickmansworth Aquadrome, Riverside Drive, Rickmansworth.

The application was before the Committee as the applicant was Three Rivers District Council.

There were no officer updates.

Committee Members asked questions about the detail of the application which were responded to by officers.

The size of the sign was considered by some Committee Members to be overly large and its placement in the centre of the bridge was questioned. Officers responded that for the reasons set out in the report it was considered that the sign had an acceptable impact by virtue of its size and location. Its size and location was designed to form a barrier to prevent vehicles from going over the bridge, instead of having bollards. The gaps to the side would allow cyclists, pedestrians and those using mobility aids to continue to use the bridge.

Some Committee Members considered that sign would cause harm to the view of the Aquadrome, that it represented blocking of the highway and that it would be better placed in a different location. Other Committee Members did not agree.

Councillor Lloyd proposed and Councillor Mitchell seconded that subject to no new material planning considerations being raised during the open consultation period, advertisement consent be granted subject to conditions. On being put to the vote this was agreed, the voting being 7 for, 3 against, 1 abstention.

RESOLVED: that subject to no new material planning considerations being raised during the open consultation period, advertisement consent be granted subject to conditions.

PC147/25 25/0658/FUL - CONVERSION OF EXISTING GARAGE TO HABITABLE ACCOMMODATION INCLUDING ALTERATIONS TO FENESTRATION AND EXTENSION TO EXISTING HARDSTANDING TO FRONTAGE AT 10 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE WD5 OPG

The application was for conversion of existing garage to habitable accommodation including alterations to fenestration and extension to existing hardstanding to frontage at 10 Oak Green, Abbots Langley.

The application was before the Committee as the agent is a Three Rivers District Councillor.

The Planning Officer reported that amendment to condition 4 was proposed as follows:

Prior to the first use of the converted garage hereby permitted, the driveway shall be extended as shown on [the plan number as approved] in order that it can accommodate two vehicles. The driveway extension shall be undertaken in a permeable material or provision made for direct water run-off to a permeable or porous area of the surface within the site. The driveway shall be retained as such thereafter.

In response to a question as to whether any consultee responses had been received since the publication of the officer report, the Committee heard that only one written comment had been received, from Abbots Langley Parish Council. The Parish Council had confirmed that it had no objection to the proposal, but requested the substitution of semi-permeable surface to replace the loss of the grassed area in order to manage rain water run-off and reduce the risk of flooding. This had been addressed in the proposed amendment to condition 4 noted above.

Councillor Lloyd proposed and Councillor Whately-Smith seconded that subject to no new material planning considerations being raised during the open consultation period, planning

permission be granted subject to conditions with amendment to condition 4 as outlined above. On being put to the vote this was agreed unanimously.

RESOLVED: that subject to no new material planning considerations being raised during the open consultation period, planning permission be granted subject to conditions with the tabled amendment to condition 4.

CHAIR

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PLANNING COMMITTEE - Thursday 19 June 2025

24/0532/FUL – Demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at Overbury, Woodside Walk, Northwood, HA6 3ET

Parish: Batchworth Community Council
Expiry of Statutory Period: 07.08.24
EOT 27.06.25

Ward: Moor Park and Eastbury
Case Officer: Clara Loveland

Development type: Minor Dwellings

Recommendation: That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Batchworth Community Council called in if officers are minded to approve due to concerns with the development being out of character and impacting privacy, for the reasons set out at paragraph 4.1.4.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBCQC7QFJBV00>

1 Relevant planning history

- 1.1 20/0644/FUL - Demolition of existing dwelling and construction of two detached two storey dwellings with accommodation within the roof, balconies, inclusion of new central vehicular access with associated hardstanding and landscaping – Refused 26.05.2020, for the following reasons:

R1 Character: The proposed dwellings by virtue of their siting, plot size and design would result in an incongruous form of development which fails to have regard to the prevailing character of the immediate area, to the detriment of the visual amenities of the locality. The introduction of the dwelling known as Unit 1, would harm the strong and uninterrupted appearance of the woodland character of the area and by virtue of its siting would have an inadequate quality of amenity space due to the number of mature trees located within the rear garden, to the detriment of the residential amenities of future occupiers. The proposal therefore would have an adverse effect on the character and appearance of the street scene and area and fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

R2 Overlooking: The proposed development by reason of its siting, scale, design and siting of windows would result in unacceptable levels of both actual and perceived overlooking to the residential occupiers of Dell Lodge and would therefore be contrary to 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).

R3 Trees: The proposed development would constitute an inappropriate layout which would result in the total loss of protected trees and significant harm to the physical health and continued retention of trees both on and immediately adjacent to the site, and detriment to the woodland character of the area. Furthermore, it is considered that, due to the nature of the proposal, the proposed development would result in an increased pressure for further tree removals and unnecessary pruning of higher quality trees due to the unsuitability of the amenity space serving Unit 1. These trees positively contribute to the visual amenities of the locality and therefore the loss of these trees would harm the character of the area and would be contrary to Policies CP1 and CP12 of the Core

This application was appealed (PINS ref: APP/P1940/W/20/3263733). The appeal was dismissed in relation to reasons for refusal 1 (character) and 3 (trees), however reason 2 in relation to the impact of the development on neighbouring properties was not upheld and considered acceptable.

- 1.2 19/2038/FUL – Demolition of existing dwelling and construction of two detached two storey dwellings with accommodation within the roof, balconies, inclusion of new central vehicular access with associated hardstanding and landscaping – Withdrawn.

- 1.3 8/263/88 – Dwelling to rear – Refused 28.04.1988, for the following reasons:

R1: In the District Plan for Three Rivers, the site is within the Oxhey Woods area. In the Oxhey Woods area it is the policy of the Local Planning Authority as set out in Policy 54 of the District Plan that in order to preserve the essential visual amenity and character of the area, densities in excess of two dwellings per acre will not normally be permitted. Although the site of the application is considered to be acceptable in terms of its size, it is considered that the development would not conform with Policy 54 in that the curtilage of the dwellinghouse known as Overbury, which would be retained, is below the minimum normally permitted in the area. As such, the development would be detrimental to the general residential characteristics of the Oxhey Woods area. The local planning authority does not consider that there is any justification for an exception to be made to the normal policy for development in the area in this case.

R2: In order that the development may take place, a number of trees would need to be removed. The removal of these trees would be detrimental to the visual amenities of the area which is characterised by its well-wooded nature.

R3: The position of the house indicated on the submitted drawing is considered to be unsatisfactory relative to the garden of the property on the adjoining site known as "Pendowner" due to the short distance to the boundary. As such, the development fails to meet the standards adopted by the local planning authority for the spacing of residential properties and the provision of a satisfactory length of garden and, as a consequence, would result in a loss of amenity to the occupiers of the adjoining house due to overlooking.

- 1.4 W/1721/62 – New double garage, conversion of existing garage into playroom – Permitted 23.10.1962.

2 Site Description

- 2.1 The application site contains a two-storey detached dwelling known as Overbury located on the western side of Woodside Walk, Northwood. Woodside Walk is a private residential road characterised by large, detached dwellings of varying architectural styles and designs, located within well-wooded, spacious plots.

- 2.2 The host dwelling is an Arts and Crafts style dwelling finished in mixed red brickwork with a dark tiled pitched roof form and dark-coloured timber cladding to the gable ends. The dwelling has characterful features, including a chimney and leaded windows. There is an existing first-floor balcony as well as a large two-storey bay window to the southern elevation of the host dwelling. The dwelling is orientated such that the front elevation faces the northern boundary, and the amenity space serving the dwelling is located to the south of the building. There is an existing carriage driveway to the site frontage with space for at least four vehicles. There is an existing detached flat roofed garage to the north of the dwelling. To the eastern (front), northern and southern sides of the site there are protected trees covered by Tree Preservation Order (TPO) TPO0362.

- 2.3 The neighbour to the south, Mulberry House, is a two-storey detached dwelling set in from the shared boundary with the application site. This neighbour is located on a similar building line and land level to the host dwelling, although this neighbour is orientated such that the front elevation faces the highway. The neighbour to the north, Holly Manor, is a two-storey detached dwelling set in from the shared boundary with the application site. This neighbour is located on a similar land level to the

host dwelling and is slightly set forward with an existing garage extending forward of the building line. The neighbour to the west and rear, Dell Lodge, is a bungalow orientated to the north, built behind the established row of dwellings along Woodside Walk. It is set along Pinewood Close, accessed off Woodside Walk.

- 2.4 Opposite the application site is Oxhey Wood which is located within the Green Belt and a Local Wildlife site, although these designations fall outside of the application site, separated by the highway of Woodside Walk.

3 Description of proposed development

- 3.1 This application seeks planning permission for the demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

- 3.2 Amended plans were received during this application to correct discrepancies found across the submitted plans. The amendments also made the following changes:

- Omitted the first-floor rear balconies
- Incorporated design differences between the dwellings
- Reduced the extent of hardstanding
- Increased the separation distance between the two dwellings
- Moved the dwelling proposed in Plot 1 by a further 1m forward, towards the front boundary and reduced the extent of the driveway within this plot, omitting the carriage driveway.
- Amendments also included additional tree planting within both plots. An amended AIA and Landscape plan was also submitted.
- The description of works was also altered to include “self-build” within the title. The proposal as amended is described as follows.

- 3.3 The existing dwelling and garage would be demolished, and the site subdivided into two new plots, each accommodating one dwelling. The dwellings would face eastwards and front the road, therefore following the orientation of other buildings along the street. In terms of the building line of other dwellings along Woodside Walk, based on plan number 5624 A100 REV X, the proposed buildings appear to be positioned broadly in line with Holly Manor and about 2m forward of Mulberry House. Plot 1 is identified towards the south, closest to Mulberry House. Plot 2 is located to the north, closest to Holly Manor. To the rear of Plots 1 and 2 is Dell Lodge.

- 3.4 Plot 1 would contain a two-storey detached dwelling. It would have a footprint of 202 sqm (including front porch canopy). It would have a flank depth of 12.7m and a width of 15.6m across the ground and first floors. It would be set a minimum of approximately 4m from the southern boundary line and 2.5m from the newly created northern boundary line which would divide Plots 1 and 2. There would be a front central recess of 1m in depth with a width of 6.7m. At first floor there would be a slight projection to accommodate a central window with a semi-circular roof. There would be 2, two storey hipped projections to the front on either side of the recess. They would have a ridge height of 8.3m and have an eaves height of 6.3m. The dwelling would have a crown roof of 26sqm with a ridge height of 9.85m falling to an eaves height of 6.3m. Accommodation in the roof would be served by 5 dormers, 2 to the front and 3 to the rear. There would be an open porch entrance of a further 1m depth and 6m width to the front, supported by 4 pillars. The dwelling would have 5 bedrooms. The dwelling would be served by the existing access point, extending into a driveway with a wider parking area close to the dwelling. The plans indicate that there would be a patio area to the rear and a mixture of retained and proposed vegetation around the site. The plans indicate that the dwelling in Plot 1 would be finished in a sand-coloured brick with a dark tiles roof.

- 3.5 Plot 2 would contain a two-storey detached dwelling. It would have a footprint of 166sqm (including front storm porch). It would have a flank depth of 11m and a width of 14.4m across the ground and first floors. There would be a front central hipped projection of 0.8m depth and 4.7m width. This would have a hipped roof with a ridge height of 8m. There would be a storm porch entrance of a

further 1m depth and 4m width. The dwelling would be set 2.5m from the southern boundary (newly created boundary between Plots 1 and 2) and 3.5m from the northern boundary. The dwelling would have a crown roof of 14sqm and accommodation in the roof would be served by 5 dormers, 2 to the front and 3 to the rear. The dwelling ridge height would be 9.85m falling to an eaves height of 6.3m. The dwelling would have 4 bedrooms. The dwelling would be served by a single access and have a wider parking and turning area close to the dwelling. The plans indicate that the dwelling in Plot 2 would be finished in a red brick with a dark tiled roof. The plans indicate that there would be a patio area to the rear and a mixture of retained and proposed vegetation around the site.

- 3.6 Both dwellings would have front, flank and rear facing windows across the ground and first floor. There would also be windows in each of the dormers within the roof as well as roof lights on the flank roofslopes.
- 3.7 Both driveways would be constructed using permeable block paving with Plot 1 and Plot 2 comprising of a single driveway each. The existing access points would be utilised to serve the plots.
- 3.8 In total, 8 trees are proposed to be removed (T13,14,16,17,18,1, 20 and 21) as referred to on the proposed Landscape Plan (dated April 2025 drg no 24/249/1 REV E) and on page 14 of the revised Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025).
- 3.9 New native tree planting is proposed for the frontages and sides of each plot. Some of the existing mature trees are protected.
- 3.10 Each dwelling would have an air source heat pump located on the flank elevation at ground floor level (close to the newly created boundary between the plots).
- 3.11 This application proposal follows withdrawn and refused (appeal dismissed) schemes which have also sought the demolition of the existing dwelling, subdivision of the site and erection of 2 dwellings. This proposal is materially different to the previous refusal which was dismissed at appeal (20/0644/FUL, APP/P1940/W/20/3263733). The differences are noteworthy and are set out within section 8.1 of this report, under 'Overview'.

4 Consultee responses

- 4.1 **Statutory consultation:** An initial consultation took place on 14th June 2024 for 21 days. Due to amended plans neighbours and consultees were reconsulted on 28th November 2024 for 21 days. A further re-consultation of neighbours and consultees occurred due to additional supporting documents and amended plans, and the description change on 28th April 2025 for 14 days. Due to an additional final set of plans and a new AIA being submitted, the landscape officer and neighbours were reconsulted for a fourth time on 29th May 2025 for 14 days. This expires on 12 June 2025.
- 4.2 Due to the extent of consultation, these are contained within **Appendix 2**.

5 Neighbour consultation

- 5.1 **Site notice:** Posted: 17.06.24. Expired: 08.07.24.
- 5.2 **Press notice:** Not required.
- 5.3 5 neighbours consulted across 4 dates. No. of responses: 4 objections received (three from neighbouring properties and one from a representative of all three neighbouring properties).
- 5.4 **Consultation 1:** 14 June 2024

Summary of comments:

- Proposal does not address 2021 refusal or appeal.
- Severe effects on adjacent properties (light, privacy and outlook).

- No in-keeping with the rest of Woodside Walk.
- Change of character, low density, spacious road.
- Houses in the street are individual, the proposed houses will be very similar.
- Removal of 8 trees will cause a negative effect on other trees.
- Neither house includes a garage and large frontage with hardstanding for car parking.
- Heavy plant vehicles during demolition will have a detrimental impact on tranquil road.
- A single property on the plot would be more in-keeping.
- Houses sit close to each other which is at odds to the existing street scene
- Increased pressure for further tree removal.
- Previous LPA not addressed.
- First-floor rear balconies will be overlooked.
- Incongruous and fails to have regard to the prevailing character.
- Actual and perceived overlooking.
- Inappropriate layout, uncharacteristically small compared with vicinity.
- Significant areas of hardstanding

5.5 **Consultation 2:** 28 November 2024

Summary of comments:

- Revised proposal continues to be unacceptable.
- Overall scale and massing remains unchanged
- Very little differentiation between the dwellings/design not addressed.
- Infringement of 45-degree splay line to Mulberry House.
- Houses will sit further forward of adjacent dwellings.
- Lighting assessment remains missing.
- Houses are uncharacteristically small for the road.
- Overlooking concerns to Dell Lodge.
- Future impact on trees due to dwellings being closer to the boundaries.
- Significant increase in hardstanding in the front gardens.
- Close to neighbouring boundaries.
- Lack of garages is impractical.
- At odds with low density street.
- Cramped and out of character.

5.6 **Consultation 3: 28 April 2025**

Summary of comments:

- Large amount of intrusion into root protection of T11 in Plot 1.
- Trees to be removed are of public amenity value and all importance of character and screening.
- Limited space for replanting and undue pressure on trees.
- The proposal does not overcome Inspectors' concerns.
- Application does not include BNG requirements. Whilst the description has changed to self-build, there is no information to back this up.
- The revised proposal does not alter the proposed houses on the plot, their relationship with each other, surrounding houses, floor plans or elevations.
- Development out of character.
- Unacceptable relationship with neighbouring properties – revised plans have not overcome this.
- Inappropriate parking provision.
- Neither house includes a garage.
- Overlooking arising from the first-floor rear windows.
- Design has not addressed the dismissed appeal concerns. Not enough has been done to differentiate the properties.

5.7 **Consultation 4: 29 May 2025**

Summary of comments:

- At the time of writing this report, the consultation remains ongoing until 12th June 2025.

5.8 The above comments are also contained within **Appendix 3**.

6 Reason for Delay

6.1 Submission of amended plans and supporting documents.

7 Legislation and Relevant Local and National Planning Policies

7.1 Legislation

7.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

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

7.1.4 The Environment Act 2021.

7.2 National Planning Policy Framework and National Planning Practice Guidance

- 7.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 7.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

7.3 Three Rivers Local Development Plan

- 7.3.1 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.
- 7.3.2 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM4, DM6, DM8, DM9, DM10, DM13, Appendix 2, and Appendix 5.
- 7.3.3 Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025.

7.4 Other

- 7.4.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- 7.4.2 Affordable Housing Supplementary Planning Document (adopted June 2011).
- 7.4.3 Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (April 2024).
- 7.4.4 South West Hertfordshire Local Housing Need Assessment (2024).
- 7.4.5 Housing Delivery Test Action Plan (June 2024).
- 7.4.6 Housing Land Supply Update (December 2024)

8 **Analysis**

8.1 Overview

- 8.1.1 This application proposal follows a withdrawn and a refused scheme which both sought the demolition of the existing dwelling, subdivision of the site and erection of 2 dwellings. The principle of the proposed development (subdivision of the site and erection of 2 new dwellings) is unchanged however, this proposal is materially different in terms of design from the previous refusal which was dismissed at appeal (20/0644/FUL / APP/P1940/W/20/3263733).
- 8.1.2 The appeal decision particularly identifies concerns with a) design, b) layout and c) impact on trees. Whilst the refused application (20/0644/FUL) identified concerns with overlooking, this was not upheld in the appeal decision. This appeal decision is contained in **Appendix 4**.
- 8.1.3 Since the appeal decision, the following key changes have been made and put forward within this application:
- **Plot size:** Increase in Plot 1 (Unit 1) plot area by 45 sqm from 1118 sqm as refused to 1163 sqm as proposed. Reduction in Plot 2 (Unit 2) plot area by 45 sqm from 1060 sqm as refused to 1015 sqm as proposed.

- **Position:** The distance of the building in Plot 1 (Unit 1) from the southern boundary with Mulberry House has been increased by 2m, from a minimum distance of 2m as refused to 4m as now proposed. Also, an increase in distance to the newly created boundary between the dwellings by 0.25m from 2.25m as refused to 2.5m as proposed. Increase in the distance of Plot 1 (Unit 1) from the front boundary by 3.8m from 15.7m as refused to 19.5m as proposed. Increase distance of Plot 2 (Unit 2) by 1.5m to the northern boundary with Holly Manor from 2m as refused to 3.5m as proposed. Increase Plot 2 (Unit 2) distance from the front boundary by 5.6m from 16.4m as refused to 22m as proposed.
- **Height:** Reduction in maximum height of Plots 1 and 2 (Units 1 and 2) by 0.25m from 10.1m as refused to 9.85m as proposed. (Reduction of 3%).
- **Width:** Reduction in maximum width of Plot 1 (Unit 1) by 1.2m from 16.8m as refused to 15.6m as proposed (Reduction of 7%). Reduction in Plot 2 (Unit 2) by 2.4m from 16.8 m as refused to 14.4m as proposed (Reduction of 14%).
- **Depth:** Reduction in maximum depth of Plot 1 (Unit 1) by 4.7m from 17.4m as refused to 12.7m as proposed (Reduction of 27%). Reduction in Plot 2 (Unit 2) by 6.4m from 17.4m as refused to 11m as proposed (Reduction of 37%).
- **Footprint:** Reduction in the footprint of Plot 1 (Unit 1) by 50 sqm, from 252 sqm as refused to 202 sqm as proposed (Reduction of 20%). Reduction in Plot 2 (Unit 2) by 87 sqm from 253 sqm as refused to 166 sqm as proposed (Reduction of 34%).
- **Trees:** Reduction in the number of trees to be removed from 12 (10 Category C and 2 Category U) as refused to 8 as proposed (7 Category C trees and 1 Category U).
- **Design:** The refused scheme included 2 dwellings of identical appearance and had features such as raised eaves, two-storey flat roof projections and first floor rear walk-on balconies. Overall, the refused scheme was contemporary in design. The proposed scheme retains some contemporary design approaches, however, is more traditional in design (e.g. hipped roofs, brick work, dormers). There is also some a variation between the 2 dwellings so that they are no longer identical. Differing features included crown roofs, two storey hipped projections, front and rear dormers, window lintels, differing brick/stone. Also, the omission of balconies.

8.1.4 In summary, the changes amount to design differences, reductions in footprint, width, depth, height and increased spacing to the boundaries. These differences are noteworthy and shown in **Appendix 1** which contains the refused block and elevation plans alongside the proposed block plans and elevations.

8.1.5 Since the previous planning application, the planning policy context has altered by virtue of the Batchworth Neighbourhood Plan being adopted as part of the statutory development plan. The National Planning Policy Framework (NPPF) has also been updated, and this application assesses the proposal against the current NPPF (December 2024).

8.2 Principle of development

8.2.1 The proposed development would result in the net gain of 1 dwelling. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

8.2.2 Core Strategy Policy CP2 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:

- 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.*

8.2.3 The application site is within Northwood which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that some new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres and Core Strategy Policy PSP3 indicates that the Secondary Centres will provide approximately 24% of the District's housing requirements over the plan period.

8.2.4 As set out within the NPPF (2024) previously developed land is defined as:

*"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens**, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".*

8.2.5 The application site currently contains 1 residential dwelling including a residential garden within a built up area and as such does not fall within the scope of previously developed land as defined by the NPPF. The application site does not lie within a conservation area and the building is not a Listed or a Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling. Given the location of the site within a Secondary Centre and within a residential area, there is no in principle objection to residential development of the application site in the context of Policy CP2, subject to consideration against all other material considerations as set out within this report.

8.3 Impact on the character and appearance of the street scene

8.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. The NPPF encourages the effective use of land and at the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

8.3.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. *Tandem development*
- ii. *Servicing by an awkward access drive which cannot easily be used by service vehicles.*

- iii. *The generation of excessive levels of traffic.*
- iv. *Loss of residential amenity.*
- v. *Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).*

- 8.3.4 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure.
- 8.3.5 This section will focus on the identified concerns drawn out from the appeal decision, these being a) design, b) layout and c) impact on trees which together formulate the character and appearance in the context of the application site and the street of Woodland Walk.
- 8.3.6 The application site is located within a residential area, accessed along Woodside Walk which is characterised by a low-density pattern of development with large detached dwellings set within spacious plots, set along a similar building line. Each of the dwellings along Woodside Walk are largely individualistic in design although are predominately traditional in character. The street also contains trees and greenery which collectively make a significant contribution to the semi-rural green character and appearance of Woodside Walk.
- 8.3.7 The current plot serving the dwelling known as Overbury has historically been reduced in size by virtue of its previous subdivision and the erection of a new dwelling to the rear, known as Dell Lodge. Dell Lodge is accessed via Pinewood Close where a total of 4 dwellings were erected resulting in the subdivision of some nearby sites. Notwithstanding Pinewood Close, the plots on Woodside Walk are larger and more spacious containing large-detached dwellings, thus, have retained the overall prevailing character of the street. In this case, it is acknowledged that the proposal would further subdivide the site, resulting in two new plots and dwellings that would be smaller than the general size of plots and dwellings within Woodside Walk. This point was raised by the Inspector in paragraph 5 of the appeal decision where the Inspector commented...*“the appeal plots would be smaller than other properties on this road”* and went on to conclude, that this was one factor of the appeal scheme which *“...would fail to reflect the existing development pattern on Woodside Walk”* (**Appendix 4**).
- 8.3.8 Notwithstanding this, the Planning Statement (Smith Jenkins, March 2024) submitted with this proposal in paragraphs 3.15-3.16, sets out the plot ratios of dwellings along the street. The plot ratio (also referred to as plot coverage) is the difference between the plot size and footprint of each of the dwellings. This exercise provides a useful tool for understanding the space around each of the dwellings. The plot ratio table provides a range of ratios from 13-25% and indicates that the new dwellings would have coverage of some 18%, thus falling within the overall range across the street. When taking the most adjacent neighbours as examples, Mulberry House (13% coverage) and Holly Manor (16% coverage), the new dwellings would be marginally higher at some 18%. The figures provided within the plot ratios table broadly reflect the plot and dwelling sizes, which can be drawn out from the measurements obtained from the submitted Location Plan (Drg No. PP-12937313v1). Evidently, the proposed plot coverage/ratio would be akin to other plot coverages within the street and in this regard would not be at odds with this aspect of the character of the area.
- 8.3.9 In paragraph 5 of the appeal decision the Inspector commented that *“...the context for the proposed development is Woodside Walk, which has a spacious low-density pattern of the development”*. Drawing from this, the spacious nature of the dwellings relative to their plot sizes is important in the context of this proposal. In paragraphs 5 and 7 of the appeal decision the Inspector outlines how the smaller appeal plots would be at odds with the surrounding area and discusses that there would be *“a lack of space around them”* referring to the spacing of the dwellings relative to the boundaries. It is evident from the appeal decision that the combination of the small plot size and space around

them (or lack thereof) resulted in a proposal which would not accord with the character of the street. Since the appeal, the plot size in this proposal is relatively unchanged however, the footprint of each dwelling has been reduced (Plot 1 by 20% / Plot 2 by 34%) and each dwelling is set further back into the plot and set further away from the boundaries. Although marginal at an extra 0.25m spacing, the gap between each house is also greater (see section 8.1.3 of this report for a full summary of changes). The resultant effect of this is that the spaciousness around the dwellings has increased. When considering this factor, the spacious nature of the plots can be said to be comparative to other dwellings within the street and in this regard is considered to be in keeping with the general character of the street. In this case, due to the width of each plot along the street, they are largely read individually rather than in combination with one another. As such, when viewed from the wider street, the spacing around each of the dwellings would be most notable rather than the plot size (of which the rear parts of the plots would not be visible from the wider street). Furthermore, the new dwellings would be positioned relatively centrally within the plots and would be similarly spaced to other dwellings within the wider street. When considering this, appropriate spacing would be maintained between neighbouring dwellings. Due to this, the new dwellings would not appear disproportionate or cramped within the application site. This weighs in favour of the proposal and would likely add to the spacious feel of the street. When considering the overall layout, it is considered that the amended proposal would preserve the character and appearance of Woodside Walk, overcoming the concern identified in the appeal decision.

- 8.3.10 In terms of design, a key concern within the appeal decision was the identical design of the dwellings. In paragraph 6 of the appeal decision, the Inspector stated, *“Whilst a contemporary approach would be acceptable in this location in principle, the design detail of the proposed dwelling and that fact that they would be identical would not respond to the local context.”* In this case, it is acknowledged that there are some similarities between the two dwellings, including the tiling, crown roofs, hipped roof features and window details. Whilst many of the dwellings within the street are individualistic, it is noteworthy that there are examples of other dwellings in the street which share some design similarities. For instance, Mulberry House and Lindley House follow similar design features, including gables, red brick, brick detailing, windows, gates, entrances, and driveways. When these two dwellings are viewed in conjunction, they appear similar in overall architectural style and design. From this, there is some scope for similarities between pairs of dwellings within the street. Notwithstanding this, the proposed new dwellings in this scheme would have different footprints, scales and external finishes. Furthermore, whilst some contemporary features are included such as the crown roofs, dormers and windows (which are similar between both dwellings), other more traditional elements including the brickwork, hipped roofs and eaves/ridge heights would reflect characteristics found within other dwellings along the street and vary between the new dwellings. When considering the context of Woodside Walk, the two new dwellings would contain sufficient differentiation and design detailing to preserve the character and appearance of Woodside Walk, overcoming the concern identified in the appeal decision. Nevertheless, to ensure that the dwellings remain of a differential design and external finish, it would be reasonable and necessary to secure a full schedule of materials by condition.
- 8.3.11 Within the appeal decision the Inspector states that the trees on the site collectively...*“make a significant contribution to the semi-rural green character and appearance of the site and Woodside Walk”*. The Inspector concluded that the “loss of the trees would harm the green and wooded character and appearance of the site and area”. In paragraph 10, the Inspector discussed the likely future pressure that there would be to fell trees. Since the appeal, an application was lodged to undertake works to a number of trees in the garden. The application was refused by TRDC but the subsequent appeal was allowed. The appeal decision 21/2688/DDD (PINS ref APP/TPO/P1940/833) (contained in **Appendix 5**) references the area of woodland as a whole being of *“high amenity value”*, providing further commentary that the trees within the site are important.
- 8.3.12 The revised AIA and Landscape plan indicate that 8 trees would be removed from the site however, other planting would take place. This differs to the appeal scheme where more than 12 trees were proposed to be removed and there was less scope for replacement planting. In this application, there would therefore be an overall reduced loss of trees and greater replanting compared with the appeal scheme which weighs in favour for this scheme. Furthermore, the Landscape Officer who was consulted during this application, although raising initial concerns, has raised no objection to the amended plans and AIA which have reduced the tree loss, increased replanting and omitted the

carriage driveway in Plot 1, which has in turn reduced the incursion into T11 to an acceptable level. In this instance, T11, which is located to the front of Plot 1 and considered to have a good amenity level, would therefore be retained and not significantly encroached. Together, this combination would help to maintain the established semi-rural green character and appearance of Woodland Walk.

8.3.13 The appeal decision also raised concern with the extent of driveways that “would include a significant level of hard surfacing”. The appeal scheme included almost full width and depth hard surfacing in Plot 2 (Unit 2) and a large carriage driveway in Plot 1 (Unit 1). Since the appeal decision, the extent of driveways and hard standing has been significantly reduced. This results from an increase in the soft landscaped area within the driveway of Plot 1 and omitting its carriage driveway and the addition of a large area of soft landscaping and vegetation within the frontage of Plot 2, narrowing the width and depth of the driveway. The differences are shown in **Appendix 1**. In this case, the wider street contains a mixture of different driveways with varying degrees of hardstanding. For instance, some have single access points whilst others have two forming a carriage driveway. Whilst some have large amounts of soft landscaping within the frontages, some have large amounts of hardstanding varying in proportion and style. This variation results in some scope for difference within the application site. In this case, both plots would have a single-access point and would be surrounded by planting and landscaping which would be similar in extent to many other driveways within the street. As such, it is considered that the proposed extent of frontage hardstanding serving driveways would be appropriate to serve the dwellings and in-keeping with the street. As such, the identified concern in the appeal decision is considered to have been overcome. Notwithstanding this to secure the materials and overall appearance of the landscaping, it would be reasonable and necessary to secure a hard and soft landscaping scheme via condition.

8.3.14 In conclusion, when considering the design, layout and impact on trees, the proposed amended scheme has overcome previous concerns raised in the appeal decision. Furthermore, the proposed subdivision and new dwellings would be appropriate in terms of scale, design, layout and as such would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025. Notwithstanding, when considering the additional built form on the site and to prevent overdevelopment of the application site, it is considered reasonable and necessary to remove some “permitted development” rights in relation to extensions and alterations which could result in a massing of development akin to that of the dismissed appeal, or a coverage of the plot with further additions that may harm the character and appearance of the dwellings, the plot and the locality, as well as the aims of the proposed landscaping.

8.4 Quality of accommodation for future occupants and Impact on amenities of neighbours

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space and specific standards for the provision of amenity space are set out in Appendix 2 of the Development Management Policies document as below:

- 3 bed dwelling - 84 square metres
- 4 bed dwelling - 105 square metres
- additional bedrooms - 21 square metres each

8.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

8.4.3 Appendix 2 of the Development Management Policies document states the following with regard to back-to-back distances:

8.4.4 *“Distances between buildings should be sufficient as to prevent overlooking particularly from upper floors. As an indicative figure, 28m 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. Where rear garden length is relied upon a minimum separation distance of 14m should be achieved.”

8.4.5 Policy DM9 refers to contamination and pollution control. DM9(d) stated that planning permission will not be granted for development which:

i) Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development

ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or

iii) Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.

8.4.6 Plot 1 and Plot 2 would benefit from approximately 415sqm and 311 sqm of amenity space to the rear respectively. As such, each new dwelling would comply with the amenity levels as guided by Appendix 2 of the Development Management Policies LDD.

8.4.7 In terms of distance between buildings, both dwellings would be set some 15m away from the rear boundary line which separates the application site from Dell Lodge. This would comply with the guidance in Appendix 2 which refers to reliance on rear garden length. Furthermore, the boundary line is lined with mature trees which would be retained (largely appearing to be within the boundary of Dell Lodge). The joint boundary also predominately benefits from close boarded fencing. In paragraph 12 of the appeal decision, the Inspector describes that this “...currently provide a good level of screening between the appeal site and the property to the rear...”. It is acknowledged that the Inspector did also discuss that there are current views into this neighbour’s private garden through an existing chain link fence however, subject to a condition that this fence is replaced by solid boundary treatment, this would safeguard this neighbour’s privacy. These circumstances do not appear to have altered since the appeal decision. When considering the existing level of boundary screening and the rear garden length for each dwelling and that a condition could be added to secure the boundary treatment, it is considered that there would be not unacceptable levels of overlooking or loss of privacy to this neighbour. It is also noteworthy that other adjacent neighbours to the north such as Blythe Wood and Holly Manor are set similar distances from the rear boundaries to their corresponding rear neighbours, The Wentworth and Sawood House. Whilst these individual circumstances would require further exploration to provide substantive weight, when considering the rear garden length and relationship these neighbours it could be said this is not an uncommon pattern within this part of the street.

8.4.8 In terms of adjacent neighbours, Mulberry House is favourably positioned to the south and is set off the boundary line. Plot 1, which would be closest to this neighbour, would be set off the boundary line by a minimum of 3.98m. This separation distance would increase towards the rear of the new dwelling where the application site splays. When considering the position and scale of Mulberry House in relation to the proposed new dwelling size (which would be smaller by comparison) coupled with the separation distance of the new dwelling from the boundary line, it is considered that the proposal would not arise in any significant or harmful loss of light, nor would the new dwelling be overbearing or intrusive on this neighbour. It is also noted that some views of the new dwellings would also be obscured by the line of trees along this boundary, many of which would remain as part of the proposal. Holly Manor is located to the north however is set to the northern side of the adjacent site. The proposed new dwelling would also be set off the northern boundary some 3.5m. When accounting for the separation distance between the dwellings and the overall scale of the new dwelling closest to this neighbour, it is considered that the proposal would not amount to any significant loss of light or intrusion, nor would the proposal be overbearing on this neighbour.

8.4.9 In terms of privacy, the new dwellings would have ground and first-floor windows as well as dormers within the roof space. The glazing would have an outlook primarily over each of the plots. Subject to a condition to ensure that any first-floor flank windows are obscure glazed and top-level opening only, there would be no unacceptable loss of privacy or overlooking. It is also important to note that whilst some of the southern trees are proposed to be removed, the new dwellings would largely be

screened by the existing trees which line the sides and rear of the site. This is common amongst many of the dwellings within the wider street and would mitigate some of the views of the new dwellings and thus, the perceived impact of the proposal.

- 8.4.10 Objection comments from neighbours raise concern that the new dwellings would cause a loss of light and privacy. It is acknowledged that the built form on the application site would be significantly increased compared with the existing circumstances, however, when accounting for the overall scale of the dwellings and the distance maintained between the built form and boundaries, as well as the likely screening from boundary treatment, it is not considered that the proposed development would result in loss of light nor be overbearing to any of the neighbours.
- 8.4.11 Due to the positioning and size of the proposed Air Source Heat Pumps (ASHPs), these are unlikely to arise in any intrusion by virtue of the built form to either of the occupiers within Plots 1 and 2. However, they would be positioned close to the newly created boundary line and therefore could have an impact by way of noise. To accord with Policy DM9(i), It is necessary to consider whether a planning condition might make this part of the development acceptable. It is considered reasonable and necessary to secure noise mitigation/soundproofing by condition prior to the first use of the ASHPs to ensure that there would be no noise disruption to any neighbours.
- 8.4.12 In summary, subject to a condition to secure the boundary treatment and ASHPs, the proposed amended scheme would accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.5 Trees and Landscaping

- 8.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 8.5.2 The proposal would remove 8 protected trees as identified on the amended Landscape Plan (24/249/1 REV E, received 14.04.25) and the details provided within Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025). The Landscape Officer has been consulted and considers that this level of tree removal would be acceptable, subject to suitable replanting.
- 8.5.3 The Landscape Officer initially raised concerns in relation to a) the little space available for replanting following the loss of protected trees, b) encroachment into the root protection area of T11 (Oak) exceeding the threshold and c) likelihood for pressure to undertake tree works in the future. Following discussions with the applicant's appointed agent regarding these concerns an amended AIA was provided. However, through consultation, the Landscape Officer raised concern that the Root Protection Zone had not be appropriately plotted and therefore did not accurately reflect the incursion of the development on T11. Through additional discussion, amended plans were received which omitted the carriage driveway and re-adjusted the root protection zone of T11. Given the reduction in the incursion (now within the accepted tolerance), this has been considered acceptable. Added to this, the new landscaping plan includes planting 5 trees within Plot 1 and 13 trees within Plot 2, a total of 18 new trees across the site (net gain of 10 trees). This would offset and mitigate some of the impact of the loss of the existing trees. Added to this, the species and planting heights can be secured by condition. The Landscape Officer considers that the "replacement planting is sufficient to balance material lost". Subject to a condition to secure the replanting, no objection would be raised in this regard.
- 8.5.4 Turning to the Tree Officer's initial concerns, the encroachment into T11 (point b above) has been overcome. It is also noteworthy that measures have been proposed to ensure the protection of the remaining trees during the development, which includes during the demolition of the existing dwelling. These are set out within the Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025) and can be secured by condition with any grant of planning permission.

- 8.5.5 Turning to point a) above of the Tree Officers' initial concerns, this proposal has increased the available space for replanting. In paragraph 9 of the appeal decision, the Inspector commented that *"given the level of development proposed, there would be little available space within the appeal site to secure any replanting"*. Since the appeal, the plot size in this proposal is relatively unchanged however, the footprint of each dwelling has been reduced (Plot 1 by 20%, Plot 2 by 34%) and each dwelling is set further back into the plot and set further away from the boundaries (see section 8.1.3 of this report for a full summary of changes). The resultant effect of this is that the spaciousness around the dwellings has increased the available space for replanting. When considering the overall layout, it is considered that the amended proposal would have available space for replanting that has overcome the concern identified in the appeal decision. Added to this, as highlighted above, whilst 8 trees would be removed, this would be replaced with 18 trees across the two plots (net increase of 10) which would be secured by condition. The Tree Officer has confirmed through consultation that this level of replanting would be possible across the sites and found this to be acceptable.
- 8.5.6 Turning to point c) above of the Tree Officer's initial concerns regarding future pressures, and as set out in paragraph 10 of the appeal decision, the Inspector commented that *"A number of trees would significantly overhang the rear garden of proposed Unit One."* The Inspector continued to comment *"...inevitably future residents would be likely to desire a more generous level of sunlight to their garden. Also, the juxtaposition of the trees with the rear garden area would be likely to generate complaints about nuisance, in relation to matters such as falling leaves and branches. Together these issues would be likely to lead to undue pressure from future residents to undertake inappropriate works to the trees which would be difficult for the Council to resist"*. In this case, the proposed dwellings, particularly in Plot 1 would retain some overhanging trees which could impact the rear garden. However, this would largely be towards the rear of the garden space, rather than the key usable areas. Added to this, key areas of overhang closest to the dwelling that exist currently would be removed. This differs to the appeal whereby the large tree canopy were overhanging the immediate rear of the dwelling. The comparison images set out in **Appendix 1** illustrate the differences. Given that the proposed dwellings of this application are smaller and further away from the largest overhanging trees, with a larger garden space available to enjoy away from the immediate tree canopy cover, it is considered that the comments raised in the appeal with regard to future pressure have been overcome.
- 8.6 Affordable Housing
- 8.6.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 8.6.2 Appendix A sets out the evidence base to demonstrate more weight can be attached to the need to comply with Policy CP4 of the Core Strategy. The most up to date evidence confirms that small site contributions make a material contribution to affordable housing within the District. As such, applications will continue to be assessed in accordance with the requirements of the Development Plan and will seek monetary contributions on developments resulting in a net gain of one to nine dwellings unless viability demonstrates otherwise.
- 8.6.3 A viability assessment has been submitted as part of this application (Financial Viability Assessment by Affordable Housing 106). The report concludes that the scheme cannot viably afford to make any affordable housing contribution either on site or via a financial contribution.
- 8.6.4 The submitted financial viability documents have been assessed by the Councils independent viability consultant, Adams Integra. The conclusions drawn set out that the scheme has a deficit with a residual land value of £828,070 which would be below the benchmark land value. Therefore, the scheme is not able to support any off-site affordable housing payment and remain viable.
- 8.6.5 In summary, given the findings of Adams Integra, the Council will not be seeking an affordable housing contribution for the proposed development. The proposed development would therefore be acceptable in this respect in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

8.7 Highways, access and parking

- 8.7.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 8.7.2 Plot 1 would utilise the existing access and create a new driveway area. There would be space for at least 3 cars. Plot 2 would utilise an existing access and have a driveway for at least 3 cars. The Highway Authority has been consulted and consider that the intensification of the use associated with this development would unlikely have a material increase in additional trips and would therefore not generate unreasonable impacts on the safety and operation of the highway network. Therefore, it is considered that the proposal is acceptable in this regard.
- 8.7.3 In terms of parking, the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD states that a four or more bedroom dwelling should provide onsite parking provision for three vehicles. Each dwelling would have a driveway to the frontage which would provide parking for at least three vehicles and as such, the proposal is considered acceptable in this regard.

8.8 Sustainability

- 8.8.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 8.8.2 This application is accompanied by an energy statement prepared by FHP ESS dated 28/03/2024 which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 62%). As such the development complies with the requirements of Policy DM4. The submitted energy report set out that this would be achieved with the building fabric as well as air source heat pump. The air source heat pumps features are included within proposed floor plan (5624 A101 REV A). Notwithstanding this, to secure that the energy requirement is met, it is necessary to secure compliance by condition.

8.9 Refuse/Recycling

- 8.9.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 8.9.2 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 8.9.3 When considering the nature of development, it is considered that kerb side collection would be appropriate and in line with the current arrangement within Woodside Walk. In the event the application is approved, a condition could be imposed requiring details of the bin store.
- 8.10 Wildlife Considerations
- 8.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.10.2 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.
- 8.10.3 An update Bat Emergence and Re-entry Survey has been submitted as part of this application (Arbteck dated 27/07/2022). Hertfordshire Ecology were consulted as part of this application and raise no objection to the details outlined within the report and consider that sufficient mitigation and compensation measures has been provided. Subject to a condition to ensure that these measures are followed, no objection is raised.
- 8.11 Mandatory Biodiversity Net Gain
- 8.11.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.
- 8.11.2 Policy BW GB1 of Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that Development proposals must manage impacts on biodiversity and secure a minimum net biodiversity gain of 10% on site, unless impractical given site constraints, as demonstrated through use of the most up-to-date version of Natural England biodiversity metric (or any successor document to this) and submission of a biodiversity net gain plan submitted as part of planning application material
- 8.11.3 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates self-build/custom development.
- 8.12 Planning Balance / Titled Balance
- 8.12.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 8 clarifies "this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). In the context of decision-taking Paragraph 11 continues,
- "Plans and decisions should apply a presumption in favour of sustainable development b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless...*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area7; or*

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

8.12.2 Therefore, the tilted balance exercise requires planning permission to be granted unless any adverse impact of doing so would significantly and demonstrate outweigh the benefits.

8.12.3 In this case, there would be some limited benefit of adding one dwelling to the overall housing supply in addition to some limited economic benefits from the construction activities and expenditure from new residents. Notwithstanding this, when taking into account all of the considerations forming part of this application, it is recommended that planning permission is granted subject to conditions.

9 Recommendation

9.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions:

Time

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

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

Plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing:

- Existing Garage Plans and Elevations: 5624 A107.
- Existing Tree Constraints Plan: JPL/230771TCP (dated 08/022024)
- Draft Tree Protection Plan 1 Demolition Phase 1 Plan: JPL/230771/DTPP1.
- Topographic Site Survey: 18280-18-01.
- Measured Site Survey: 18280-18-02.
- Measured Site Survey (existing plans, elevations): 18280-18-03.
- Location Plan: PP-12937313v1.

Proposed

- Proposed First and Loft Floor Plans: 5624 A102 REV V (received 05.02.25).
- Existing and Proposed Street Scenes: 5624 A 104 REV U (received 29.11.24).
- Proposed Elevations: 5624 A103 REV U (received 22.11.25).
- Proposed Landscape Plan: 24/249/1 REV E (received 14.04.25)
- Proposed Site Block Plan and Location Plan: 5624 A100 REV X (received 07.05.25)
- Proposed Ground Floor plans: 5624 A101 REV X (received 07.05.25)
- Existing and Proposed Site Location Plans: 5624 A108 REV X (received 07.05.25).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM8, DM9, DM10, DM13, Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025 and the NPPF (2024).

Tree Protection Measures

C3 The tree protection measures as detailed on drawing number Tree Protection Plan(s) identified within the Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft

Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025) including fencing and ground protection, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is to ensure that appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Compliance with AIA

- C4 The development hereby permitted shall be carried out only in accordance with the measures outlined within the supporting document Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09 May 2025).

Reason: This condition is to ensure that continued monitoring takes place to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Bats

- C5 The development shall be carried out in strict accordance with Bat Emergence and Re-entry Survey mitigation and compensation measures set out within the Updated Bat Emergence and Re-entry Survey report (Arbtec dated 27/07/2022).

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

Hard and Soft Landscaping

- C6 Before any building operations above ground level take place, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage in accordance with the Proposed Landscape Plan: 24/249/1 REV E (received 14.04.25)

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the building or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area 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).

Material Samples

- C7 Before any building operations above ground level hereby permitted are commenced, electronic 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).

Energy Saving

- C8 Prior to the first occupation of the new dwellings, the energy saving measures outlined within submitted supporting document, "Energy Statement" (FHP ESS dated 28/03/2024) to achieve the requirements of Development Management Policy DM4 shall be implemented in full and be permanently maintained thereafter.

Reason: To ensure that the development makes as full a contribution to sustainable development principles as possible and in the interests of amenity in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM4 and DM9 of the Development Management Policies LDD (adopted July 2013).

Air Source Heat Pumps

- C9 Before the first use of the air source heat pumps hereby permitted as shown on plan number 5624 A101 REV A, details of measures for sound mitigation and/or soundproofing including elevations and specification of any enclosure, along with a technical report demonstrating their effectiveness at reducing impacts of noise from the equipment on the amenities of neighbours shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details prior to the first use of the air source heat pump and shall be permanently retained for the duration of the use.

Reason: To ensure that the residential amenities of adjoining occupiers and of the area generally is protected and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

Obscure window(s)

- C10 Before the first occupation of the new dwellings hereby permitted, the window(s) in the first-floor flank elevation(s); shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

Boundary Treatment

- C11 Prior to occupation of the new dwellings hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected around the perimeter of the site and between the two dwellings shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation of either dwelling in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013)

Permitted Development

- C12 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place at the new dwelling (including its associated curtilage).

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class E - provision of any building or enclosure

Class F - any hard surface

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, and having regard to the constraints posed by trees within and adjacent to the site, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

Standard Advice

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable,

even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

Construction Hours

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Amendments

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

Self-Build BNG

- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Self-Built BNG Reminder

- 15 The applicant is advised that planning permission has been granted only for self-build and/or custom housebuilding as defined in section 1(A1) of the Self Build and Custom Housebuilding Act 2015. On this basis, the proposal is exempt from statutory biodiversity net gain requirements under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Should the applicant, developer or any subsequent land owner wish to instead develop the dwelling(s) for commercial sale or occupation by any persons other than themselves and/or their associations, a new planning application will be required. The new planning application must be accompanied by a baseline biodiversity net gain assessment using the statutory metric, and any resultant planning permission will be subject to the general planning condition imposed by Schedule 7A of the Town and

Bat Licence

- 16 A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will may also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

Highways: Storage of materials

- 17 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 03001234047.

Highways: Obstruction of public highway

- 18 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Highways: Debris and deposits

- 19 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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Appendix A Appendix A: Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
- a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”
- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.

¹ The National Planning Policy Framework was updated in February 2019, July 2021 and December 2023 and retains the policies as stated in Paragraph 1.3 of this document.

- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.

- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF Paragraph 65 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2023, Three Rivers has received small site affordable housing contributions amounting to over **£3.2 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £3.2 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.255- 1.5million (plus indexation)²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2023, 269 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 6.7% of all such schemes³.
- 1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.12. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of April 2024

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (April 2024) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2023, 288 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 256 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision-making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:
- Consider the starting point under the development plan policies
 - Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
 - Consider up to date evidence on housing needs
 - Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.
- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:
- "the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception".***
- 2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":
- "As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy".***

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision

⁴ Includes refused and approved applications. Excludes prior approval developments.

taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *“whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.”* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

General House Price Affordability in Three Rivers

2.5 Due to the District's close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
5	Three Rivers	£325,000.00

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile

⁵ ONS (2022) *Dataset: House price to residence-based earnings ratio Table 6a*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁶ Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

house price in Three Rivers in September 2022 was £400,000⁷. The lowest quartile house price of £400,000 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Three Rivers' position has worsened and the lowest quartile house price has risen by £75,000 from 2016 to 2022, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2022)
1	Elmbridge	£462,000.00
2	St Albans	£430,000.00
3	Three Rivers	£400,000.00
4	Hertsmere	£396,000.00
5	Windsor and Maidenhead	£395,000.00
6	Epsom and Ewell	£395,000.00
7	Waverley	£385,000.00

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £28,876.00 in 2022⁸, 13.26 times worsening to 13.85 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 13 to 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2022 to have a deposit of £284k - £301k or (with a 5% deposit of £20,000) to earn £95,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ⁸ (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
4	Three Rivers	13.77

Table 3.

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.99 in 2023 (see table 4 below). Three Rivers maintains

⁷ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 6a <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁸ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 6b <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁹ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹⁰ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

¹¹ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 5c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹² Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers had the fifth worst affordability ratio most expensive local authority area as a local authority in Buckinghamshire ranked higher in median affordability ratio than Three Rivers in 2016 (Chiltern – 14.49).

the fourth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 1.22), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2022)
1	Elmbridge	16.93
2	Mole Valley	16.78
3	Hertsmere	16.36
4	Three Rivers	14.99
5	Epping Forest	13.75

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. In 2022 that had risen to 13.85, showing a worsening ratio over the period from 2016 to 2022 ¹³.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

- 2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

Affordable Housing Need - To Rent

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA

¹³ Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearninglowerquartileandmedian>

¹⁴ Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁵ Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.

- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

- 2.12 Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 512 affordable units per year, equating to approximately 80% of Three Rivers' total local housing need requirement (as calculated by the standard method).

Affordable Housing Provision in Three Rivers

- 2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.14 Since the start of the plan period from 1 April 2001 to 31st March 2023 (the latest date where the most recent completion figures are available), 5,388 gross dwellings were completed. From this, 1,223 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,207 or 22.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2023. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.15 In the latest monitoring period of 2022/23 (financial year), 13 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). 4 of the 13 schemes contributed to affordable housing provision whilst 9 of the 13 schemes did not contribute:
- Four of the 13 sites delivering a net gain in housing in 2022/23 were determined during the 2014/15 and 2016/17 periods (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.

¹⁶ Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁷ Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁸ Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁹ Sites with completions in the monitoring year 2022/23

- A further 5 of the 9 sites which did not contribute to affordable housing during the 2022/23 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the requirement for affordable housing contributions is subject to viability considerations
- Of the four schemes which did contribute, 3 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 1 provided on-site affordable housing units.

In addition to the 13 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). In 2022/2023 (financial year), there were 34 planning applications of net gain residential schemes determined, of which 29 were small site schemes (89%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, averaging approximately 90% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2023 (financial years) some 449 net dwellings were completed which equates to approximately 41 net dwellings per annum and to 21.8% over the 2011-2023 period. 21.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

²⁰ Includes refused and approved applications. Excludes prior approval developments.

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

- 2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£3.1 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£1.255- 1.5 million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

- 2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2023 there were 269 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (6.7%)²¹. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.

²¹ See footnote 3.

2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.

2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

*"...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."*²²

2.25 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.

2.26 The Council's stance has been tested on appeal on numerous occasions (39 decisions as at the date of this document) and the Planning Inspectorate have repeatedly concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019:**

"The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision."

- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1st November 2019:**

"The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.

A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy."

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”
- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11th October 2019:**

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”
- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22nd May 2019:**

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”
- **APP/P1940/W/19/3229038: 124 Greenfield Avenue Decision Date 10th December 2019**

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites

have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy."

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley Decision Date 9th March 2020**
"Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant's figures my conclusion remains unaltered."
- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley Decision Date 7th May 2020**
"The Council's evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant's evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council's Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy."
- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**
"The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework's suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing"
- **APP/P1940/W/20/3259397 24 Wyatts Road Decision Date 8th February 2021**
"...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework."
- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green Decision Date 18th February 2021**
"The Council's case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4."
- **APP/P1940/W/20/3244533 2 Canterbury Way Decision Date 4th March 2021**

“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**

Decision Date 15th June 2021

“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley**
Green Decision Date: 10th March 2022

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council’s decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.”

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**

Decision Date: 16th March 2022

“Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a ‘major’ one for the purposes of paragraph 64 of the Framework.”

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**

Decision Date: 29th April 2022

“The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale

of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010.”

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**

Decision Date: 30th August 2022

“I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council’s case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

Decision Date: 23rd September 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

Decision Date: 27th October 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”

- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**

Decision Date: 10th May 2023

The Council’s evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case

- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**

Decision Date: 8th August 2023

As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.

- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood**

Decision Date: 20th June 2023

In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above

- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth**

Decision Date: 7th February 2024

The Council’s Housing Needs Analysis [2023] provides an up-to-date and

robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below its policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance

Conclusion

- 2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022, February 2023 and April 2024 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore, comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3229038,, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)
<http://www.threerivers.gov.uk/egcl-page/core-strategy>
2. Annual Monitoring Report 2022/2023 (December 2023)
<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)
<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>
4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
<https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base>

5. Office of National Statistics Housing Data 2002-22
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

April 2024

Appendix 1 Differences between refused application (20/0644/FUL) and this planning application



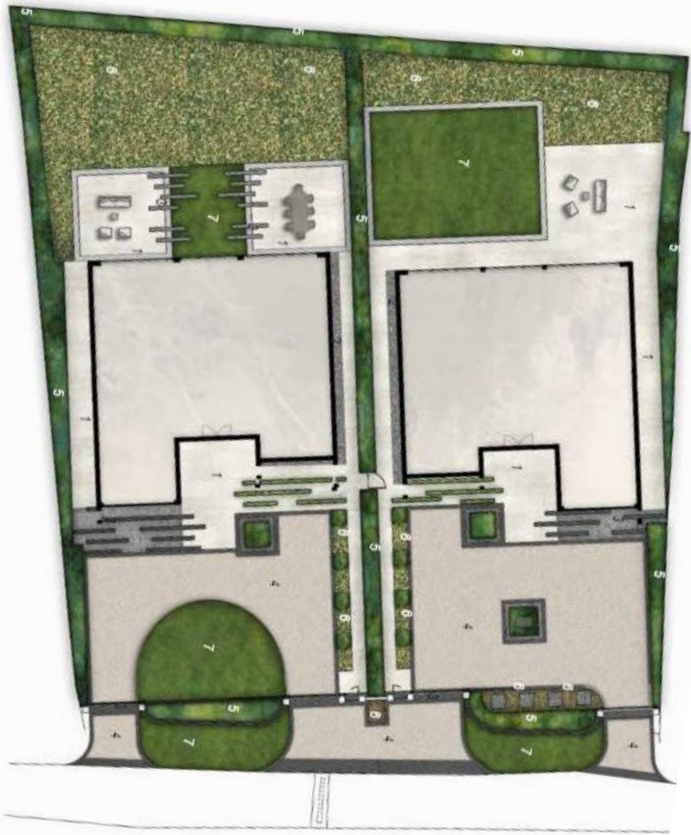
20/0644/FUL – Refused application – Proposed Block Plan (above)



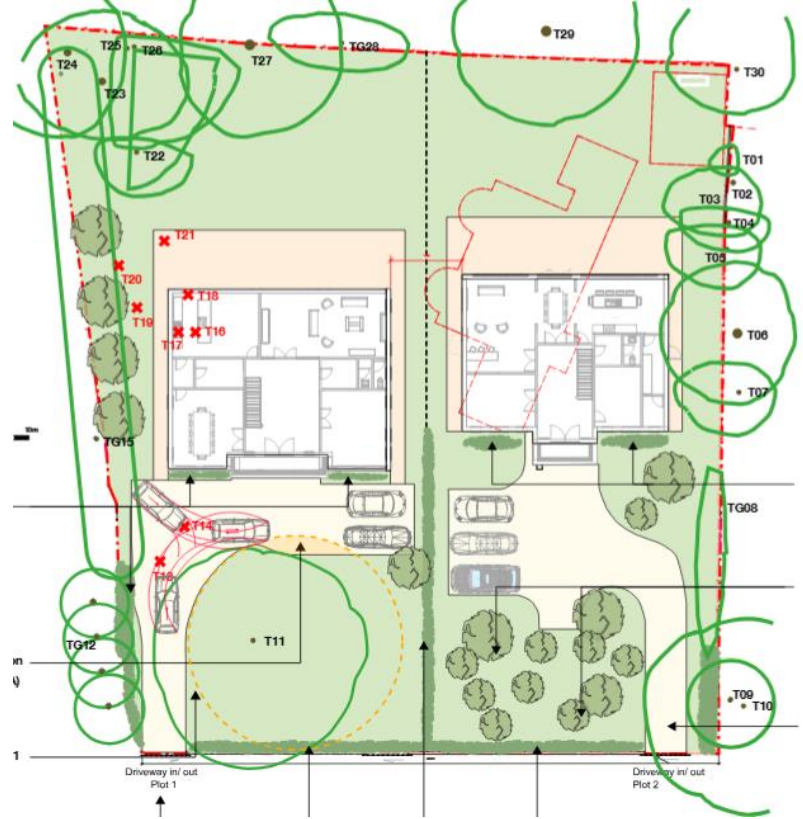
24/0532/FUL– Pending committee application – Proposed Block Plan (above)

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20/0064/REF– Dismissed appeal – Proposed Landscaping (above)



24/0532/FUL– Pending committee application – Proposed Landscaping (above)

Appendix 2: Consultee Comments

1.1 Batchworth Community Council – Objection and called to Committee

Initial consultation: Objection and called to Committee

Second consultation: Objection and called to Committee

Third consultation: Objection and called to Committee

1.2 Hertfordshire Ecology – No objection

Initial consultation: No objection

Second consultation: Re-directed to previous advise

Third consultation: No comment received

1.3 Hertfordshire Council Highways – No objection

Initial consultation: No objection, informative recommended

Second consultation: No additional comments

Third consultation: No additional comments

1.4 Landscape Officer – Objection Overcome

Initial consultation: No comment received.

Second consultation: Objection

Third consultation: Objection overcome

1.5 National Grid – No comment recieved

Initial consultation: No response received

Second consultation: No response received

Third consultation: No response received

1.6 Historic England – Consulted in error

1.1 Batchworth Community Council – Objection and called to Committee

Initial consultation: Objection and called to Committee

Second consultation: Objection and called to Committee

Third consultation: Objection and called to Committee

Consultee Comments for Planning Application 24/0532/FUL

Application Summary

Application Number: 24/0532/FUL

Address: Overbury Woodside Walk Northwood HA6 3ET

Proposal: Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Case Officer: Clara Loveland

Consultee Details

Name: Mr Mike Kirkman

Address: Basing House, 46 High Street, Rickmansworth, Hertfordshire WD3 1HP

Email: Not Available

On Behalf Of: Batchworth Community Council

Comments

The plot has been historically subdivided with dwellings to the rear and further subdivision will be at odds with the surrounding area.

Plan 5624A101 clearly shows that almost a third of the plot frontage is covered with hard standing- obviously designed to accommodate maximum car parking space. This is inappropriate and not in keeping with the street scene in relation to its setting in the surrounding woodland. Woodside Walk has a low density and spacious pattern of development. The placing of two houses on this plot will have an unacceptable impact on the character of the road. The intensification of the site will have negative visual and spatial impact on the site which is adjacent to Oxhey Woods. The movements of heavy plant vehicles during demolition and a possible lengthy construction period will have a severe negative impact on the peace and tranquillity that this gated access road currently offers the residents. The first-floor rear balconies, in both instances, will impact on the privacy of the neighbours reducing their enjoyment of their amenity space. Despite resulting in a net gain, this does not contribute to the current housing needs of the District as a whole. These are architect's cookie cutter designs simply cut and pasted on to a completely inappropriate site.

BCC request that this is called into committee unless officers are minded to refuse.

Consultee Comments for Planning Application 24/0532/FUL

Application Summary

Application Number: 24/0532/FUL

Address: Overbury Woodside Walk Northwood HA6 3ET

Proposal: Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Case Officer: Clara Loveland

Consultee Details

Name: Mr Mike Kirkman

Address: Basing House, 46 High Street, Rickmansworth, Hertfordshire WD3 1HP

Email: Not Available

On Behalf Of: Batchworth Community Council

Comments

BCC acknowledges the differing designs of the two proposed new dwellings and the absence of rear balconies.

However, BCC continues to object to the proposals on the grounds that the plot has been historically subdivided with dwellings to the rear and further subdivision will be at odds with the surrounding area. This is inappropriate and not in keeping with the street scene in relation to the setting in the surrounding woodland. Woodside Walk has a low density and spacious pattern of dwellings, and the proposed development does not reflect the existing pattern. The placing of two houses on this plot will have an unacceptable impact on the character of the road. The intensification of the site will have negative visual and spatial impact on the site which is adjacent to Oxhey Woods. The rear dormers in the roofspace will adversely impact on the privacy of the neighbours reducing their enjoyment of their amenity space. Despite resulting in a net gain, this does not contribute to the current housing needs of the District as a whole.

BCC request that this is called into committee unless officers are minded to refuse.

Consultee Comments for Planning Application 24/0532/FUL

Application Summary

Application Number: 24/0532/FUL

Address: Overbury Woodside Walk Northwood HA6 3ET

Proposal: Demolition of existing buildings; subdivision of site and construction of 2 self-build two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Case Officer: Clara Loveland

Consultee Details

Name: Mr Mike Kirkman

Address: Basing House, 46 High Street, Rickmansworth, Hertfordshire WD3 1HP

Email: Not Available

On Behalf Of: Batchworth Community Council

Comments

BCC continues to strongly object to this application. The provisions primarily of the landscaping, of the developed sub plots are at best cosmetic. BCC concurs with all the points raised in the APCAR Smith Planning Report and tree officer concerning the irrecoverable deterioration of the protected woodland.

BCC would like to call this application into committee unless officers are minded to refuse.

1.2 Hertfordshire Ecology – No objection

Initial consultation: No objection

Second consultation: Re-directed to previous advise

Third consultation: No comment received

Clara Loveland
Development Management (Planning)
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire WD3 1RL

Hertfordshire LEADS
Hertfordshire County Council
County Hall, Pegs Lane
Hertford, Herts, SG13 8DF

Contact:
Email: ecology@hertfordshire.gov.uk
Date: 25/06/2024

Dear Clara

[24/0532/FUL](#)

Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roof space served by front/rear dormers and side rooflights; with associated access, parking and landscaping works. Overbury Woodside Walk Northwood HA6 3ET .

Summary of Advice:

- There is sufficient information on European Protected Species (bats & Great Crested newts) to allow determination.
- No Biodiversity Net Gain information submitted.

Supporting documents:

I have made use of the following documents in providing this advice:

- Bat Emergence and Re-entry Surveys by Arbtech Consulting Ltd dated 27/07/20221.

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Bats: A Preliminary Roost Assessment was conducted on the December 2019 which identified the Property (building B1), as having potential as a day roost for common and soprano pipistrelles. Subsequent emergence and re-entry survey carried out in 2020 confirmed the presence of a roost in two locations within the building. Updated surveys carried out on the 14/05/22 and 19/06/22 observed no behaviour consistent with the presence of a roost. However, the previous evidence of a roost was also considered, and an assessment made that the site consisted of an occasional or transitional roosts of low conservation value. I have no reason to doubt this professional judgement.

The proposed demolition of the building will result in the loss of this bat roost; however, sufficient mitigation and compensation measures have been provided to ensure the favourable conservation status of bats is maintained. It is acknowledged that the measures proposed will be carried out under the conditions of a bat mitigation licence issued by Natural England. With this information in place, I consider the LPA has sufficient information to fully consider bats and apply and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended) prior to determination.

I advise an informative should be attached to any permission to the effect that:

A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will may also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

Biodiversity Net gain (BNG): I can find no reference to BNG within this application, as the application was submitted on the 3rd of April 2024, unless it meets the criteria for any of the exemptions, it falls after the date by which BNG becomes mandatory for this size of development. If this application is not exempt from BNG then the provision of a biodiversity metric with the base line data would be required prior to determination.

I trust these comments are of assistance,

Regards

Simon Richards
Senior Ecologists, Hertfordshire LEADS

Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.

Dear Sir/Madam,

APPLICATION NUMBER: 24/0532/FUL

PROPOSAL: Demolition of existing buildings; subdivision of site and construction of 2 no. two storey

detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

LOCATION: Overbury Woodside Walk Northwood HA6 3ET

We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands.

Kind regards,

Fenella Stacey

Assistant Ecology Advisor | Hertfordshire Ecology | LEADS*

Address: Farnham House Six Hills Way, Stevenage SG1 2FQ

To contact the Ecology Team, please contact direct enquiries to: ecology@hertfordshire.gov.uk 555220

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology,

Design and Sustainability support to Local Planning Authorities in Hertfordshire



[Our vision](#) is to create a cleaner, greener and healthier

Hertfordshire, guided by our RISE values

We improve
Residents' lives

We work with
Integrity

We act
Sustainably

We champion
Equality & fairness

1.3 Hertfordshire Council Highways – No objection

Initial consultation: No objection, informative recommended

Second consultation: No additional comments

Third consultation: No additional comments



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 24/0532/FUL
HCC ref: TR/21318/2024
HCC received: 14 June 2024
Area manager: Alan Story
Case officer: Tarunveer Sehmi

Location

Overbury Woodside Walk Northwood HA6 3ET

Application type

Full Application

Proposal

Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

COMMENTS

Context: Woodside Walk is a private road and is not highway maintainable at public expense. No reported highway collisions recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.

Private road: The Highway Authority is limited in the extent to which it is able to comment on the application, as the site takes its access from a private road and the Highway Authority has no jurisdiction over it. However, as a responsible authority consideration has been given to any potential highway safety concerns or other highway/access related matters.

Proposed development: Involves the demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Access: The proposals include the provision of 3no. vehicular accesses. The Southern plot 1 will have two vehicular accesses forming a carriage driveway. Vehicles will be able to turn around and exit the site in forward gear. The Northern plot 2 will have a single vehicular access. All access points are to have vehicular gates up to the boundary of the site. HCC as

the highway authority recommend that the vehicular entrance gates are set back 6m from the edge of the road in order for vehicles waiting for the gates to open clear the adjacent traffic on Woodside Way. Woodside way is a Private Road with a 10mph speed limit that is solely used to provide access to properties and therefore is not used as a through road – therefore HCC deem the access arrangements and lack of gate setback acceptable in this instance.

Access: Policy 5 of Hertfordshire's Local Transport Plan seeks to ensure that access arrangements are safe and suitable for all people, built to an adequate standard, adhere to the county council's Highway Design Standards and reflect the LTP Transport User Hierarchy detailed in Policy 1. Guidance set out in The Place and Movement Planning Design Guide states that the number of crossovers should be kept to a minimum to reduce conflict with and discomfort for footway users. The widths of drives and lengths of dropped kerbs should be sufficient to allow vehicles to manoeuvre into and out of the property but unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians. The county council's Terms and Conditions for dropped kerbs can be found here: <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Changes-to-your-road/Dropped-kerbs/Dropped-kerbs.aspx>

Proposed access: HCC would recommend the new accesses to comprise a maximum four flat kerbs, (3.6m) flanked by two ramped kerbs, each 0.9m (overall length 5.4m).

Trip Generation: The additional habitable space to be created as a result of the proposed development is unlikely to result in a material increase in additional vehicle trips to and from the site. No significant, or severe, impact on the transport network is identified.

Parking: The LPA shall be responsible for assessing the proposed development against local parking standards and to satisfy for itself that any level of parking it requires can be achieved. The Highway Authority would observe the following. An area of hardstanding is proposed on both plots for vehicle parking. The submitted plans demonstrate there to be sufficient space for 4no. 5m x 2.4m parking spaces to fit within the area of hardstanding without overhanging the boundary of the site.

Emergency Vehicle Access: Consistent with the NPPF (2021), para. 112 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2) (Requirements are set out in Building Regulations). Access for a pumping appliance should be provided to within 45m of a single dwelling (and within 45m of all points within a dwelling). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.

Refuse / Recycling Storage

Provision would need to be made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection, which should be achievable when taking into consideration the size of the remaining property.

CONCLUSION

HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It

raises no objections but recommends the inclusion of the above highway informative / advisory notes.

Signed

Tarunveer Sehmi

25 June 2024



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 24/0532/FUL
HCC ref: TR/21318/2024
HCC received: 28 November 2024
Area manager: Alan Story
Case officer: Tarunveer Sehmi

Location

Overbury Woodside Walk Northwood HA6 3ET

Application type

Full Application

Proposal

AMENDED PROPOSAL

Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as the highway authority recognises the submitted amended plans and new access arrangements and refer back to original comments submitted on 25 June 2024. It has no additional comments.

Signed

Tarunveer Sehmi

3 December 2024



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

Three Rivers District Council
Three Rivers House
Northway
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District ref: 24/0532/FUL
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HCC received: 28 April 2025
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Location

Overbury Woodside Walk Northwood HA6 3ET

Application type

Full Application

Proposal

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Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as the highway authority recognises the submitted amended plans and new access arrangements and refer back to original comments submitted on 25 June 2024. It has no additional comments.

Signed

Tarunveer Sehmi

29 April 2025

Dear Sir/Madam,

APPLICATION NUMBER: 24/0532/FUL

PROPOSAL: Demolition of existing buildings; subdivision of site and construction of 2 self-build two

storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

LOCATION: Overbury Woodside Walk Northwood

We have previously responded to this application (dated 25/06/2024) and as there are no changes that would warrant amended comments in this case, our previous advice still stands.

Kind regards,

Fenella Stacey

Assistant Ecology Advisor | Hertfordshire Ecology | LEADS*

Address: Farnham House Six Hills Way, Stevenage SG1 2FQ

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We act
Sustainably

We champion
Equality & fairness

1.4 Landscape Officer – Objection Overcome

Initial consultation: No comment received.

Second consultation: Objection

Third consultation: Objection overcome

Sent: 10 January 2025 13:49

Subject: RE: 24/0532/FUL Overbury

Hi Clara,

Please find our recommendation below-

Recommend: Refusal

Much of the development site and its surroundings are protected by W3 of TPO362. The proposal necessitates the felling of 6 Category C Silver Birch trees and 1 Category C Oak tree protected by this TPO on the southern side of the site to provide space for Plot 1. Contrary to DM6, the removal of these trees would deteriorate the protected woodland W3. While replacement planting has been outlined in the landscape plan, 8/9 of these individuals are within the site of Plot 2, and all of them are outside of the protected woodland area. There is little space available for replacement planting around the proposed developments which could replenish the woodland while avoiding conflict with the new structures in the future.

The plan for Plot 2 lies under the canopies of several more TPO trees on the northern site boundary and its foundations will encroach into the RPA of T6 TPO Oak by approximately 5%. As T1-7 continue to grow and mature this could result in nuisance to the new building which would require works to these protected trees in the future, altering their form and character and posing risk to their long-term health and survival.

Additionally, the proposed driveway design for Plot 1 encroaches into the RPA for T11 Oak (T1 of TPO 362, Category B) by 34%, significantly exceeding the tolerance threshold of 20% as recommended by BS5837.

Refusal is recommended on the basis of immediate and irrecoverable deterioration of the protected woodland W3, excessive encroachment into the RPA of T1 Oak, and the likelihood of necessary nuisance abatement works to trees in W3 in the future.

Kind regards,

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

Three Rivers District Council

www.threerivers.gov.uk

Additional Tree Comments following an initial amended AIA

Hi Clara,

Thanks for this.

The material differences in the new AIA appear to be the retention of T20 where it was previously proposed for felling, and an adjustment to the proposed incursion into the RPA of T11 to bring it down to 4%, from 34% - however, the position of the driveway has not changed, the proposed location of the tree's RPA has been changed instead.

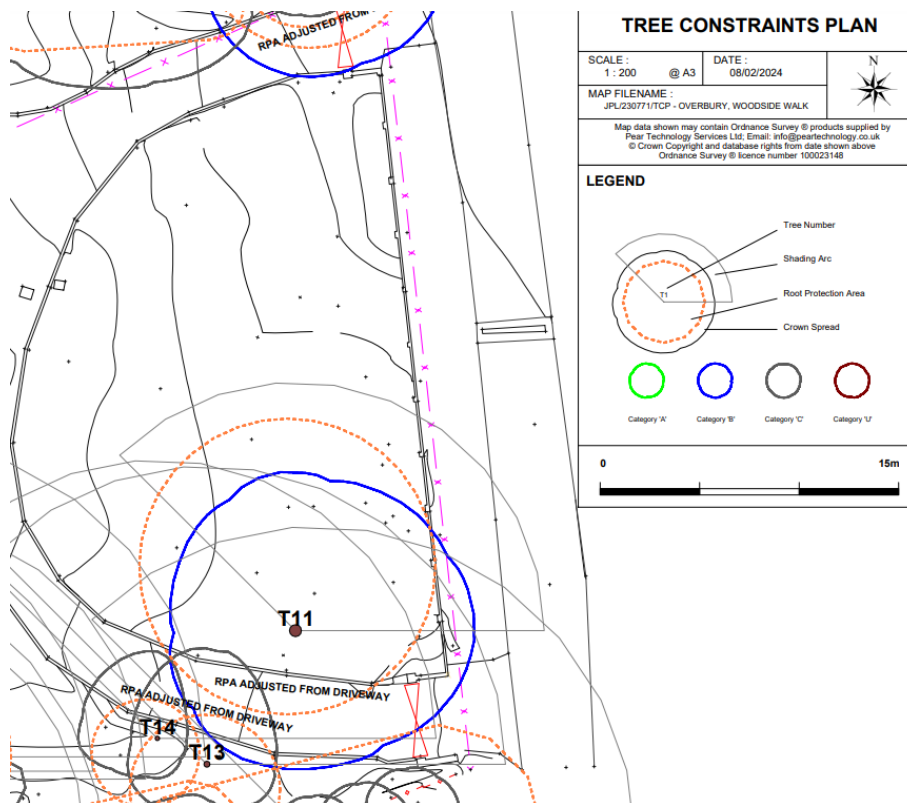
BS5837 – The British Standard for Trees in relation to design, demolition and construction – Recommendations states the following with respect to RPA calculations:

***4.6.2** The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.*

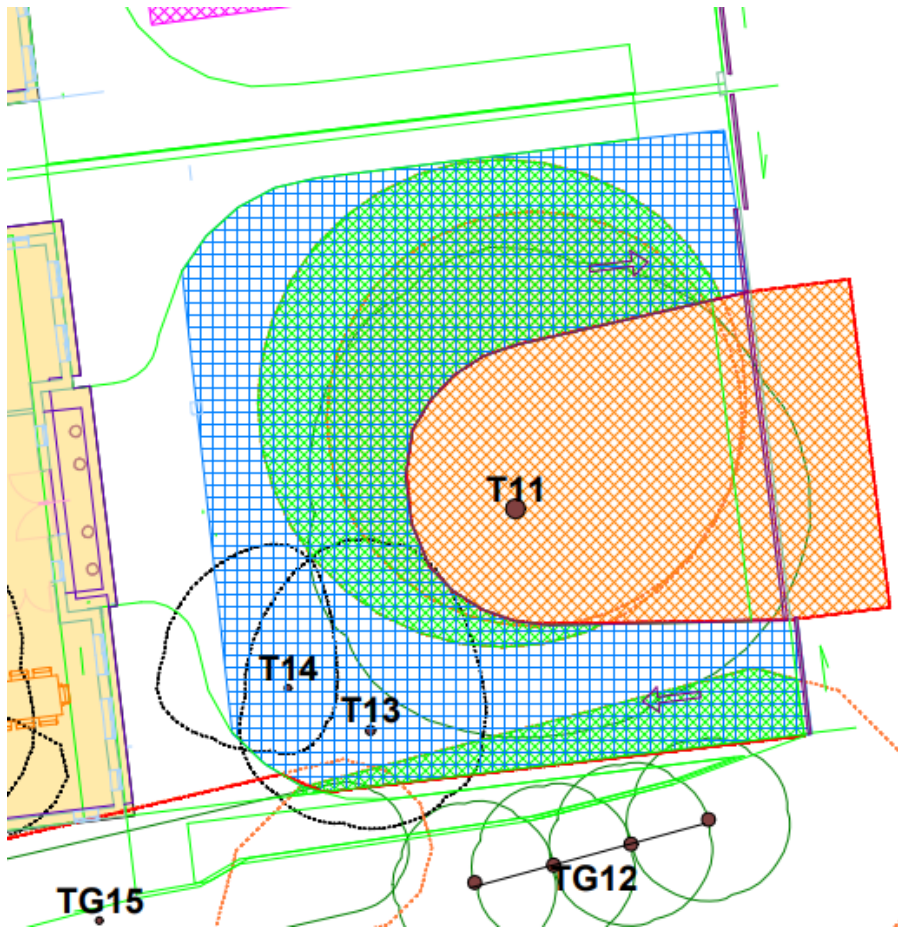
***4.6.3** Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:*

- a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);*
- b) topography and drainage;*
- c) the soil type and structure;*
- d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.*

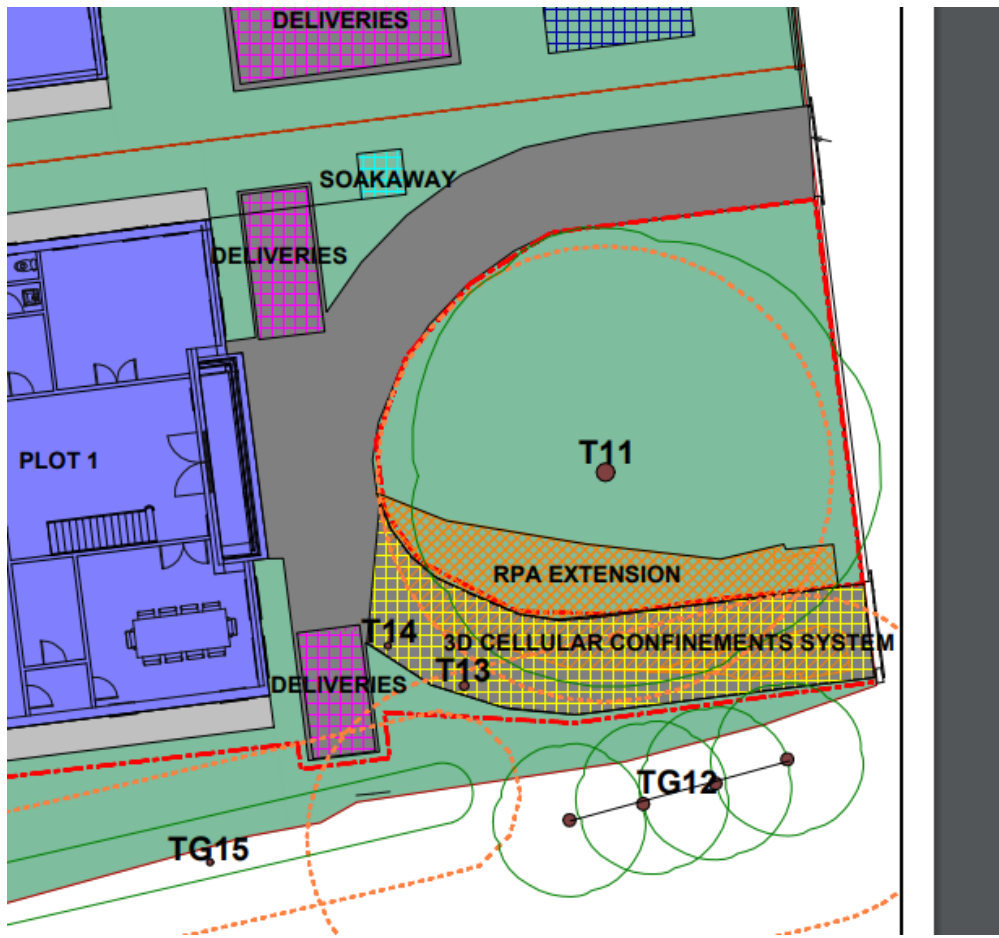
It can be seen in the tree constraints plan dated 8/2/24 that the RPA for T11 was initially calculated according to the BS5837 recommendation to adjust for the pre-existing driveway at the site, i.e. that it was offset from the driveway towards the grass:



This location of the tree's RPA causes conflict with the proposed development of the driveway, creating a 34% incursion within the RPA which is well above the tolerance threshold of 20% described in BS5937:



As can be seen in AIA Revision W dated 29/1/25, the RPA for T11 has been moved and now occupies a circle which evenly surrounds the stem of the tree, i.e. it no longer accounts for the pre-existing driveway, which reduces the proposed incursion increase by 30% in favour of the approval of the development:



We objected to this proposal previously based (in part) on the proposed impact to the RPA of T11 and feel that insufficient amendments have been made to address this concern. The proposed development hasn't changed, only the sensitivity with which the protection of the trees is assessed, and we would recommend refusal on this basis.

Have you received an amended landscape plan alongside this at all?

We're also curious to know what the broader perspective on this application is among the planning team, if you're happy to share.

Kind regards,

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

Three Rivers District Council

07/05/25

Recommend: Approval

Previous refusals of this application were informed by an intolerable incursion into the root protection area (RPA) of a protected tree, and insufficient replacement planting for trees removed from an area protected by a woodland TPO.

The proposed carriage driveway for plot 1 would have breached the RPA of T1 Oak of TPO362 (labelled T11 Oak on historic plans) by 34%, where the British Standard for trees in relation to construction and demolition (BS5837:2012) defines the upper limit for RPA incursions as 20%. 8 trees protected by W3 of TPO362 were proposed for removal, with one replacement tree to be planted within the boundary of plot 1, and 8 trees to be planted within the boundary of plot 2, the latter being well outside of the original zone of protection. Contrary to DM6, this proposal would deteriorate the character of W3.

The proposal since has been amended to reflect a single-entrance driveway for plot 1, reducing the incursion into the RPA of T1 Oak to 3.4%; well within the tolerable limit outlined by BS5837:2012. The new landscape plan also shows replacement planting of 5 trees within the boundary of plot 1, and 13 trees within the boundary of plot 2. We are of the view that this replacement planting is sufficient to balance the material lost from W3 by the development.

Kind regards,

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

28/05/25

“we'd be happy to recommend approval with conditions to adhere to this AIA and TPP”

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

1.5 National Grid – No comment received

Initial consultation: No response received

Second consultation: No response received

Third consultation: No response received

1.6 Historic England – Consulted in error



Historic England

Ms Clara Loveland
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL

Direct Dial: 01223 582764

Our ref: **W:** P01585635

29 November 2024

Dear Ms Loveland

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**OVERBURY, WOODSIDE WALK, NORTHWOOD, HA6 3ET
Application No. 24/0532/FUL**

Thank you for your letter of 28 November 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Tom Goodman
Business Officer
E-mail: thomas.goodman@historicengland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.



Ms Clara Loveland
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL

Direct Dial: 01223 582764

Our ref: **W:** P01585635

28 April 2025

Dear Ms Loveland

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**OVERBURY, WOODSIDE WALK, NORTHWOOD, HA6 3ET
Application No. 24/0532/FUL**

Thank you for your letter of 28 April 2025 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Tom Goodman
Business Officer
E-mail: thomas.goodman@historicengland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk

Appendix 3: Neighbour Comments

1.1 5 neighbours consulted across 4 dates. No. of responses: 4 objections received (three from neighbouring properties and one from a representative of all three neighbouring properties)

1.2 Consultation 1: 14th June 2024

Summary of comments:

- Proposal does not address 2021 refusal or appeal.
- Severe effects on adjacent properties (light, privacy and outlook).
- No in-keeping with the rest of Woodside Walk.
- Change of character, low density, spacious road.
- Houses in the street are individual, the proposed houses will be very similar.
- Removal of 8 trees will cause a negative effect on other trees.
- Neither house includes a garage and large frontage with hardstanding for car parking.
- Heavy plant vehicles during demolition will have a detrimental impact on tranquil road.
- A single property on the plot would be more in-keeping.
- Houses sit close to each other which is at odds to the existing street scene.
- Increased pressure for further tree removal.
- Previous LPA not addressed.
- First-floor rear balconies will be overlooked.
- Incongruous and fails to have regard to the prevailing character.
- Actual and perceived overlooking.
- Inappropriate layout, uncharacteristically small compared with vicinity.
- Significant areas of hardstanding

1.3 Consultation 2: 28th November 2024

Summary of comments:

- Revised proposal continues to be unacceptable.
- Plot size is small for the road and out of character.
- Overall scale and massing remains unchanged.
- Very little differentiation between the dwellings/design not addressed.
- Infringement of 45-degree splay line to Mulberry House.
- Houses will sit further forward of adjacent dwellings.
- Lighting assessment remains missing.
- Houses are uncharacteristically small for the road.
- Overlooking concerns to Dell Lodge.
- Future impact on trees due to dwellings being closer to the boundaries.
- Significant increase in hardstanding in the front gardens.
- Too close to neighbouring boundaries.
- Lack of garages is impractical.

- At odds with low density street.
- Cramped and out of character.

1.4 Consultation 3: 28th April 2025

Summary of comments:

- Large amount of intrusion into root protection of T11 in Plot 1.
- 8 trees to be removed are of public amenity value and all importance of character and screening.
- Limited space for replanting and undue pressure on trees.
- The proposal does not overcome Inspectors' concerns.
- Application does not include BNG requirements. Whilst the description has changed to self-build, there is no information to back this up.
- The revised proposal does not alter the proposed houses on the plot, their relationship with each other, surrounding houses, floor plans or elevations.
- Development out of character.
- Unacceptable relationship with neighbouring properties – revised plans have not overcome this.
- Inappropriate parking provision.
- Neither house includes a garage.
- Overlooking arising from the first-floor rear windows.
- Design has not addressed the dismissed appeal concerns. Not enough has been done to differentiate the properties.

1.5 Consultation 4: 29th May 2025

Summary of comments:

- At the time of writing this report, the consultation remains ongoing until 12th June 2025.

Appendix 4:
Appeal Decision
(APP/P1940/W/20/3263733)



Appeal Decision

Site visit made on 14 May 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/P1940/W/20/3263733

Overbury, Woodside Walk, Northwood HA6 3ET

- 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 Mr Amit Dhamercha against the decision of Three Rivers District Council.
 - The application Ref 20/0644/FUL, dated 23 March 2020, was refused by notice dated 26 May 2020.
 - The development proposed is the demolition of the existing dwelling and erection of two new detached dwellings (resubmission to 19/2038/FUL).
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application seeking a full award of costs against the Council has been submitted by the appellant. This application is the subject of a separate decision.

Main Issues

3. The main issues are;
 - i) The effect of the proposal on the character and appearance of the area, including protected trees; and
 - ii) The effect on the living conditions of the neighbouring occupiers of Dell Lodge, with particular regard to privacy.

Procedural Matter

4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Reasons

Character and appearance

5. Woodside Walk is characterised by large detached dwellings and, while some of the original plots have been subdivided over the years, these properties are still set within spacious plots. I note that both dwellings proposed by the appeal scheme would sit in plots measuring around 0.1 hectares in area, which would be similar in area to properties on nearby Pinewood Close. I also recognise that the density of the proposed development would be the equivalent of 10 dwellings per hectare. However, the context for the proposed development is Woodside Walk, which has a spacious low-density pattern of development. The appeal plots would be smaller than other properties on this road. Whilst the smaller rear gardens proposed for the appeal dwellings would not be visible within the street scene, this would be at odds with the surrounding area. Taking all the above into account, overall the appeal scheme would fail to reflect the existing development pattern on Woodside Walk.
6. Whilst dwellings on Woodside Walk vary in design, they are predominantly traditional in character. By contrast, the appeal scheme proposes two identical houses which would be contemporary in character. Whilst a contemporary approach would be acceptable in this location in principle, the design detail of the proposed dwellings and the fact that they would be identical would not respond to the local context. Proposed features, such as raised eaves and two-storey flat roof front projections, would be at odds with other homes on Woodside Walk.
7. The proposed dwellings would sit on a similar building line to other properties along Woodside Walk. However, they would sit further forward in the plot than the current property, there would be a lack of space around them and a new central access and associated driveways would include a significant level of hardsurfacing. This, coupled with the discordant design which I have described, would give rise to an overly prominent development within the street scene which would fail to respect the character and appearance of the site and street scene.
8. The scheme proposes the removal of several trees, mostly along the southern boundary of the site, in order to allow the construction of proposed Unit One. These trees are covered by Tree Preservation Order No 362 (TPO). I note that the documentation submitted in respect of the TPO states that the trees were originally protected '*as they are of significant amenity value and add to the sylvan character of the area*'. The appellant's Tree Report predominantly classifies these trees to be Category C which are '*Unremarkable trees of very limited merit*' but may have '*greater collective landscape value*'.
9. I accept that the trees to be removed have limited value when considered individually. However, collectively they make a significant contribution to the semi-rural green character and appearance of the site and Woodside Walk. I note that these trees could be replaced as part of a mitigation scheme and that, as they are protected, there would also be a statutory requirement to replace them if they were removed. However, given the level of development proposed, there would be little available space within the appeal site to secure any replanting. On this basis, the loss of these trees would harm the green and wooded character and appearance of the site and area.

10. A number of trees would significantly overhang the rear garden of proposed Unit One. I am satisfied that the level of sunlight which this garden would benefit from would meet the BRE guideline that *'at least half of the garden/amenity area should receive at least two hours of direct sunlight on 21 March'*. However, this is a minimum standard and inevitably future residents would be likely to desire a more generous level of sunlight to their garden. Also, the juxtaposition of the trees with the rear garden area would be likely to generate complaints about nuisance, in relation to matters such as falling leaves and branches. Together these issues would be likely to lead to undue pressure from future residents to undertake inappropriate works to the trees which would be difficult for the Council to resist. Such works would be to the detriment of the character and appearance of the area.
11. In conclusion, in terms of the design, layout and impact on trees, the appeal scheme would fail to respect the character and appearance of the appeal site and surrounding area. The proposal therefore, in this respect, the proposal would not meet the requirements of Policies CP1 and CP12 of the Three Rivers District Council Core Strategy (2011) (CS), Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document (DMPLDD) (2013) and Paragraph 127 of the NPPF which seek, amongst other things to secure a high standard of design which has regard to local context.

Living conditions of existing residents

12. The joint boundary between the appeal site and Dell Lodge to the rear includes a combination of chain link and panel fencing. It also benefits from a number of trees and vegetation, which would be retained as part of the development. Whilst the fence panels and vegetation currently provide a good level of screening between the appeal site and the property to the rear, there are clear views into the neighbours' private garden area through the area of chain link fence.
13. Given that the existing dwelling is located at an oblique to this joint boundary and is set away from the area of chain link fence, there is currently no significant overlooking from the property into the neighbours' rear garden. By contrast, the rear elevation of Unit 1 would sit closer to the joint boundary and would directly face the neighbours' rear garden. This would give rise to an unacceptable level of overlooking through the area of chain link fence which would harm the neighbouring occupiers' enjoyment of their private garden area.
14. Nonetheless, views into the neighbours' garden would be obscured if the chain link fence were replaced by a solid boundary treatment. I am therefore satisfied that a condition attached to any consent granted requiring the appellant to submit details of a new rear boundary treatment could safeguard the neighbours' privacy.
15. Therefore, subject to the condition described, the appeal proposal would in this respect comply with policies CP1 and CP12 of the CS (2011) and Policy DM1 and Appendix 2 of the DMPLDD (2013) and Paragraph 127 of the framework which seek, amongst other things, to safeguard the living conditions.

Planning Balance and Conclusion

16. The Council cannot demonstrate a five-year housing land supply (5YHLS). Consequently, Paragraph 11d of the Framework is engaged whereby there is a presumption in favour of sustainable development and planning consent should be granted unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the Framework as a whole.
17. Taking into account the current shortfall, the provision of one net dwelling would provide a modest contribution to the housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework recognises the contribution small housing sites can make to housing supply and promotes effective use of land to boost the supply of housing. It would also improve the quality of housing stock in the district and would be located on a brownfield site. The development would generate economic investment both during construction and provide limited support to local services.
18. Nevertheless, the identified adverse impacts of the development in respect of character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, including the presumption in favour of sustainable development.
19. There are no material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan, with which I have already found conflict. Therefore, I conclude that for the reasons given above, the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR

Appendix 5: Tree Appeal Decision

APP/TPO/P1940/833



Appeal Decision

Site visit made on 22 September 2021

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/TPO/P1940/8330

Overbury & Holly Manor, Woodside Walk, Northwood, Middlesex HA6 3ET

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
 - The appeal is made by Mr A Dhamecha against the decision of Three Rivers District Council.
 - The application Ref: LCS/20/2388/TPO, dated 9 November 2020, was refused by notice dated 17 December 2020.
 - The work proposed to three hybrid oaks are:
 - T1A, reduce the southerly growing lateral branches by 2-2.5m on the lowest limb over the driveway and by 2m decreasing to 1m at higher levels;
 - T2 & T3, reduce these trees by 2.5m in height and 2.5m laterally on the western, northern and eastern sides.
 - The relevant Tree Preservation Order (TPO) is the Three Rivers (Oxhey Drive, South) TPO 1997, which was confirmed on 22 April 1997.
-

Decision

1. The appeal is allowed and consent is granted to undertake work to three hybrid oaks protected by the Three Rivers (Oxhey Drive, South) Tree Preservation Order 1997 in accordance with the terms of the application, Ref LCS/20/2388/TPO, dated 9 November 2020, subject to the following conditions:
 - 1) The works hereby consented shall not commence until details of the pruning expressed in terms of the length of branches and height of tree that would remain (as relevant) have been submitted to and approved in writing by the Council. Such details could include the submission of annotated photographs. The consented work shall be carried out in accordance with the approved details.
 - 2) All tree work shall be carried out in accordance with British Standard BS 3998:2010 Tree Work – Recommendations (or the equivalent British Standard if replaced).
 - 3) Five days' notice shall be given to the Council prior to the commencement of the work hereby consented.

Main Issues

2. The main issues in this appeal are:
 - the amenity value of the three hybrid oaks and the likely effect of the proposed tree works; and,
 - whether sufficient justification has been provided for the proposed works.

Reasons

Amenity value of the three hybrid oaks and the likely effect of the proposed tree works

3. Woodside Walk is a private road with large, detached houses on spacious wooded plots opposite the dense woodland of Oxhey Wood. Overbury is orientated so that its front and rear elevations face more towards the side boundaries of the plot than Woodside Walk. The first of the three hybrid oaks ('oaks') that are the subject of the appeal, T1A is located in front of the house along the boundary with Holly Manor and within its grounds. The remaining two oaks, T2 and T3, are located in the rear south western corner of the garden within the grounds of Overbury along the boundary with Mulberry House.
4. All three trees form part of an area of woodland protected by the Tree Preservation Order that envelopes large parts of Overbury and Holly Manor's plots. As a whole this area of woodland, which forms the setting for these houses, is of high amenity value. In the case of T1A, the close proximity of trees within the deep wooded margin around Holly Manor has resulted in the tree having a distinct asymmetric shape. As a result, its long branches are confined to the southern side of the tree which extends over the driveway in front of Overbury. T2 and T3 are particularly large trees with full crowns that have grown together owing to the small distance separating them in the woodland. All three trees appear to be in good health and vigorous.
5. As a tree on the outer edge of the woodland, and clearly visible from the road in views of the front of the house, T1A makes a noteworthy contribution to the amenity value of the woodland. Located in the gap between Overbury and Mulberry House to the rear of the plot, in views from the road T2 and T3 form part of the dense backdrop of trees to these dwellings and make a positive contribution to the amenity value of the woodland.
6. The proposed works would reduce the radius of T1A and reduce the height and form of T2 and T3. The effect of the pruning on the contribution T1A makes to the amenity value of the woodland would be greater than the effect of the pruning on T2 and T3. Individually and cumulatively though the adverse effect on the amenity value of the woodland would be limited. If the proposed pruning took place foliage bearing parts would remain intact throughout the canopy of the trees allowing them to regenerate. Given that these trees are young, mature and vigorous it is unlikely that, if carried out in accordance with best practice, such work would result in the entry of disease and the decline of the trees.

Whether sufficient justification has been provided for the proposed works

7. Tree T1A is a multi-stemmed specimen with long and relatively thin lateral branches. With its asymmetric shape and its exposure to the prevailing west to south winds the tree is therefore more vulnerable to torsional twisting and breakage than other trees. This view is supported by evidence of the remnants of two large, lower, lateral branches on the larger of the tree's stems that have snapped off in the past. The failure of such branches would damage any vehicles parked in front of the garage.
8. Reference has been made by the Council to the likely harm that trenching work has caused to the tree and that this would mean that it would be less capable of withstanding the pruning proposed. However, on the basis of the information provided by the appellant, it is clear that the trenching work

formed part of an investigation of the tree's rooting and was carefully carried out using hand tools and an air spade. As a result, I am satisfied that the rooting system of the tree has not been damaged by this work and that the tree would be able to withstand the proposed work without its health declining.

9. The overshadowing effect of tree T1A has been cited in support of the appeal. However, as the tree is on the northern side of the house it does not cause any problems in this regard.
10. In relation to trees T2 and T3, the rear garden to the house is the only outdoor amenity space which is not directly overlooked from the road. With its lawn, large patio, table and seating this south facing private space is therefore of high amenity value. Trees T2 and T3 are particularly large and are positioned relatively close to the southern side of this area. Early afternoon on the day of my visit, when the sun was close to its highest point, the whole of the back garden and patio had been placed in the shade by these trees. In summer, when the sun is higher, it is therefore reasonable to assume that for much of the day the whole of the lawn and most of the patio would be in the shade. This would result in less pleasant living conditions than it is reasonable to expect and is a situation that could be improved by the proposed crown reduction.
11. With any application to carry out work to protected trees a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case the proposed works would result in limited harm to the amenity value of the woodland and sufficient evidence has been put forward to justify the works proposed. The appeal should therefore be allowed.
12. In the interests of precision and enforceability, the pruning work needs to be expressed in terms of the length of branch and tree height that would remain – otherwise it would be difficult to determine whether the works have actually been carried out as consented. The crown reduction work should also be carried out to best practice standards and notice should be given to the Council before work starts so that they may visit and check compliance. I have required these matters by condition.

Ian Radcliffe

Inspector

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24/0532/FUL – Demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at **Overbury, Woodside Walk, Northwood, HA6 3ET**



24/0532/FUL – Demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at **Overbury, Woodside Walk, Northwood, HA6 3ET**



PLANNING COMMITTEE – 19 June 2025

24/1963/FUL: Construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross, WD3 9SW

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 10 March 2025

Case Officer: Adam Ralton

Extension of time agreed to 30 June 2025

Application Type: Major Development

Recommendation: That following the completion of a S106 agreement to secure financial contributions toward biodiversity monitoring, travel plan monitoring and sustainable transport improvements, planning permission be granted subject to conditions.

Reason for consideration by the Committee: The application has been called in to committee by three Members of the Planning Committee unless Officers are minded to refuse, to discuss concerns about the impact on noise and air quality from the development and the nature of the proposed use.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SO7RN2QFM8H00>

1 Relevant Planning History

- 1.1 97/0730: (Outline) Redevelopment of existing buildings to provide 3 storey office buildings. Approved July 1998.
- 1.2 99/02426/AOD: (Approval of details plan. ref. 97/0730) Erection of three storey office building and associated access and car parking. Approved June 2002.
- 1.3 06/1841/FUL: Provision of 40 no. new overflow car parking spaces with resurfacing of the new parking areas. Permitted December 2006.
- 1.4 24/1334/PDND: Permitted Development Notice Demolition: Demolition of four existing buildings. Permitted September 2024 and implemented (demolition having taken place).

2 Description of Application Site and Surroundings

- 2.1 The application site relates to a parcel of land on the eastern side of Denham Way in Maple Cross. The character of buildings and uses fronting Denham Way is mixed in this location. As you approach the site from the north, the eastern side of Denham Way is characterised by a collection of commercial premises. The western side of Denham Way has a small number of domestic buildings and the farmland of Woodoaks Farm. The application site is the last of the commercial buildings along this part of Denham Way, with the residential development of Franklins immediately south of the site, and residential buildings fronting Denham Way from this point south through the settlement of Maple Cross.
- 2.2 The site most recently operated as two distinct parcels of land. To the front was a relatively modern three storey flat roofed office building. To the rear and east of the building was surface and multi-storey car parking. To the south of the car park was the second parcel of land, which contained two storey brick buildings with their own surface car parking. There was limited green space around the buildings, with a number of trees and hedgerows

around the perimeter of the site. Since the submission of this application, Maple Cross House has been demolished.

- 2.3 To the immediate north of the application site is the Rivers Office Park, a collection of three 3-storey buildings arranged around a roundabout, with car parking to the rear (east). To the north of that site is a site which is currently vacant but benefits from extant planning permission (22/0033/FUL) for the construction of six warehouses. Planning conditions are being submitted for discharge and approval at that site, which suggests that commencement may be imminent.
- 2.4 To the east of the application site is the site of two new warehouses constructed following the grant of planning permission 21/0573/FUL at appeal. The approved warehouses are of a larger size compared to those subject of the current application (one being 16.2m tall and approx. 95m by 84m, the other 13.2m tall and 98m by 68m) and those approved at the site referenced above, with the planning permission including 16,115sqm of development.
- 2.5 To the south of the application site are residential dwellings. To the south of the front part of the site are the two storey residential buildings at Franklins, constructed following Reserved Matters approval in early 2007. Some of the dwellings at Franklins (for example Nos 23-27 and 42-46) have back gardens that back onto the application site. Other dwellings (ie Nos. 34 and 35) are oriented side-on to the application site.
- 2.6 To the south of the rear part of the application site are the rear gardens of two storey dwellings which front Longmore Close, particularly Nos. 12-19.
- 2.7 To the front (west) of the site is the A412 Denham Way. In this location, Denham Way provides access to the north to the M25 at Junction 17, with Mill End and Rickmansworth beyond. To the south, it provides access to West Hyde and Denham where it adjoins the A40.
- 2.8 The application site is subject to the following Tree Preservation Orders:
- T1 (Magnolia) of TPO570 to site frontage.
 - T1 (Maple) of TPO049 within Franklins adjacent to the site boundary.
 - G2 (Group of 7 Poplar) of TPO049 to the northern boundary of the rear part.
 - G3 (Group of 20 Poplar) of TPO049 to the southern boundary of the rear part.
 - G4 (Group of 14 Poplar) of TPO049 to the eastern boundary of the site.
 - T2 (Aspen) of TPO049 to the south of the rear part of the site.
 - T3 (Aspen) of TPO049 to the south of the rear part of the site adjacent to No. 12 Longmore Close.
- 2.9 The site is approximately 130 metres north of Grade II Listed Maple Lodge and Barn West of Maple Lodge. The site is approximately 400 metres south of Woodoaks Farm, which contains Grade II listed Barn, and Building Northwest of Woodoaks Farmhouse.
- 2.10 In terms of policy designations, the application site is allocated in the Core Strategy as being within the Secondary Centre of Maple Cross. The site is allocated in the Site Allocations LDD as an Employment Allocation Site E(d).

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of six warehouse units (Use Classes E(g)(iii) [Commercial, Business and Service], B2 [General Industrial] and B8 [Storage or Distribution]), including access and servicing arrangements, car parking, landscaping and associated works.

- 3.2 The proposed warehouse units would be split into two blocks. Units 1-4 would be within Block A, which would be oriented west to east and be to the front of the site. Units 5-6 would be within Block B, oriented north to south and positioned to the rear of the site.
- 3.3 Block A would measure 120m in width by 40m in depth. It would have a hipped roof with a ridge height of 11.3m and eaves height of 9.1m. The front (north) elevation would include full height projections which include ground and first floor floorspace.
- 3.4 Block B would measure 66m in width by 40m in depth. It would have a hipped roof with a ridge height of 11.3m and eaves height of 9.1m. The front (west) elevation would include office accommodation at ground and first floor.
- 3.5 The front elevations and flank elevations of Block A would primarily contain windows, doors including loading-bay style doors, and walls clad in horizontally laid wall cladding, the majority of which would be grey in colour but with blue cladding around each unit. The rear elevation would be clad in horizontally laid cladding in a green grey colour. The roof would include rooflights and PV panels. Block B would contain no flank windows and no rear doors.
- 3.6 The existing electricity substations along the southern side of the building (between existing Maple Cross House and the boundary with Franklins) are proposed to be removed and replaced with a new substation toward the front of the site. The substation would measure 3m in width and depth and 2.4m high and would be finished in a green colour. Each of the six units will be served by an air source heat pump. These will be ground mounted, with those serving units 1-5 located to the northern side of the buildings and the pump serving unit 6 located to the south of that unit.
- 3.7 Four bin store enclosures are proposed. These would have the appearance of buildings formed by timber panels, akin to close boarded fencing. They would be set within the confines of the site and would measure approximately 3m by 3.5m.
- 3.8 Four cycle parking areas are proposed. These would be in the form of weld-mesh enclosures with a 2.2m high flat roof containing sedum cassettes.
- 3.9 Vehicular and pedestrian access to the site will be taken from Denham Way only, with the junction layout revised including the existing shared footway/cycleway widened around the access to 3m.
- 3.10 The existing vehicular access road from Maple Lodge Close would be closed off at the point it reaches the application site, with soft landscaping and boundary fencing proposed to ensure no access exists to Maple Lodge Close. The access road itself falls outside the red line of the planning application site, but is identified in the blue line as land owned by the applicant.
- 3.11 The application is accompanied by a Landscape Masterplan which sets out how the site would be landscaped, this includes the planting of 65 trees (following the removal of 26 trees) and the provision of shrubs, hedgerow, wildflower meadow, lawn and ornamental planting. The scheme also includes biodiversity enhancements including bat and bird boxes and towers, reptile log piles, insect shelters and hedgehog domes.
- 3.12 External lighting is proposed throughout the 'frontage' parts of the site (ie the parts of buildings fronting the access road and car parking areas).
- 3.13 In addition to the drawings, the application has been accompanied by the following documents which have been considered as part of this assessment:
- Arboricultural report (October 2024)
 - Air Quality Assessment (October 2024)
 - Bat and Biodiversity Enhancement (November 2024)

- Bat Emergence Survey (October 2024)
- Bat Emergency Survey Interim Report (May 2025)
- Biodiversity Metric Baseline Report (September 2024)
- BREEAM Pre-Assessment (October 2024)
- Daylight and Sunlight Report (December 2024)
- Design and Access Statement (October 2024)
- Energy and Sustainability Statement (October 2024)
- External Lighting Scheme Rev 3 (April 2025)
- Flood Risk Assessment and Drainage Strategy (September 2024)
- Framework Travel Plan (October 2024)
- Geo-Environmental Desk Study (April 2024)
- Ground Investigation Interpretive Report (October 2024)
- Landscape Strategy (November 2024)
- Noise Impact Assessment (May 2025)
- Planning, Economic and Heritage Statement (February 2025)
- Preliminary Ecological Appraisal (December 2024)
- Transport Assessment (December 2024)

3.14 During the course of the application, the following amendments were made:

- The site layout was revised to move a set of bicycle and bin stores from a location south of Unit 4, close to the rear garden of 42-46 Franklins to the north of unit 4, and replacing the store with car parking spaces.
- Details received showing the appearance of the cycle shelter, electricity substation, bin store and acoustic fence.
- Further plans received providing more detail of the proposed landscaping along the southern boundary of the site.
- The external light adjacent to the southern boundary of the site has been reduced in height from 8m to 6m, to match the height of the acoustic screen.

4 Consultation

4.1 Summary of Consultation Responses:

Active Travel England	9.1	Comment received
Affinity Water	9.2	No objection
Environment Agency	9.3	No objection
Hertfordshire County Council – Highway Authority	9.4	No objection
Hertfordshire County Council – Lead Local Flood Authority	9.5	No objection
Hertfordshire County Council – Minerals and Waste	9.5.1	No objection
Hertfordshire County Council – Water Officer	9.7	No objection
Hertfordshire Constabulary	9.8	Comments received
Herts Ecology	9.9	No objection
National Highways	9.9.1	No objection
National Grid	9.11	No objection
Natural England	9.12	No objection
Three Rivers District Council - Conservation Officer	9.13	No objection
Three Rivers District Council - Environmental Health Com	9.14	No objections
Three Rivers District Council - Environmental Health Resi	9.15	Comments received
Three Rivers District Council – Tree and Landscape Officer	9.15.1	No objections
Three Rivers District Council - Local Plans Team	9.17	Comment received
Thames Water	9.18	No objections

4.1.1 All consultation responses are provided at Appendix 1 at the end of this report.

4.2 Public/Neighbour Consultation Responses

4.2.1 Notification letters were sent to 132 neighbouring properties. Eleven responses have been received, comprising 4 representations and 7 objections. In addition to the original public consultation, further rounds of consultation were undertaken:

- January 2025, following an update to the description of the proposal.
- May 2025, due to the receipt of further information and amended plans.

4.2.2 Site Notice: Displayed 17 December 2024 (expired 10 January 2025).

4.2.3 Press Notice: Published 20 December 2024 (expired 13 January 2025).

4.2.4 Summary of Representations:

- Inclusion of swift boxes is welcome but would encourage more.
- Concern with the number of industrial vehicles accessing Denham Way, with an increase in dust and pollution.
- Would prefer access to remain via Denham Way and not Maple Lodge Close.
- Unsure who will maintain trees along the access from Maple Lodge Close.
- Concern regarding fly tipping to the access from Maple Lodge Close.
- Can refuse stores for Unit 4 be moved closer to Unit 5.

4.2.5 Summary of Objections:

- Light plan shows light will not escape from the site toward bedroom windows at Franklins but this is never true.
- Noise increase of 4-5 dB is not trivial and noise from beeping trucks will be worse being behind houses which front Franklins and operating 24/7.
- Unacceptable to have 24/7 warehouses so close to homes.
- Storage of certain items may be dangerous to neighbouring houses.
- Denham Way is already busy, roads are not maintained, two schools in area means children will be exposed to increased pollution.
- Unclear what acoustic barrier will look like.
- Warehouses will be very close to Franklins.
- Warehouses not acceptable close to Franklins due to impact on privacy, increased noise and pollution, increased traffic.
- More warehouses are not needed.
- Refuse stores should be moved away from residents.
- Unclear whether the acoustic fence will provide sufficient screening.
- Demolition works have caused significant issues to residents.
- Construction activities will cause an increase in noise, dust and disruption.
- Proposed building is longer and closer to Franklins than existing building and will block light.
- The local area is desperate for other infrastructure, such as dentists, doctors, community amenities and not warehouses.
- There should be a mix of businesses to provide employment for local residents.
- Hours should be restricted to 7am to 8pm.
- Maple Cross is providing 49% of the District's required storage facilities, increasing to 67% with this scheme.
- Disagree with storage only units, any units should be combined with trade counters.
- Developer should be prepared to split units to provide smaller units.

- Maple Cross House operated weekday 8-6, and 24/7 should be revised to 7am-8pm Monday to Saturday, and 10am-4pm Sunday.
- Pitch of reversing sounders on vehicles cannot be dampened down and would result in disturbance.
- Attention must be paid to safety of children walking to school

5 Reason for Delay

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised technical objections, to address their objections and to allow for the receipt of amended plans to improve the layout of the site.

6 Relevant Planning and related Legislation, Policy and Guidance

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

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

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF is equally clear that "existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

A number of NPPF chapters are relevant to the consideration of this application, with the most important being:

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed and beautiful places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3 (Development in Secondary Centres), CP1 (Overarching Policy on Sustainable Development), CP6 (Employment and Economic Development), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), and CP12 (Design of Development).

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM13 (Parking), Appendix 4 (Noise Exposure Categories) and Appendix 5 (Parking Standards).

Policy SA2 and site E(d) of The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and following Examination in Public.

Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.

The Waste Core Strategy and Development Management Policies 2011–2026

The Waste Site Allocations Development Plan Document 2011–2026

6.4 Other

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

South West Hertfordshire Economic Study (September 2024) (SWHES)

7 Planning Analysis

7.1 Principle of Development – Proposed Employment Use

7.1.1 The 2011 Core Strategy sets the Council's vision for development and sets out various priorities including to provide growth required to support local communities and provide for their needs, to locate growth in the most sustainable locations in terms of access to services and transport networks, to provide opportunities for local employment and to make the best use of land. The Spatial Strategy looks to direct new development toward previously developed land. This includes appropriate infilling opportunities within the Secondary Centres (of which Maple Cross is one).

7.1.2 Place Shaping Policy PSP3 deals specifically with development in Secondary Centres and sets out that development in Secondary Centres will focus predominantly on sites within the urban area, and maintain and enhance employment opportunities. This includes

redistributing some employment floor space through mixed use development in Kings Langley employment area and an extension of floor space at Maple Cross/Maple Lodge.

- 7.1.3 The application site also falls within an allocated employment area in the Site Allocations LDD. The Site Allocations LDD identifies the District's needs for employment land to 2026 and following a number of studies found that there was a slight under supply of industrial and warehousing space amounting to 3.5ha. Within an appeal dated 21st September 2020 (TRDC Ref 19/1179/FUL, PINS ref APP/P1940/W/19/3243565) at Land to the north of Maple Cross Lodge (within the same employment area) it was accepted by the Inspector that whilst the evidence that informed the Core Strategy is not particularly recent, there was no compelling evidence to suggest that there is no longer a need for modern, flexible warehouse/industrial space such as that proposed. On that basis the Inspector agreed that there remains a need for employment floorspace within the District.
- 7.1.4 Policy SA2 makes clear that employment sites such as Maple Cross / Maple Lodge (site reference E(d)) are safeguarded for business, industrial and storage or distribution uses. This policy is an important mechanism for delivering the overall vision and objectives for the spatial development of the area as set out within the Core Strategy. The policy enshrines the principle that particular forms of development can be located on identified sites. More recently an Article 4 Direction was confirmed by the Government and came into force on 23 September 2023, which removed the ability for premises within the Maple Cross/Maple Lodge Employment Area to undertake a change of use from Use Class E to Use Class C3 under deemed planning permission. This adds further protection to the employment floorspace.
- 7.1.5 Policies CP1 and CP6 of the Core Strategy seek to maintain high levels of economic growth and employment by continuing to focus employment use within key employment areas which includes the Maple Cross Business Park where the application site is located.
- 7.1.6 The NPPF includes a chapter on Making effective use of land. Para 125c sets out that planning policies and decisions should:
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate spoiled, degraded, derelict, contaminated or unstable land;*
- 7.1.7 Chapter 6 of the NPPF references Building a strong, competitive economy. Paragraph 86c) was inserted into the 2024 NPPF and states planning policies should:
- c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;*
- 7.1.8 Paragraph 87b was also updated in the 2024 NPPF to set out that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:
- b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation;*
- 7.1.9 It is therefore clear that at a national level, there is support for this type of development, as well as the support set out in the statutory development plan.
- 7.1.10 The applicant's Planning Statement confirms that the main office building Maple Cross House [Officer Note: demolished since the statement was written/submitted] has been vacant since Q4 2021. It was previously marketed as office space but with little interest. It

would require significant refurbishment in order to be rented for office use. The Planning Statement states the other two buildings are currently occupied but staff are on site infrequently. The statement explains that the two smaller buildings are occupied with around 30 employees (25FTE). The statement does not provide an estimate of employment numbers in Maple Cross House on the basis that it had been vacant for a number of years and required refurbishment to be brought back into use. The statement sets out that the proposed use could support a range of roles depending on the end occupiers and the types of jobs involve in industrial processes and warehousing are getting broader and more skilled from low-skilled warehouse operatives to higher skilled industrial engineers, IT support and automation machine operatives. IT, robotics, engineering and data analysis are becoming a key part of industrial, storage and distribution sector. The statement estimates employment generation at 120-240 FTE and acknowledges that whilst previous employment numbers at Maple Cross House were higher than the proposed development would deliver, there is no interest in that building from prospective tenants.

- 7.1.11 The Council's Local Plans team advise "*The South West Herts Economic Study (2024) sets out that demand for industrial and storage & distribution space in South West Hertfordshire is strong, driven mainly by demand for large scale storage & distribution space which increased during the pandemic. The study identifies a need for 413,400 sqm of storage & distribution space between 2021 and 2041.*" They go on to note that "*the application supporting documents specify the gross internal area of the proposed units totals 7,540sqm, which would positively contribute to the industrial and warehousing floorspace needs*".
- 7.1.12 The LPA notes that Maple Cross House provided approximately 9694sqm Gross Internal Area (GIA) of employment floorspace and the smaller buildings 1366sqm GIA, with a total GIA of 11,060sqm GIA. The proposed scheme would provide 7540sqm GIA of employment floorspace. The Local Plans Officer notes "*the South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,000 sqm of available office space in south-west Hertfordshire, of which 124,000sqm was identified as vacant. However, the economic study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority 'should prioritise the protection of office space as far as possible'.*". It is acknowledged that there would be a net loss in floorspace across the site. However, the main office building had been vacant since Q4 2021 and has recently been demolished. The LPA has permitted the demolition of the existing building via 24/1334/PDND (including removal of the multi storey car park). The consideration of that prior approval application was limited to whether prior approval was required as to the method of demolition and any proposed restoration of the site.
- 7.1.13 It is acknowledged that planning permission has been granted in the immediate vicinity for two other warehouse developments. Application reference 21/0573/FUL was granted for a total of 16,115sqm floor area of the same use class as that subject of the current application. The planning permission has been implemented. Application 22/0033/FUL was approved for the provision of approximately 3322sqm of floorspace. Therefore in this employment area alone, should planning permission for the current application be approved, consent for 26,977sqm floorspace will have been granted within this existing employment site allocation area. As noted above the South West Herts Economic Study confirms that demand for industrial, storage and distribution space in South West Hertfordshire is strong, and a need for 413,400 sqm is identified. Cumulatively with the approved schemes, this development would help to meet the identified need for this development type.
- 7.1.14 The proposed development would still be an employment generating use which would benefit from excellent connections with the strategic road network. The applicant has provided further supporting information with evidence that the development could support between an estimated 120-240 FTE jobs, depending on the make-up of the proposed uses. The proposed development would be proposing flexible uses, meaning that the development would be able to respond to market demands quickly, ensuring low vacancy rates, adding important vitality to the area which has dissipated since the last tenants of the office building vacated. The submitted planning statement also sets out that between £7.8m

and £15.7m additional GVA per annum would be created from the on-site jobs. The statement also notes the £420,000-£910,000 estimated expenditure by employees per annum in the local area. Significant weight can be attributed to these benefits of the proposed development.

- 7.1.15 Above it is acknowledged that the GIA on site would be a reduction compared to the previously existing buildings. Furthermore, the number of FTE jobs would be less. However, it is also acknowledged that the former office building had been vacant since Q4 2021 despite marketing, and has since been demolished. Weighed against these negative elements, the proposal would provide six modern and efficient units within two buildings, able to adapt to market demands. The development would provide employment opportunities in a number of sectors, and bring a series of economic and social benefits to the site and the wider area.
- 7.1.16 Overall, it is considered that the benefits the development would bring, as listed above, and its compliance with local planning policies in respect of the location of employment generating development, and its compliance with national planning policy in respect of facilitating development to meet the needs of a modern economy and using suitable brownfield land within settlements for identified needs, would outweigh any adverse impacts caused by the reduction in overall employment floor area.
- 7.1.17 Due to the Government changes to the Use Class Order, it is recognised that Class E has been introduced which includes an array of different uses. This application scheme seeks to ensure that the buildings can move between various different uses without the need to apply for planning permission, as follows:
- Class E(g)(iii) – any industrial purpose (being a use, which can be carried in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
 - B2 (general industry)
 - B8 (storage and distribution)
- 7.1.18 Any of the above uses would also benefit from ancillary office facilities, which are proposed within all units. The range of uses sought are considered acceptable in principle. It is considered both reasonable and necessary for the uses to be secured by condition, to ensure that the nature of the use of the building cannot change under permitted development and to therefore allow the LPA to ensure any use has a satisfactory impact on the amenity of neighbours and provides sufficient vehicle parking. It is also considered reasonable and necessary to remove permitted development rights for extensions to the buildings, for the same reasons.
- 7.1.19 In summary, whilst noting a reduction in employment floorspace, the principal of the proposed development is considered acceptable and would comply with the strategic aims of Policy SA2 of the Site Allocations LDD. The proposal would also comply with 86c, 87b and 125c of the 2024 NPPF.

7.2 Impact on the character and appearance of the locality

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.2.2 Two buildings are proposed to the site. The building fronting Denham Way would contain units 1-4. The front elevation, containing the entrances, loading bays, signage and windows would face north. It would be finished in a light grey cladding, with blue cladding used to frame each unit. The building containing units 5-6 would have the same finish. The elevation fronting Denham Way would include windows to ensure an active frontage to the main street, and would be finished in the same grey cladding with blue surround. The rear elevations of each building would be finished in 'Green Grey' (RAL 150 40 10). Overall the proposed materials are considered to be appropriate in the context of this part of the street scene which contains a range of building uses and a range of finished materials. Account is also taken of the previously existing office building which was primarily glass with brick cladding. However, to give the LPA certainty in respect of the finished appearance, a planning condition will require samples of the proposed cladding materials to be submitted to and approved in writing.
- 7.2.3 In terms of their positioning within the site, both buildings maintain spacing to the boundaries. Units 1-4 are no closer to the southern boundary of the site than the previously existing building (approximately 12m separation) and are to be approximately 1m closer to Denham Way than the previously existing building. However, the building would still be set some 10m from the front boundary of the site and 28m back from the highway. It would be set 20m from the northern boundary. The hipped roof form, the separation from the boundaries and the height with a hipped roof together ensures the building containing Units 1-4 would not appear cramped within its plot or overly prominent in the street scene, but would appear as an acceptable addition.
- 7.2.4 To further improve the appearance of the building when viewed from Denham Way, the application proposes the use of soft landscaping, including planting a mixed native hedge to the front of the site with wildflower meadow planting behind. This would be supplemented by planting eight trees and five feathered trees (feathered trees have branches from the ground up, whereas standard trees have a trunk with the branches toward the top). These would filter the appearance of the front façade, and the front grass/seating area which is proposed for users of the development. Full details of the landscaping is discussed below and would be secured by condition, but it is considered these elements would further improve the appearance of the development in the context of the street.
- 7.2.5 The building containing Units 5-6 would be 3.5m from the northern boundary at its closest point, with larger gaps on all other sides to ensure it would not appear cramped within the site. Space would remain around the building for a pathway and soft landscaping to be provided to supplement existing trees.
- 7.2.6 The spaces around the buildings would be primarily laid as hard surfaces, which are required for car parking and for turning and manoeuvring of vehicles using the development including articulated lorries and refuse collection vehicles. Much of this will be laid as asphalt for the circulation areas, and block paving for the parking and pedestrian areas. Subject to details of the materials, the appearance is considered to be acceptable.
- 7.2.7 Concerns were raised in respect of the visual impacts of the cycle store and substation in close proximity to the Denham Way entrance to the site. In respect of the substation, this cannot be repositioned to the north of the site entrance because of the potential impact on the root protection area of the trees adjacent to the site. It would also be more exposed to vehicle contact. The landscape masterplan includes hedging to be planted around the substation and this would filter views.
- 7.2.8 The cycle store building would be constructed of a grey wire mesh, with a sedum roof. It is considered this would have an acceptable visual impact, read in the context of the vegetation around the site boundaries. The bin stores would be timber enclosures with no roof. They would be read in the context of the larger buildings they would be adjacent to

- 7.2.9 It is noted that Natural England, whilst raising no objection to the proposal, note that the development is close to the Chilterns National Landscape (CNL) and advise that the relevant Conservation Board are consulted. Guidance has been sought from the Chilterns Conservation Board and they have advised that given the relationship between the CNL and the nature of the motorway in the landscape, that they would not seek to comment on the application. They confirm there would not appear to be any immediate setting relationship to the CNL, with a separation distance of at least 1.9km between the site and the CNL.
- 7.2.10 Overall, having regard to the character of the wider area and taking account of the pre-existing buildings on the site, the proposed development is considered to have an acceptable impact, in terms of its appearance, its massing and bulk, and its layout within the site, on the character and appearance of the street scene and the wider locality.
- 7.3 Impact of proposal on heritage assets
- 7.3.1 Strategic Objective S10 of the Core Strategy is “To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings”. Core Strategy Policy CP12 states that “in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets”.
- 7.3.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
- “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 7.3.3 Paragraph 208 of the NPPF advises that:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”
- 7.3.4 Paragraph 215 of the NPPF advises that:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”
- 7.3.5 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.3.6 The nearest listed buildings are Grade II listed Maple Lodge, and Barn West of Maple Lodge. These are located at least 70m from the application site and further from the proposed buildings. Other listed buildings (at Woodoaks Farm) are further from the site. The conservation officer acknowledges that the heritage assets most likely to receive impact are these at Maple Lodge, and that whilst the proposed building would be closer to the listed buildings than the existing, their significance has already been eroded by the existing modern residential and industrial development. There is limited intervisibility between the

listed buildings and proposed development. As a result, it is considered there would be an acceptable impact on the setting of the Grade II listed buildings.

- 7.3.7 On the basis of the above, and having regard to the separation distance and intervening development between the nearby heritage assets and the proposed development, it is considered that the proposal would preserve the setting of the listed buildings and other heritage assets, conserving their significance and would accord with Policy DM3, S66 of the Planning (Listed Buildings and Conservation Areas) Act and the NPPF.

7.4 Highways Impacts

- 7.4.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.

- 7.4.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

- 7.4.3 The NPPF at para 115 sets out that in assessing specific applications for development it should be ensured that

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

- 7.4.4 Paragraph 116 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.

- 7.4.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

- 7.4.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

i) It provides a safe and adequate means of access
j) It is appropriate in scale to the existing infrastructure...
k) It is integrated with the wider network of transport routes...
l) It makes adequate provision for all users...
m) It includes where appropriate, provision for public transport either within the scheme or through contributions

- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

- 7.4.7 The application has been accompanied by a Transport Assessment which has reviewed the baseline traffic conditions and has accounted for the committed developments in the area including the two other schemes for warehouses, the residential development of up to 50 dwellings at land rear of 24 Denham Way (resolution to approve by committee in June 2023) and the hotel development at the site on the corner of Denham Way and Sibson Way. In respect of existing vehicle movements, the assessment shows that the previously existing development on site had the potential to generate up to 223 two-way people trips during typical weekday peak hours. Having regard to census data showing mode splits, this equates to 187 two way vehicular trips, 20 two-way public transport trips and the remainder comprising cycle and walking trips for the site taken as a whole.
- 7.4.8 The assessment sets out the proposed trip generation which has the potential to generate up to 78 two-way vehicular trips, three pedestrian trips and nine two-way public transport trips in the afternoon peak (with the corresponding figures of 65 vehicle, three pedestrian and seven public transport in the morning peak). In terms of servicing of the development by HGVs, the development could generate three two-way HGV trips in the morning peak and none in the afternoon peak – with around 37 two-way trips on a daily basis which is no more than three trips per hour across the entire development on a 12 hour basis. Therefore overall there would be a reduction in overall trips to/from the site compared to the pre-existing use, although the HGV trips would be new.
- 7.4.9 When reviewing the traffic impact, the assessment sets out that the development results in a net reduction in traffic when compared to the extant use, and that the number of HGV movements is unlikely to have any adverse impact on the local road network.
- 7.4.10 National Highways have raised no objections to the proposal, confirming the presented trip generation, distribution and assignment are acceptable, and overall numbers of trips predicted to reach the strategic road network are reduced.
- 7.4.11 Hertfordshire County Council as Highway Authority have reviewed the application. In respect of trip generation, HCC agree that the proposal would generate less motorised vehicles than the previous use and impacts would therefore be neutral. However, they consider it both reasonable and necessary that a Travel Plan be conditioned, to promote greater use of sustainable transport. In respect of the impact on the junctions, HCC are content that the proposal would not result in any additional vehicle impact.
- 7.4.12 In relation to sustainable transport access, HCC acknowledge that the site is reasonably well located to the sustainable transport network, with shared use footway/cycleway located to the west of the site and crossings within a reasonable distance. Whilst it is acknowledged that Rickmansworth Station is a 3.5km cycle via Uxbridge Road, the emerging Local Cycling and Walking Infrastructure Plan (LCWIP) will facilitate a 4km cycle to the station on quieter roads. Furthermore, it is noted that the cycling route passes across the site's extended access junction, and the access to the site has been designed to facilitate a continuous crossing for users of the cycling route.
- 7.4.13 HCC have noted that a site of this nature could, from their own data, generate 171 jobs, which coincides with information presented by the applicant. Based on this, and the need to address the cumulative impacts of all developments and facilitate the delivery and enhancement of active and sustainable transport networks, a contribution of £72,768 is sought.
- 7.4.14 HCC have provided clarification that they consider this contribution would meet the necessary CIL tests, and the contribution toward active and sustainable transport is part of the mitigation package for the development to ensure the site can be accessed in an active

or sustainable way. The applicant's agent has accepted the contribution, which would be secured by S106.

7.4.15 Active Travel England are a statutory consultee because of the floor area being created, but have referred the LPA to standing advice with no further comments raised.

7.4.16 On the basis of the advice above, and subject to conditions which secure the submission of a Travel Plan, the site not being used until the access arrangements are complete and the parking and turning spaces set out, and subject to the travel plan monitoring fee being secured by a legal agreement, it is not considered that the proposal would have a detrimental impact on highway safety.

7.5 Vehicle Parking

7.5.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions set out in Appendix 5.

7.5.2 Appendix 5 sets out the following car parking standards for specified use classes.

- Use Class B1b/c – 1 space per 35sqm.
- Use Class B2 – 1 space per 50sqm, 1 lorry space per 200sqm.
- Use Class B8 – 1 space per 75sqm, 1 lorry space per 200sqm.
- Business Parks – 1 space per 40sqm, 1 lorry space per 200sqm.

7.5.3 The standards for parking may be adjusted according to the parking zone the development falls into. The site is within zone 3, where provision of between 50%-75% of the standard may be acceptable. The 'Business Parks' category is stated to account for 'mixed B1/B2/B8 unless heavily oriented to B8 for use where individual land components are not known'. In this case, permission is sought for a range of uses with the planning statement confirming this is to enable the units to be flexible and support a range of roles. Based on this category, 1 space per 40 sqm equates to 189 parking spaces, or a range of 94-141 spaces based on the 50%-75% provision.

7.5.4 Should the development be occupied for B2 uses only, this would require 151 car parking spaces or between 75-113 based on the zonal reduction. If occupied for B8 uses only, this would require 101 spaces or between 50-75 based on the zonal reduction. On this basis, the parking standard for the 'business park' category is considered to represent the worst case need for the proposed development.

Use Class	Car Parking spaces required based on zonal reduction of 50-75%
B2	75-113
B8	50-75
Business Park	94-141

7.5.5 The development proposes to provide 94 car parking spaces, which will include disabled spaces, 16 active and 20 passive EV charging spaces and car share spaces. This meets the lowest end of the 'business park' category, but provides a suitable level of car parking should the use be put to B2 use only or B8 use only. The site also proposes 40 cycle parking bays which exceeds the policy requirement of between 15 (based on 1 space per 500sqm) and 24 (based on 1 space per 10 full time staff).

- 7.5.6 It is noted that the site is in a fairly accessible location, with bus stops on Denham Way, and a shared cycleway/footway to the front of the site providing access further into Maple Cross to the south, and to the north toward Rickmansworth. Closer to Rickmansworth there are on-road cycle lanes, designated a local cycle route. Therefore cycling to/from the site is considered to be a realistic mode of transport. In respect of bus services, there are five services that pass along Denham Way including frequent services (1 per hour Monday to Friday) providing access to Hemel Hempstead, Watford, Harlow and Heathrow. Rickmansworth Rail Station is approximately 3.5km (13 minutes) from the site and can be accessed by bus. On this basis, it is considered that the site is in a sustainable and accessible location, accessible by means other than private car.
- 7.5.7 Having regard to the level of cycle parking proposed on site, the accessibility of the site by bus and walking/cycling routes and the provision of EV charging points, and the provision of a travel plan with the aim of increasing the use of sustainable transport options, it is considered that the level of on-site car parking is acceptable, and that the proposal includes sufficient sustainable transport measures.
- 7.5.8 Lorry parking spaces regardless of use are required at 1 space per 200sqm. Based on the floor area proposed, space for 38 lorries would need to be provided. The plans show a total of 10 lorry spaces, contained within the designated loading bays, and no other lorry parking. Whilst this level of lorry parking does not comply with Appendix 5, it is noted that the parking standards for general industry and business parks require lorry parking regardless of whether there is a clear operational need for such parking to be provided on site. In this case, there are between one and two lorry spaces per unit. The site contains sufficient turning space for articulated lorries and there would be space within the confines of the site for lorries to wait clear of Denham Way if they require access to an occupied lorry space. On this basis, it is considered that the space proposed is sufficient and the shortfall would not result in any demonstrable unacceptable impact on highway safety.
- 7.6 Impact of the proposed built form on amenity of neighbouring occupiers
- 7.6.1 Paragraph 135 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.6.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities. This section of the report focuses on the impact of the buildings themselves. Any impacts relating to pollution are considered in later sections.
- 7.6.3 In respect of the building containing units 1-4, this building would be approximately 0.8m closer to Franklins than the pre-existing office building. The height from ground to eaves of Units 1-4 is proposed to be 9.1m. This compares to the height of the existing building from ground level to the top of the three storey flat roof of 11.8m. This difference can be viewed on Drawing No. KP-322-TP-07. Given the very minimal difference in the siting of the wall, combined with the reduction in overall height, it is not considered that this building would have an overbearing or visually intrusive impact when viewed from neighbouring properties in Franklins adjacent to the site at Nos. 20-27 and 34.
- 7.6.4 It is acknowledged that the proposed building projects some 30 metres further east into the site, beyond the rear of what was the previous building on the site. This would result in new built form projecting parallel to the flank wall of No. 35 Franklins, and clearly visible from the rear gardens of 42-46 Franklins, with the new wall ending in line with 42 and 43 Franklins. It is acknowledged that this would result in new built form 30 metres wide, 9.1m in height, located approximately 13m from the boundary with those properties. It would be approximately 27m from the rear wall of Nos. 42 and 43, and 17m from the flank wall of No.

35. The proposed elevation shows the wall of the building facing Franklins would be finished in a grey green coloured cladding. Furthermore, the development includes an acoustic fence projecting closer to these neighbouring properties. The fence would be 6m high and 4.8m away from the boundaries with 42-46 Franklins. The submission shows the fence would be finished as a natural timber appearance. The separation distance between these neighbours and the wall of the building and acoustic fence are considered to mitigate the visual impacts to some extent. However, the application also proposes the use of soft landscaping to provide further visual mitigation and filter views of the new development from the neighbouring properties.

- 7.6.5 In respect of the impact on No. 35, this property has a line of thick Leyland cypress adjacent to its flank boundary which extends beyond the rear wall of the neighbour. This is proposed to be retained as part of the scheme and would act to filter many views of the proposed development. It would be protected throughout construction (protection secured by condition) and the landscaping scheme and landscape management plan would ensure the ongoing maintenance of this important visual screen in the future. Where this screen ends toward the rear of the garden at No. 35, the proposed landscape plan shows new tree planting. Further information has been sought from the applicant on the species to be planted in this area and a drawing has been submitted (1115-SW-02) confirming that the species to be planted include Common Hornbeam (*Carpinus Betulus* EHS), Rowan (*Sorbus aucuaria* EHS), Wild Cherry (*Prunus Avium*) and Scots Pine (*Pinus Sylvestris*, evergreen). These can be secured by planning condition. It is considered that given the separation distance, the angle of view, the presence of existing vegetation and subject to the proposed soft landscaping being secured, provided and maintained, that there would not be such a demonstrable harmful impact on this neighbour such that planning permission could be refused.
- 7.6.6 In respect of the impact when viewed from Nos 42-46, there is some existing screening in the form of trees which would act to filter some views of the proposed development including the acoustic fence. Again, the proposed landscape plan proposes additional soft landscaping including trees as detailed in the paragraph above to filter views of the acoustic fence. It is considered that the combination of the separation distance, the presence of a 6m fence with the taller building beyond, and the presence of existing and proposed soft landscaping would when combined sufficiently mitigate against the visual appearance of the building when viewed from these properties at Franklins.
- 7.6.7 Unit 6 would be at least 10 metres north of the rear boundary with Nos. 13-16 Longmore Close, with around 15 metres separation between the main two storey rear wall of those houses and the proposed building. A number of trees are proposed to be planted in the space south of the building, within the site, including Alder, Silver Birch, Rowan, Wild Cherry, Scots Pine and Field Maple. These trees would all, along with existing vegetation, act to filter and soften views of the proposed built form when viewed from properties fronting Longmore Close. The south elevation of Unit 6 facing these properties would be finished in a green grey colour. The proposed built form of Unit 6 would be larger than the existing in terms of height and depth, and would be 16 metres closer to Longmore Close than the existing. However, having regard to the separation distance and the existing and proposed soft landscaping, the visual impact of the proposed built form would not result in demonstrable harm to the amenities of the occupants of properties fronting Longmore close.
- 7.6.8 This application has been accompanied by a Daylight and Sunlight report (December 2024) which assesses the effect of the proposed development on daylight and sunlight to neighbouring residential properties. This confirms that for the nearest properties in Longmore Close, daylight levels would be fully compliant with guidance and there will be no material change to direct sunlight because of their situation south of the development site. For Nos. 20-27 Franklins, a slight improvement in daylight is envisaged due to the reduced parapet height and no material change to sunlight. For 32-37 Franklins, there are generally modest improvements as a result of the reduced parapet height. For 42-46 Franklins there is no material impact on amenity identified, as daylight levels are either improved or well

within BRE targets. Given the distances and orientation involved, the LPA has no reason to question the validity of the conclusions of this report.

7.6.9 In respect of privacy, the proposed development does not contain any windows which face toward the nearest residential properties.

7.6.10 It is noted that permitted development rights exist under Classes A and H, Part 7 of the General Permitted Development Order that may allow further extensions to the size of the buildings under permitted development. Given the close relationship with neighbouring properties, and that any enlargement under permitted development has the potential to compromise the soft landscaping (required to protect neighbouring amenity and for biodiversity net gain) and bring built form and associated use closer to neighbouring properties, it is considered both reasonable and necessary to remove this permitted development right, meaning any such extension would require express planning permission.

7.7 Pollution – Air Quality

7.7.1 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.7.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
- Introduce new point sources of air pollution e.g. furnaces.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.

7.7.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.7.4 The application is accompanied by an Air Quality Assessment which considers impacts at the construction phase and operation phase. In respect of construction phase impacts, mitigation measures as recommended by the Institute of Air Quality Management are proposed to be implemented, and these would be secured by planning condition. In respect of operational phase impacts, modelling shows that the nearest receptors would remain below the annual average levels and the impact of the effects of changes in traffic flow would be negligible. There are no further mitigation measures required.

7.7.5 The Environmental Health Officer has reviewed the submitted Air Quality Assessment and recommends that a condition requiring the submission of a dust management plan be attached to any planning permission. Subject to this condition, it is considered that air quality impacts would be acceptable.

7.8 Pollution – Noise and vibration

7.8.1 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

7.8.2 Policy DM9 sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.8.3 Noise pollution impacts from the development are likely to arise primarily from vehicles using the access road and car park, and from loading/unloading activities within the loading bays and forecourts. The design of the development would mitigate these impacts to some extent, for example the built form of units 1-4 would act as a barrier to noise from the front of these units, to protect the amenities of residential occupants to the south. Noise and activity from Units 5 and 6 and the vehicle parking/turning area would not benefit from this protection. However, to mitigate against the noise impacts, a 6m high acoustic fence is proposed between the south corner of unit 4 and the south corner of unit 6. This would effectively enclose the southern part of the site with an acoustic screen which would reduce the noise impacts of the development on neighbouring properties.

7.8.4 During the course of the application, concerns were raised in respect of the bin and cycle stores located to the south of the site opposite Unit 6, because their use may result in noise and disturbance to neighbours notwithstanding the presence of an acoustic fence. In order to further mitigate this potential impact, the stores have been relocated closer to the front of Unit 4. The refuse and cycle stores are considered to be in an acceptable position so as to minimise noise and disturbance to residents.

7.8.5 The application is accompanied by a Noise Impact Assessment. This has been reviewed by the Environmental Health Officer who raises some concerns with the assessment, such that they are not able to agree at this time that Units 5 and 6 may operate for 24 hours a day, seven days a week and not cause harmful disturbance to neighbouring properties. There are no objections/concerns in respect of the use of Units 1-4 on a 24/7 basis. Given these comments, conditions are recommended to 1) restrict the hours for deliveries to/collections from Units 5 and 6, 2) provide further details of the plant equipment before this is used, and 3) provide details of an Operational Noise Management Plan to ensure that operational noise is suitably managed to further minimise noise impacts on neighbouring properties.

7.8.6 On the basis of the above, and subject to planning conditions requiring the acoustic screen to be constructed prior to the first use of the development hereby permitted, it is not considered that the proposal would result in any significant adverse impacts in respect of noise.

7.9 Pollution – Light

7.9.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

7.9.2 The application is accompanied by a lighting layout plan, which shows that the site access road would include 8m high lighting columns. There would also be lights mounted at 8m high on the front of the proposed buildings, and on the east side of Unit 4. A column mounted

light would be installed 6m high adjacent to the acoustic screen. The application is also accompanied by a lighting design document which models the light spillage and confirms that, as a result of the siting of the lighting, the position of the buildings and the acoustic screen, limited light spillage is predicted to take place outside the application site.

- 7.9.3 It is considered that the submitted lighting design does provide the minimum level of lighting required, and has been designed in such a way to ensure there would be no unacceptable impact on neighbouring properties or the surrounding area. Planning conditions are recommended which require the lighting to be implemented only in accordance with the submitted details, and which restrict the insertion of any further lighting either on the buildings or stand alone. This is considered to be reasonable and necessary on the grounds that any future lighting must be designed in a way which is sensitive to the proximity of neighbouring residential properties, and sensitive to the ecological implications of lighting.

7.10 Pollution – Land Contamination

- 7.10.1 Policy DM9 states that 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 there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

- 7.10.2 A ground investigation report has been submitted, which provides details of the historic uses of the site based on historic mapping, and provides details of recent ground investigation works. Laboratory analysis found no evidence of significant chemical contamination, with one sample containing very small quantities (less than 0.001%) of asbestos. Elevated concentrations were found of dissolved hydrocarbons and following further ground investigations, it is concluded that remediation is likely to be required in some areas of the site, including the removal of soil. The Environmental Health Officer has reviewed the submission and considers the standard contaminated land condition is required. Subject to this, it is not considered that the proposal would result in any threat to the health of future users or occupiers of the site or neighbouring land. The implications on ground and surface water are discussed in more detail below.

7.11 Impact on Wildlife and Biodiversity, including Mandatory Biodiversity Net Gain

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

- 7.11.2 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

- 7.11.3 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 7.11.4 Footnote 62 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.
- 7.11.5 Paragraph 185 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.11.6 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.11.7 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.11.8 The submitted preliminary ecological appraisal has been reviewed by Herts Ecology. In respect of protected species, one building on site has high potential for roosting bats and has been considered as a maternity roost over many years. There is no information regarding whether bats are roosting in the bat box as opposed to the building itself. Two emergence surveys were undertaken in 2024, but these are not sufficient to inform an European Protected Species Licence application and further surveys are needed. Two such surveys have since taken place, in May and June 2025. These collectively detected droppings, bat activity and a maternity roost using a bat box. These surveys have been reviewed by Herts Ecology, who confirm that the surveys undertaken meet the minimum information requirements for the LPA to be able to fully consider the impact of the proposal on bats and discharge its legal obligation under the Conservation of Habitats and Species Regulations 2019 (as amended). The building containing the bats cannot be demolished, nor the bat box removed or disturbed until a licence informed by all relevant data is obtained.
- 7.11.9 In respect of other potential impacts on bats, the submitted lighting scheme has been reviewed by the ecologist and is found to have levels of illuminance that will not exceed existing levels, and no concerns are raised to the lighting plans. No concerns are raised in respect of the impact on nesting birds, subject to an informative.
- 7.11.10 In respect of ecological enhancements proposed to the site, these are endorsed and would be secured by planning condition. It is also requested that a planning condition be attached requiring confirmation, following completion of the development, that the proposed enhancement features have been installed with evidence submitted to and approved in writing by the LPA.
- 7.11.11 In respect of impacts on the Maple Lodge Nature Reserve and adjacent stream, a precautionary approach is to be taken and a Construction Ecological Management Plan condition is proposed, which would secure that consideration and protection is given to these areas during the construction phase.
- 7.11.12 In relation to mandatory BNG, the application is accompanied by a Biodiversity Metric Baseline Report and a completed Biodiversity Metric. This includes details of the value of the existing habitat, linear features (hedge) and watercourse features found on the site, and details of the proposed enhancements. The enhancements proposed would include planting 65 small trees, 1285sqm of mixed scrub (primarily alongside the southern and northeastern boundaries), the creation of an area of modified grassland and 2670sqm of wildflower meadow associated with the riparian corridor and along the southern and western boundaries. In addition, 205m of species rich hedgerow would be planted.

- 7.11.13 Following the creation and enhancement measures set out above, the site would result in a 109% increase in habitat units, 7191% increase in linear features, and 29% increase for watercourse units. This would exceed the 10% minimum required by the Environment Act.
- 7.11.14 Herts Ecology have reviewed the BNG submission and find it adequate to allow determination of the application. In the event that planning permission is granted, the permission will be subject to the Biodiversity Gain Plan Condition and this must be satisfied before works begin. In addition, as a result of the scheme proposing a significant net gain, any planning permission would be subject to a requirement to submit a Habitat Management and Monitoring Plan, which would set out how the habitat would be enhanced, created, brought to its target condition and managed/maintained for a 30 year period. Furthermore, a monitoring fee would be secured by legal agreement, to cover the cost of the LPA monitoring and reporting on delivery of the agreement.
- 7.11.15 Given the above, and subject to conditions, it is considered that the proposed development would not result in a loss of biodiversity and would afford suitable protection and enhancement to protected species.
- 7.12 Impact on trees and landscaping
- 7.12.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.
- 7.12.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.12.3 The NPPF sets out at para 186c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.
- 7.12.4 As detailed at 2.8 above, the application site contains a number of trees, many of which are protected by TPO. Paragraph 3.11 sets out that the proposal includes removing 26 (six B-grade and 20 C-grade) trees and planting 65 trees, alongside shrubs, hedgerow, wildflower meadow, lawn and ornamental planting.
- 7.12.5 The submitted landscaping plan shows that planting will be distributed primarily around the west, south and east sides of the site, with some limited planting to the north. The tree planting would act to enhance the visual appearance of the development when viewed from the street, as well as provide habitat for biodiversity and screening of the development from the surrounding neighbouring properties.
- 7.12.6 The Tree and Landscape Officer was consulted on the proposed development and has raised no objections. They confirm that based on the plans there should be space for the trees to develop to an effective size. They also acknowledged that the proposed planting includes a mix of standard trees, which give immediate landscape impact but are slow to establish, and bare whips which are small at first but will establish quickly. Ground preparation, planting and establishment maintenance will be key. Overall, it is considered that subject to conditions requiring the landscaping to be implemented, and maintained, including suitable ground preparation, the proposed soft landscaping would have an

acceptable impact on the character of the area whilst also achieving the screening and biodiversity benefits detailed above.

7.13 Energy Use

- 7.13.1 Paragraph 161 of the 2024 NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.13.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.13.4 The application has been accompanied by an Energy and Sustainability Statement which demonstrates that the proposal will achieve an overall carbon dioxide emissions reduction of 438% compared to the baseline performance of the worst allowable standards under Building Regulations Part L (2021). This is achieved through energy efficiency measures and the use of Photovoltaic panels alone accounting for 315% reduction. The development also seeks to achieve BREEAM ‘Excellent’. On that basis the proposal would exceed the reductions required by the Development Plan and would be acceptable.

7.14 Flood Risk and Drainage

- 7.14.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.14.2 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This sets out that the drainage proposal is to infiltrate to the ground via two attenuation tanks, and the car park will be drained via porous paving. Surface water from the service yards and access road will be collected by gullies and channel drains. The strategy has been reviewed by Affinity Water (comments at 9.2 below) and the LLFA (comments at 9.5 below). Both consultees originally objected to the proposal, however following receipt of amended plans and further information, both consultees have removed their objections subject to planning conditions.
- 7.14.3 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that there are no constraints within their remit at the site and therefore they raise no comments but encourage the use of Sustainable Drainage Systems and water efficiency measures.

- 7.14.4 It is concluded that the proposed development would not be subject to unacceptable risk of flooding and uses sustainable drainage systems to reduce surface water runoff, and is acceptable having regard to DM8.
- 7.15 Refuse and Recycling
- 7.15.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.15.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that 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 ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.
- 7.15.3 HCC note a SWMP has not been produced and therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site.
- 7.15.4 In respect of safeguarding Waste Sites, the application site is in close proximity to the Maple Lodge Sewage Treatment Works (STW), which is safeguarded under the Waste Core Strategy due to its important contribution to the strategic network of waste management provision. The proposal seeks to retain trees and plant additional trees on the boundary which faces the STW, and the Waste Authority has confirmed they have no safeguarding concerns.
- 7.15.5 In relation to minerals, the site falls within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 7.15.6 The county council, as the Minerals Planning Authority, does not consider that the proposal would have the potential to unacceptably sterilise mineral resources, and would encourage the opportunistic extraction and subsequent use of these deposits within developments. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.15.7 In respect of commercial waste generated at the site, full details have been provided of the refuse storage areas, along with confirmation within the Transport Assessment that refuse vehicles can enter the site, turn, and exit in a forward gear.
- 7.15.8 On the basis of the above and subject to conditions it is considered that the proposed development has given adequate consideration to waste and waste collections.
- 7.16 Infrastructure Contributions/Heads of Terms for S106
- 7.16.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. There is no CIL chargeable for the development sought.

- 7.16.2 As detailed above, HCC highways have requested a financial contribution of £72,768 toward Route 3 in the LCWIP, which looks to provide a route on quiet roads between Maple Cross and Rickmansworth Station. This would unlock the site's sustainability. In addition, HCC require a Travel Plan Evaluation and Support Fee of £6000 (index linked to RPI March 2014) to support the implementation, processing and monitoring of the travel plan.
- 7.16.3 Herts Ecology acknowledge that the scheme would provide a significant net gain in biodiversity. On that basis, it is considered that monitoring the site, to ensure the habitat management and monitoring plan is fully implemented and biodiversity gains realised, would be required. Based on the size of the site and the difficulty of the habitat being created or enhanced, a monitoring fee of £5901.50 is to be secured.
- 7.16.4 The applicant's planning statement at 7.39 sets out a series of benefits the development would bring. Because these are not considered to be necessary to make the development acceptable in planning terms, it is not proposed to secure these as part of the legal agreement. It is anticipated that many of the stated benefits would be realised naturally through the operation of the development.
- 7.16.5 TRDC Charge a monitoring fee for S106 agreements, to cover the costs of our monitoring. However, it is noted that two of the financial contributions sought are for HCC as Highway Authority. The BNG fee covers monitoring the biodiversity gains. On this basis, it is not considered that any further monitoring fees would be applicable.
- 7.17 Benefits of the Scheme
- 7.17.1 The applicant has suggested a number of planning benefits would be realised from the scheme. Many of these are discussed at 7.1.14 above.
- 7.17.2 The planning statement comments on the social value, setting out that the applicant has committed to deliver a number of Social Value commitments at the site to ensure that benefits are maximised across the local communities. The key minimum targets set out include the creation of 2 apprentices, 30 hours of training throughout the supply chain, 6 weeks of work experience, 7 hours of mentoring, 21 hours of career support, 30 hours of career progression training for staff, 90 hours of training, 40% of the value of contract to be awarded to SMEs, 12 hours engagement with schools and colleges, and 18 hours of staff volunteering. It is not proposed to secure these matters by S106 agreement, because they are not considered by Officers to be necessary to make the development acceptable in planning terms given the overarching conclusions above. As they are not to be secured, only limited weight can be attributed to these matters.
- 7.17.3 Regardless of this, it is acknowledged that the site would continue to provide employment opportunities, despite a reduction in overall numbers when compared to the previous use of the site which, given demolition of previous buildings, could no longer take place. The construction phase of the proposed development would generate employment opportunities and economic benefits to those involved in the works, as well as any local suppliers. The future work force are also expected to bring economic benefits in terms of use of nearby services. Therefore it is considered that the proposed development would deliver economic benefits.
- 7.17.4 The proposed buildings would exceed current requirements in terms of energy efficiency, and the development would encourage the use of sustainable transport modes through the provision of cycle parking, electric vehicle charging points, and a contribution toward improving sustainable transport routes. The development would also achieve a net gain to biodiversity in excess of the 10% mandatory requirement. Therefore demonstrating the development would generate environmental and social benefits.
- 7.18 Tilted Balance and Planning Balance

- 7.18.1 Subject to conditions, it is considered that any potential adverse impacts of the proposed development can be mitigated against. On that basis it is considered that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of granting planning permission. As such, subject to the completion of a S106 agreement with the terms listed above, and subject to conditions it is considered that this development is acceptable.

8 Recommendation

- 8.1 That following the completion of a S106 agreement to secure the matters set out at 7.16 above, planning permission be granted subject to 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 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. KP 322 TP 01, 02B, 03, 04A, 05, 06A, 07A, 08, 14A, 15A, 16. Drawings 9184-800C (External lighting layout), 9194/810B (External Plant Locations). Drawings 1115 MP 01E, 1115 SE 01, 02, 03, 04, 05, 1115 SW 01, 02, 03.

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP3, CP1, CP6, CP8, CP9, CP10, and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM13, Appendices 4 and 5 of the Development Management Policies LDD (July 2013) and Policy SA2 and E(d) of the Site Allocations LDD (November 2014).

Pre-Commencement conditions

C3 Construction Management Plan (HCC Highways)

No development shall commence until a Construction Management Plan 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 Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

k. Phasing Plan.

Reason: This is a pre-commencement condition to ensure that the management of the construction activities is considered prior to those activities taking place. The condition is required in order to protect highway safety and the amenity of other users of the public highway, and in the interest of the amenities of neighbouring occupiers, in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C4 Construction Traffic Management Wear and Tear (HCC highways)

No development shall commence (other than demolition works) until a road condition survey (along the section of Denham Way between the site access and the junction with Uxbridge Road and the section of Denham Way between the site access and the junction with Chalfont Road/ Mary Lodge Close) is completed and agreed in writing with the Highway Authority. Prior to the first use of the development hereby permitted a second survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The survey shall provide details of any appropriate reinstatement works required to the carriageway and verges, along with the timescales for their completion. The works shall thereafter be completed to the satisfaction of the Highway Authority in accordance with the approved timescales.

Reason: This condition is required to be pre-commencement to ascertain the condition of the highway before development works commence. The condition is required in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C5 Foundation Works Method Statement (Affinity Water)

Prior to the commencement of the development (excluding construction of access, demolition and remediation works), no works shall take place until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- i) A foundations works method statement and risk assessment detailing the depth and type of excavations to be undertaken including mitigation measures (eg appropriate design) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken only in accordance with the terms of the approved method statement.
- ii) Acknowledgement of the need to notify Affinity Water of excavation works a minimum of 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 regard to water supply

The works shall thereafter take place only in accordance with the approved details.

Reason: This condition is required to be pre-commencement to ensure that details to safeguard the public water supply are submitted and approved before the works take place. The condition is required to avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C6 Contamination Remediation Plan (EH)

Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with

contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment (reported in the Ground Investigation Interpretive Report prepared by HDR Consulting Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, Oct 2024), giving full details of the remediation measures required and how they are to be undertaken.
- ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) 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 express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: This condition is required to be pre-commencement to ensure that the scheme to deal with contamination is approved before any works take place that may uncover such contamination. This is to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Surface Water Drainage Scheme (Affinity Water)

Prior to the commencement of the development (excluding construction of access, demolition and remediation works), no works 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:

- i) A Final Surface Water Drainage Scheme, demonstrating at least 1m between the base of all proposed soakaways and the highest groundwater levels and appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants, ensuring protection of surface and ground water.
- ii) The development shall thereafter be implemented only in accordance with the scheme approved by this condition, which shall be in place prior to the first use of the development hereby permitted.

Reason: This is a pre-commencement condition to ensure a suitable surface water drainage scheme is designed and approved before works take place. The condition is required because surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved toward existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply. Therefore a scheme is required to prevent the mobilisation of contaminants, ensuring protection of surface and ground water in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Details of Flood Resilient and Resistant Measures (LLFA)

Prior to the commencement of the development (excluding demolition works), details of all flood resilient and resistant measures including finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed in accordance with the approved details and maintained as such thereafter.

Reason: This is a pre-commencement condition to ensure that flood resilient and resistant measures are considered and designed into the scheme before works commence, to ensure the flood risk is adequately addressed and not increased in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Details of Construction Phase Surface Water Management Plan (LLFA)

Prior to the commencement of development (excluding demolition works) a detailed construction phase surface water management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the scheme as approved by this condition.

Reason: This is a pre-commencement condition to ensure that surface water is adequately dealt with during the construction phase and before the final surface water scheme has been implemented, to ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Site Waste Management Plan (HCC M&W)

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to ensure that the disposal of waste from the site in an appropriate way is considered prior to works taking place, and to promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012) and Policy DM10 of the Local Plan Development Management Policies LDD (adopted July 2013).

C11 Dust management plan (EH)

No development shall commence (other than demolition works) until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be employed to minimise dust caused by the permitted construction and operation of the development and to prevent the emission of dust from the site while incorporating the recommended mitigation measures as set out in section 7.1 of the submitted Air Quality Assessment (Report 784-b068895 dated 7 October 2024). The development shall thereafter be carried out in accordance with the approved Dust Management Plan.

Reason: This condition is a pre-commencement condition to minimise dust caused from construction activities and when the development is in operation in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C12 Construction Environmental Management Plan (Herts Ecology)

No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Maple Lodge Farm Ditch has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

aa) A review of any ecological impacts informed by the submitted Preliminary Ecological Appraisal (Ecology and Land Management, December 2024)

a) Risk assessment of potentially damaging construction activities.

b) Identification of 'biodiversity protection zones'.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timings of sensitive works to avoid harm to biodiversity features.

e) Responsible persons and lines of communication.

f) Details of low impact lighting measures during construction for nocturnal wildlife compliant with Bat Conservation Trust and Institution of Lighting Professionals (2023).

Development shall thereafter proceed only in accordance with the approved CEMP

Reason: This is a pre commencement condition in the interests of safeguarding protected species and adjacent habitats and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C13 Tree Protection

Notwithstanding the submitted Arboricultural Report, no operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees and vegetation shown on Drawing No. KP 322 TP 02B to be retained and all other trees not indicated as to be removed have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction. The condition is required because the submitted details do not specify adequate protection to existing trees during the course of the development works, but this concern can be addressed by further protection details being submitted for approval, 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 Materials (Prior to above ground works)

Prior to any works above ground floor level, and notwithstanding the material details shown on the approved plans, samples of the proposed cladding materials to be used in the construction of the warehouse buildings shall be submitted to and approved in

writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the materials approved by this condition.

Reason: To ensure the finished appearance of the buildings has an acceptable impact on the character and appearance of the locality, and to ensure the appearance of the rear elevation where it faces neighbouring residential properties is acceptable visually and would contrast appropriately with the proposed soft landscaping, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

Prior to first use or first occupation

C15 Full details of proposed access (HCC Highways)

Prior to the commencement of any works to create the site access and internal roads, full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

The development shall thereafter be implemented only in accordance with the details approved by this condition.

Reason: This is a condition to ensure suitable, safe and satisfactory planning and development of the site is accounted for and that the access and internal areas are suitably designed, accounted for and align with the highways technical approval process in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C16 Travel Plan (HCC highways)

At least 3 months prior to the first use of the approved development a detailed Travel Plan 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 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 subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C17 Remediation Verification Report (Affinity Water, EH)

Following completion of the measures identified in the approved remediation scheme, and prior to the first use of any part of the development hereby permitted, a remediation verification report to confirm the appropriate removal of the contaminated area and that demonstrates the effectiveness of the remediation carried out, along with details of any monitoring and maintenance programme and copies of any waste

transfer notes relating to exported and important soils shall be submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall thereafter be implemented in accordance with the approved details.

Reason: To provide confirmation that the risk of displacing this contamination to a greater depth has been addressed and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction during the construction and use of the development, and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Drainage Survey and Verification Report (LLFA)

Immediately following completion of the surface water drainage system, including any sustainable urban drainage system features, and prior to the first use of any part of the development hereby permitted, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 7. Where necessary details of any corrective works to be carried out along with a timetable for their completion shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 of the Development Management Policies LDD (adopted July 2013).

C19 Drainage Scheme Maintenance and Management Responsibilities

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation.
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- iii. 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. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for the development and not increased in accordance with NPPF, Policies CP1 and CP12 of the Core Strategy

(adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C20 Improvement works to access (HCC Highways)

Prior to the first occupation of any part of the development hereby permitted the vehicular and pedestrian access improvements, as indicated on drawing number 24-339-SK06 Rev C shall be finalised, completed and thereafter retained in accordance with details/specifications to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a safe and satisfactory access to be used from the first use of the development hereby approved, in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C21 Hard and Soft Landscaping

Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall follow the principles set out within the Landscape Masterplan drawing 1115-MP-01 Rev E and in the Planting Proposals Southern Boundary drawings (1115-SW-01, 1115-SW-02 and 1115-SW-03) including species and initial planting heights and spacings, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include locations, materials and method of drainage, and details including position, design and size of all means of enclosure within and around the site.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first use of the development hereby permitted and permanently maintained as such thereafter.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the development or the completion of the development, whichever is sooner.

If any of the proposed soft landscaping is removed, dies, becomes severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area and on the amenities of neighbours, and to ensure the site is suitably enclosed to protect the amenities of neighbours and ensure the use of Maple Lodge Close for vehicular access is restricted, in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C22 Operational Noise Management Plan

Prior to the first use of the development hereby permitted, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out how deliveries and collections to and from units 5 and 6 will be managed so as to ensure any adverse impacts on neighbours from noise generated by these activities are minimised, The plan shall include details of the restriction of the type of reversing alarm for vehicles, the use of the building's doors

to restrict noise outbreak and engines not idling, and the hours of use of the turning and parking areas and controls over idling vehicles in these areas. Details of site-wide refuse collection arrangements including hours shall also be included. The development shall thereafter be operated only in accordance with the details approved by this condition.

Reason: Reason: To protect the amenities of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy.

C23 External Plant – Unit 6

Prior to the first use of the external plant/equipment serving unit 6, details shall be submitted to and approved in writing by the Local Planning Authority in respect of the noise impacts of this equipment, and any mitigation measures necessary to ensure this plant can operate without adverse impact on the amenities of neighbouring occupiers. The plant shall thereafter be installed and maintained in accordance with the details approved by this condition.

Reason: To protect the amenities of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy.

Compliance

C24 Ecological Enhancement (Comply prior to first occupation)

Prior to the first use of the development hereby permitted, the bat and biodiversity enhancement measures as set out at Section 3 of the submitted Bat and Biodiversity Enhancement report (November 2024, produced by Ecology and Land Management) shall be implemented in full and a statement from an appropriately qualified ecologist confirming that all the proposed features have been installed accordingly, accompanied by sufficient photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

The measures shall be maintained and permanently retained thereafter.

Reason: To ensure that the bat and biodiversity enhancement measures are implemented, in the interests of enhancing existing habitats and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C25 Parking Spaces to be provided (Comply prior to first occupation)

Prior to first occupation of the development hereby permitted the proposed on-site vehicle access road, on-site car parking, electric vehicle charging provision and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development, to ensure the development can accommodate its own parking demands and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C26 Refuse and Cycle Store (Comply prior to first use)

Prior to the first occupation of the development hereby permitted the refuse and recycling stores and cycle stores shall be constructed in the locations shown on drawing KP-322-TP-02 Rev B and in accordance with the details on drawing numbers 26692-TUR-DR-00-02 and 26692-TUR-DR-03-03 and permanently retained thereafter.

Reason: To ensure the acceptable storage and collection of waste from the site in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C27 Surface Water arrangements (HCC Highways) (Comply prior to first use)

Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C28 Electric Vehicle (EV) Charging Points (HCC Highways) – Comply prior to first use

Prior to the first occupation of the development hereby permitted, provision shall be made for 17% of the car parking spaces to have active provision for EV charging and 20% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C29 Construct Acoustic Screen (Comply prior to first use)

Prior to first use of any part of the development hereby permitted, the 6m high acoustic screen as detailed in section 3.0 of the submitted Noise Impact Assessment (dated May 2025) shall be installed in the location and specification as detailed at section 3.0 and Figure 3.1 of that report. The acoustic screen shall thereafter be maintained and retained in accordance with these details.

Reason: To safeguard the amenities of the occupiers of neighbouring properties to the south of the site, in particular from vehicle noise from the parking/turning area immediately adjacent to Units 5 and 6, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 Installation of Renewable Energy Measures (Comply prior to first use)

Prior to the first use of the development hereby permitted, the sustainability measures detailed within the Energy and Sustainability Statement prepared by CHBS (Rev A, Dated 14/10/24) shall be incorporated into the approved development.

Reason: In order to ensure that the development will meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

C31 Unexpected Contamination (Affinity Water, EHO)

If, during development, contamination not previously identified is found to be present at the site, particularly in the areas where the infiltration of surface water is proposed, then no further development shall be carried out until an investigation and risk assessment has been undertaken, and where remediation is necessary a remediation strategy/report detailing how contamination will be dealt with shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved with a robust pre- and post-monitoring plan to determine its effectiveness. Immediately following the completion of measures identified in the

approved remediation strategy, a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water, and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C32 Restrict Use of Maple Lodge Close access

The Maple Lodge Close access shall not be used to access or use the development hereby permitted at any time, other than by vehicles involved with landscape management or maintenance activities.

Reason: Because the development has been designed to ensure that all vehicular traffic associated with the proposed use accesses the site from Denham Way, with that junction being improved to facilitate access and the noise report assumptions also based on this use. Access via Maple Lodge Close may not be suitably safe in highway safety terms and may result in additional noise and disturbance to neighbours which would not be acceptable. The condition is therefore required in the interests of highway safety and neighbouring amenity in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C33 No external storage

No materials, containers or equipment shall be stored on the site outside buildings except for waste materials contained within suitable and sufficient waste containers for removal of a type and in a location agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure that adequate parking provision is maintained at all times to serve the development and to protect the amenities of neighbours, to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C34 Restrict the use of the buildings

The buildings hereby permitted shall be used within Use Class E(g)(iii), B2 and B8 and for no other purpose whatsoever (including any other purposes in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (Or in any provisions equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In granting this permission the Local Planning Authority has had regard to the employment allocation of the application site, the noise mitigation controls and the car parking availability, and wishes to have the opportunity of exercising control over any subsequent alternative use which could have an impact on the employment allocation, noise sensitive neighbouring properties and highway safety in accordance with Policies CP1, CP6 and CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA2 and site E(d) of The Site Allocations Local Development Document (adopted November 2014).

C35 Remove PD and no more floorspace

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 and the provisions of Classes A and H of Part 7 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no enlargement or additional floor space within any building hereby permitted shall be made (including the creation of mezzanines).

Reason: To ensure that any additional floor space provided within the building shall not prejudice the provision of adequate car parking and vehicle manoeuvring space about the site in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C36 Hours of use – Units 5 and 6

No deliveries or collections shall take place to or from Units 5 and 6 (as identified on Drawing No. KP 322 TP 02 REV B) at any time other than between 07:00 and 23:00 Monday to Friday, 08:00 to 23:00 on Saturdays and 09:00 - 21:00 on Sundays, Bank and Public Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties, in particular from noise and disturbance from activities associated with deliveries and collections, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C37 Lighting

The external lighting installed on the site and affixed to the building(s) shall be undertaken only in accordance with drawing number 9194/800 Rev B (Church House Building Services Ltd) and the document 'External Lighting Revision 3' 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(s) on the site at any time.

Reason: In the interests of visual amenity, safeguard 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).

C38 Fire Hydrants (HCC Fire)

Should they be required, detailed proposals for 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 first 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.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C39 Landscape Maintenance

The new tree and landscape planting shall be planted and maintained in accordance with the submitted Landscape Strategy (Report 1115-ST-03 Rev A dated November 2024).

Reason: To ensure the development site is suitably prepared for the proposed soft landscaping, and to ensure the landscaping is suitably maintained to protect and enhance the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Mandatory Biodiversity Net Gain

C40 BNG Habitat Management and Monitoring Plan

Prior to the commencement of the development (excluding demolition works) a Habitat Management and Monitoring Plan ("the HMMP"), prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- (a) non technical summary;
- (b) the roles and responsibilities of the people or organisation (s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first occupation of the development and;
- (e) the monitoring methodology and frequency (e.g. year 1, 3, 5, 10, 15, 20, 25 and 30) in respect of the created or enhanced habitat to be submitted to and approved in writing by the Local Planning Authority:

The created and/or enhanced habitat specified in the HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: This is a pre-commencement condition to ensure that the net gain for biodiversity on site is delivered, maintained and managed in the interests of local biodiversity in accordance Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013) and for the purposes of para 9(2) and 9(3) of Schedule 7A of the Town and Country Planning Act 1990.

C41 Notice of the implementation of the HMMP

Notice in writing shall be given to the Local Planning Authority when the agreed Habitat Management and Monitoring Plan ("the HMMP") as secured by Condition 40, has been implemented.

The required Notice in writing to the Local Planning Authority shall be provided within 21 days of the implementation of the HMMP.

Reason: This is to ensure that the Local Planning Authority have knowledge when the habitat enhancement and creation works have been implemented to enable effective monitoring in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C42 HMMP works completed

The habitat creation and enhancement works set out in the approved HMMP (as secured by Condition 40) should be completed in the first planting and seeding season after the completion of construction or the first use of the development, whichever is first. A completion report, evidencing the completed habitat enhancements, shall be submitted to and approved in writing by the Local Planning Authority after the first planting and seeding season following completion of construction or first use of the development.

Reason: This is to ensure that the Local Planning Authority have knowledge when the habitat enhancement and creation works have been implemented to enable effective monitoring in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C43 Biodiversity Monitoring - Compliance

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP (as secured by Condition 40).

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C44 Biodiversity Gain Plan - Compliance

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Metric Baseline Report (dated September 2024, prepared by Ecology and Land Management).

Reason: This is to ensure that the biodiversity and ecological information submitted with the planning application is realised through the Biodiversity Gain Plan, in the interests of local biodiversity and to ensure biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threeivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure

Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 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/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the Local Planning Authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 14 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

- 15 Highways Authority Advisory Notes:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is

available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN7) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to

the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN8) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk.

- 16 In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed
- 17 The applicant is advised that, in accordance with guidance from Thames Water, petrol / oil interceptors should be fitted in all car parking areas to avoid oil-polluted discharges entering local watercourses.
- 18 An European Protected Species Licence from Natural England is required to deliver this development due to the confirmed presence of a maternity and hibernation roost. It will be an offence if works proceed without a bat licence. It will also be an offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

9 Appendix 1: Consultation Responses

9.1 Active Travel England: [Comment received]

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

9.2 Affinity Water (17/01/25 – Response 1): [Objection]

Thank you for notification of the above planning application. These are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to our Pumping Station (SPRW). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We currently object to the application as we require further information for our review, to allow us to assess the application in greater detail and, if we are able to remove our objection, provide informed condition requirements.

This further information should cover the following concerns:

- Groundworks creating pathways between shallow gravel groundwater and deep chalk groundwater potentially allowing naturally occurring manganese present in the gravel aquifer to migrate to the Chalk.
- Turbidity during excavation works including piling, potentially causing our borehole to abstract groundwater with turbidity reaching above 1NTU and shut down.
- Foundation works and especially piling potentially blocking significant fissures in the Chalk, hence creating a “curtain” effect. This could cause the flow paths to change around our sources, potentially causing greater drawdown for the same output or differences in water chemistry.
- The discovery of heightened hydrocarbons. We require details of the proposals for the remediation works and further groundwater monitoring during and after the development to ensure contamination hasn't been moved towards the public water supply abstraction.
- The proposals for surface water to be dealt with via infiltration and the risks of this mobilising onsite contamination towards the public water supply abstraction.

We need to ensure we have been provided with as much information as possible for our review, as issues arising from the development can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

At this time it is our view that the development as proposed represents a risk to groundwater, however if our requests, set out above, have been addressed we may ask that appropriate conditions are imposed to protect the public water supply.

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with

treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

9.2.1 Affinity Water (07/04/25 – Response 2): [No objection, conditions recommended]

Following on from our response dated 17/01/25 we have since been provided with further information for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

Contamination through Ground Works:

It is understood that foundations for the new buildings will comprise of traditional concrete pads bearing onto the shallow gravel that will not extend into the chalk and no new pathways will be created between the gravel and the chalk. For these excavation works the following condition needs to be implemented. If there are any changes to this planned foundation type (e.g. to piling) we will need to be reconsulted as we will have particular condition requests in this case.

Condition 1

Prior to the commencement of the development, no works shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations to be undertaken including mitigation measures (e.g. appropriate design) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

- Acknowledgement of the need to 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

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

Previously identified contamination:

It is understood that localised dissolved phase hydrocarbons were detected on site and it is proposed that the removal of this will be undertaken as part of the development enabling works. This will comprise excavation and offsite disposal of impacted soils and collection and testing of validation samples.

Condition 2

We require the submission of a Remediation Verification Report to confirm the appropriate removal of the contaminated area.

Reason: To provide confirmation that the risk of displacing this contamination to a greater depth has been addressed and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction during the construction and use of the development.

Contamination during construction:

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition 3

If, during development, contamination not previously identified is found to be present at the site, particularly in the areas where the infiltration of surface water is proposed, then no further development 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:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Contamination through Surface Water Drainage

:

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere.

Condition 4

Prior to the commencement of development, no works 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:

- A Final Surface Water Drainage Scheme demonstrating at least 1m between the base of all proposed soakaways and the highest groundwater levels and appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

9.2.2 Affinity Water (25/04/25 – Response 3): [No objection, conditions recommended]

Following on from our response dated 17/01/25 we have since been provided with further information for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

Contamination through Ground Works:

It is understood that foundations for the new buildings will comprise of traditional concrete pads bearing onto the shallow gravel that will not extend into the chalk and no new pathways will be created between the gravel and the chalk. For these excavation works the following condition needs to be implemented. If there are any changes to this planned foundation type (e.g. to piling) we will need to be reconsulted as we will have particular condition requests in this case.

Condition 1

Prior to the commencement of the development (excluding access, demolition and remediation works), no works shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations to be undertaken including mitigation measures (e.g. appropriate design) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
 - Acknowledgement of the need to 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
- Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

Previously identified contamination:

It is understood that localised dissolved phase hydrocarbons were detected on site and it is proposed that the removal of this will be undertaken as part of the development enabling works. This will comprise excavation and offsite disposal of impacted soils and collection and testing of validation samples.

Condition 2

Prior to the commencement of development (excluding access, demolition and remediation works) no works shall be carried out until a Remediation Verification Report (to confirm the appropriate removal of the contaminated area) has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water

Reason: To provide confirmation that the risk of displacing this contamination to a greater depth has been addressed and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction during the construction and use of the development.

Contamination during construction:

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition 3

If, during development, contamination not previously identified is found to be present at the site, particularly in the areas where the infiltration of surface water is proposed, then no further development 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:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Contamination through Surface Water Drainage:

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere.

Condition 4

Prior to the commencement of development (excluding access, demolition and remediation works), no works 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:

- A Final Surface Water Drainage Scheme demonstrating at least 1m between the base of all proposed soakaways and the highest groundwater levels and appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created

for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

9.3 Environment Agency (14/01/25): [No objection]

Due to the nature of the site, there would be no comments from the Environment Agency for this application.

9.4 Hertfordshire County Council – Highway Authority (13/12/24): [No objection, Conditions recommended]

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Existing Access – Improved

Prior to the first occupation / use hereby permitted the vehicular/ pedestrian access improvements, as indicated on drawing number (24-339-SK06 Rev C), shall be finalised, completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and no other vehicle access will be permitted.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4) Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first occupation / use of the development hereby permitted, provision shall be made for 17% of the car parking spaces to have active provision for EV charging and 20% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Construction Management Plan

No development shall commence until a Construction Management Plan 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 Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

6) Construction Traffic Management and Routing / Exceptional Wear and Tear

No development shall commence until a road condition survey (along the section of Denham Way between the site access and the junction with Uxbridge Road and the section of Denham Way between the site access and the junction with Chalfont Road/ Mary Lodge Close) is completed and agreed in writing with the Highway Authority. On completion of the development a second survey shall be undertaken and any appropriate reinstatement works to the carriageway and verges shall be completed to the satisfaction of the Highway Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan 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 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 subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN7) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN8) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of

£6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

COMMENTS

Maple Cross House site is located at the northern end of the the Urban area of Maple Cross within the Three Rivers District Council (TRDC) area, circa 800m southwest of the larger Rickmansworth (also TRDC) and 5km southwest of central Watford (WBC). The brownfield site, currently host to two office buildings and a Multi Storey Car Park (MSCP), is bound: to the south by existing residential areas, to the east by a greenfield, to the north by existing offices, and to the west by the A412 North London Orbital Road (Denham Way). It is proposed to demolish the existing buildings and erect six number flexible employment use units of circa 8,030 sqm GEA. The existing buidings consist of Maple Cross House with a total floor area of 9,965 sqm, and the Kier office building with a total floor area of 1,472 sqm (11,437sqm of offices).

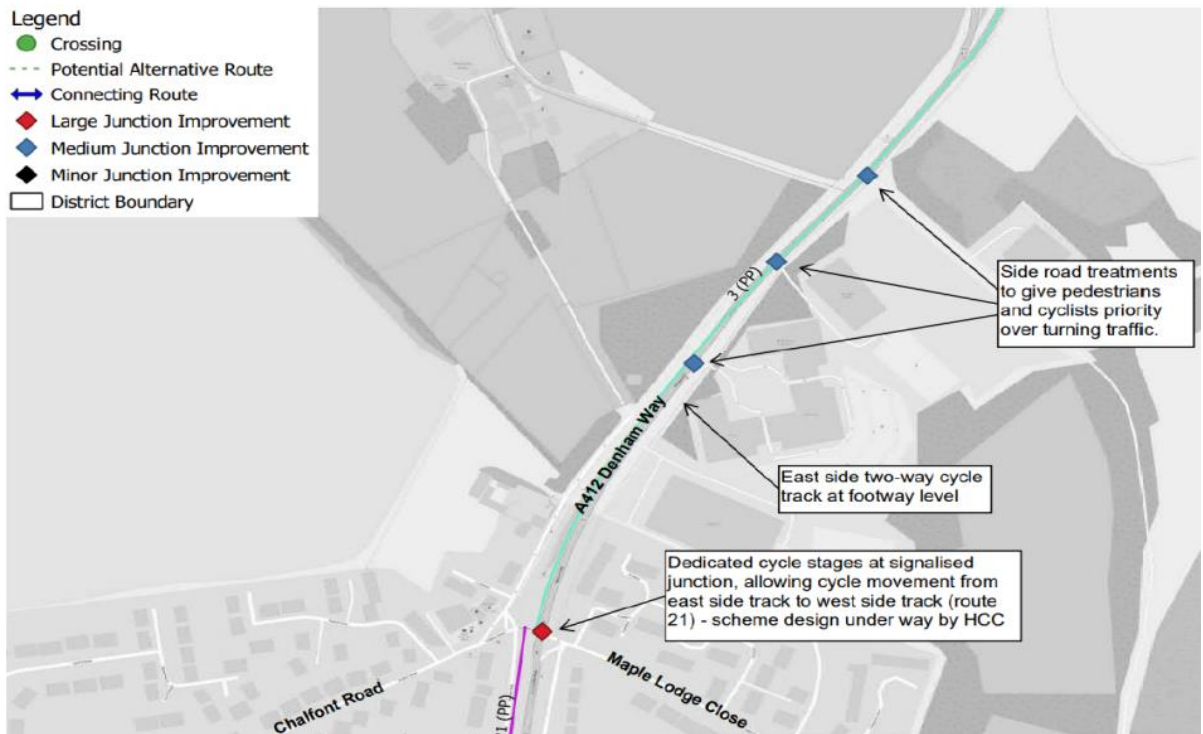
Sustainable Transport Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierachy) and 5 (Development Management) it is essential given the declared climate emergency that the issue of sustainable access is considered first and the appropriate infrastructure provided to unlock a site sustainably.

The site is reasonably well located to the sustainable transport network with a shared use foot/cycleway located immediately to the west of the site on the eastern side of the 40mph Denham Way and crossings are located within reasonable distance to allow access to/ from the residential area and the bus stops to western side of the road.

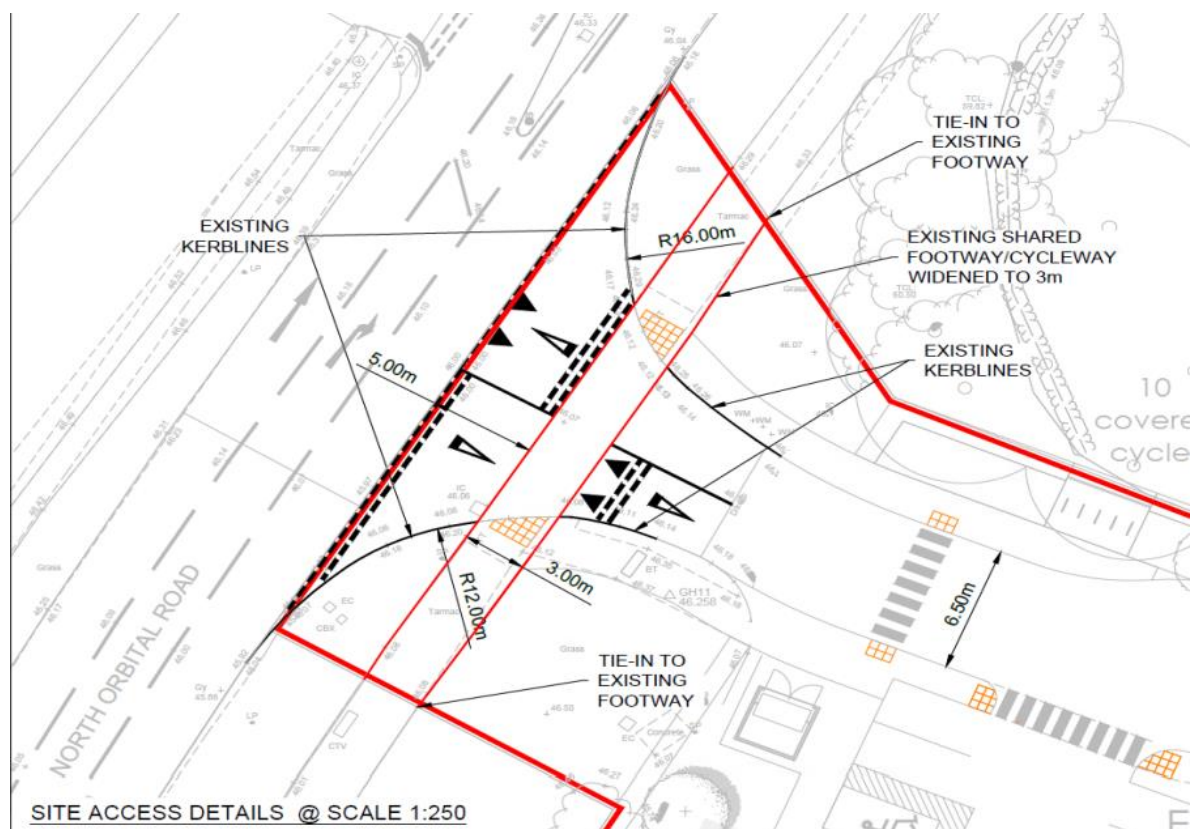
Rickmansworth station is approximately a 3.5km (14-15mins) cycle via Uxbridge Road. Whilst it is noted that some potential cyclists may consider that Uxbridge Road and through Rickmansworth and the Ebury roundabout may present an aggressive environment, it is also noted that Three Rivers District Council (TRDC) and Hertfordshire County Council (HCC) are developing a Local Cycling and Walking Infrastructure Plan (LCWIP) which through route 3 will facilitate a 4km (16-20mins) cycle to the station via quieter roads.

TRDC's LCWIP Route 3 extends passed the proposed site's access junction. The completed route will ensure a smooth continuous route for cyclist along Denham Way that will prioritise cyclists through 'Copenhagen Style Continuous' crossings. The original LCWIP Route 3 addresses the three similar accesses to the the sites North East of the proposal site. However, with the predicted reduction in traffic through the junction compared to the existing uses, it was considered that there was an opportunity to treat the proposal access in the same manor.



LCWIP Route 3 at Denham Way

The applicant has agreed to facilitate SADC's LCWIP Route 3 at their access junction and install a 'Copenhagen Style Continuous crossing'.



The initial design may need to be adjusted slightly through the S278 process to accommodate segregation of pedestrians and cyclists, however HCC is content that there is scope to do this if necessary and do not want to restrict the planning permission and are

content the site can be unlocked sustainably to a degree with the LCWIP scheme fully unlocking the site for all.

Road Safety

The transport consultants for the applicant undertook a detailed review of Personal Injury Collisions (PICs) on the road network within the last 5 years and concluded:

"Although all PICs are regrettable, the frequency of PICs and the fact that the proposed development represents a reduction in traffic when compared to the extant use, does not suggest that there are any existing safety problems that would be exacerbated by the proposed development."

Whilst HCC agrees that road safety won't be exasperated by the proposed development, its notes that there was one serious collision involving a Light Goods Vehicle (LGV) rear ending a cyclist already on the Uxbridge Road/ Denham Way roundabout as the LGV entered from Uxbridge Road, highlighting the need for the LCWIP development.

Trip Generation/ Attraction and Vehicle Impact

As previously indicated the previous site was host to Maple Cross House with a total floor area of 9,965 sqm, and the Kier office building with a total floor area of 1,472 sqm (11,437sqm of offices). Whilst the offices are shut the national Trip Generation database (TRICS) and the 2011 national census (SOA E02004964) suggested that the those employed at the site travelled as per below:

Table 4E Extant Trip Generation – All Modes [Overall Site]

Modes	AM Peak Hour			PM Peak Hour		
	In	Out	Two-way	In	Out	Two-way
Driving in a car/ van	169	18	187	19	119	138
Passenger in a car/van	7	1	8	1	5	6
Bicycle	1	0	1	0	1	1
On Foot	6	1	7	1	5	6
Train	16	1	17	1	12	13
Bus	3	0	3	0	2	2
Other	0	0	0	0	0	0
Total	202	21	223	22	144	166

The proposed six number flexible employment use units of circa 8,030 sqm (GEA) would attract people trips in the following numbers:

Table 7B Proposed Development Trip Generation – All Modes [7,540 sqm]

Modes	AM Peak Hour			PM Peak Hour		
	In	Out	Two-way	In	Out	Two-way
Driving in a car/ van	47	18	65	36	42	78
Passenger in a car/van	2	1	3	1	2	3
Bicycle	0	0	0	0	0	0
On Foot	2	1	3	1	2	3
Train	4	2	6	3	3	6
Bus	1	0	1	2	1	3
Other	0	0	0	0	0	0
Total	56	22	78	43	50	93

It is clear that the proposed development will generate less motorised vehicles than what was previously operational and the impact would be neutral. None-the-less, the analysis is based on the 2011 census for method of journey to work which observed 83% of trips by car/ van and inline with policies both local and national a Travel Plan is conditioned in order to promote the greater use of sustainable transport.

None-the-less the applicant has undertaken capacity assessment for the proposed site access (priority) junction and at the signalised Denham Way / Chalfont Road / Maple Lodge Close junction.

The transport planning industry standard Junctions 10 Software from the UK's Transport Research Laboratory (TRL) was utilised in order to understand how the site access junction operated in capacity terms. The results of which in summary are:

Table 8C Capacity Assessment – Site Access / Denham Way

Peak Hour	Approach	2029 Reference Scenario			2029 Total Scenario		
		RFC	Queues	Delay	RFC	Queues	Delay
AM Peak Hour	Site Access (LT)	0.01	0.0	9.32	0.01	0.0	9.06
	Site Access (RT)	0.13	0.1	40.36	0.15	0.2	39.96
	Denham Way (Right In)	0.09	0.1	11.12	0.03	0.0	9.67
PM Peak Hour	Site Access (LT)	0.05	0.1	8.21	0.02	0.0	7.37
	Site Access (RT)	0.32	0.5	18.47	0.14	0.2	15.70
	Denham Way (Right In)	0.01	0.0	7.56	0.02	0.0	7.71

Note: RFC = ratio of flow to capacity, Queues measures in vehicles, delay measured in seconds

The reference scenario predicts 2029 in a scenario where the previous offices had remained operational and the 2029 Total scenario considers the proposed development in their place.

Within Junctions 10 the Ratio of Flow to Capacity (RFC) of an approach gives an indication of how it would perform. The recognised operational threshold for RFC's is 0.85, beyond which cognisance of queuing is required. From the above table it is clear that whilst the predicted impact of the existing offices at the site access junction is minimal in 2029, comparatively the proposed development results in an improved operation. A maximum RFC of just 0.15 predicted during the AM peak hour (0.14 correspondingly during the PM peak hour) for the right right turn exit from the site and no queuing on Denham Road.

As per the industry normal the Linsig model was utilised to predict the performance of the signalised Denham Way / Chalfont Road / Maple Lodge Close junction which in summary were:

Table 8D Capacity Assessment – Denham Way / Chalfont Rd /Maple Lodge Close

Peak Hour	Approach	Lane	2029 Reference Scenario			2029 Total Scenario		
			DoS	Queues	Delay	DoS	Queues	Delay
AM Peak Hour	Denham Way (N)	Lane 1 + Lane 2	79.7%	19	19.2	79.1%	19	18.7
	Maple Lodge Close	Lane 1	43.3%	2	59.8	41.3%	2	59.0
	Denham Way (S)	Lane 1 + Lane 2	87.9%	23	32.2	85.9%	22	30.1
	Chalfont Road	Lane 1	15.9%	1	53.5	15.9%	1	53.4
PM Peak Hour	Denham Way (N)	Lane 1 + Lane 2	49.7%	7	11.9	48.6%	7	11.8
	Maple Lodge Close	Lane 1	50.1%	2	63.4	40.4%	2	59.3
	Denham Way (S)	Lane 1 + Lane 2	49.6%	9	16.8	50.0%	9	16.9
	Chalfont Road	Lane 1	23.8%	1	53.0	23.8%	1	53.0

Note: DoS = degree of saturation, Queues measures in PCUs, delay measured in seconds

The Degree of Saturation (DoS) provides a guideline threshold for signalised junction where a DoS of 90% is recognised as an operational threshold. Whilst the junction is busy during the AM peak it is clear that the development (2029 Total) represents a slight improvement compared to a scenario where the existing offices had remained operational (2029 Reference Scenario). The maximum DoS with the proposed development is 85.9% compared to 87.9% with the existing offices in place.

Given the primarily the predicted Trip Generation and the above model results HCC Highways is content that the proposed development will not result in any additional vehicle impact.

Parking

Whilst HCC Highways consider that the proposed level of car parking (in line with the TRDC standards for B2 and B8 development but not for full Eg(iii) use) has been demonstrated to be sufficient, in line with local precedents and would have no objections, it must be noted that the final decision on car parking levels will be decided by TRDC.

It is noted however that Electric Vehicle (EV) and disabled parking is to be provided fully in line with the TRDC parking standards and that Magna proposes a car park management plan.

Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance (Strand 1) HCC would envisage that the agreed site access junction and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement and travel plan contributions are contained in a s106 agreement.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a site of this nature could create approximately 171 jobs, which coincides with mid range estimate presented in scoping to HCC Highways by the applicants transport consultant. Therefore, in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £72,768. It is anticipated that this would be directed to the aforementioned LCWIP scheme (PP3) which is required to fully unlock the site sustainably for all.

9.5 Hertfordshire County Council – Lead Local Flood Authority (28/01/25 – Response 1): [Objection]

We are concerned that no calculations have been provided for the site. At full planning stage, full network calculations for all rainfall return periods up to and including the 1% AEP plus appropriate climate change allowance should be provided utilising the correct parameters (FEH2013/FEH22, correct climate change allowance on the 3.33% and 1%

AEP event and CV value of 1). Additionally, we are concerned that safe access and egress has not been outlined. Whilst the site is not at major risk, the surrounding access road is at high risk of surface water flooding. We would recommend that safe access is clearly laid out.

We object to this planning application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or local planning policies.
- o Three Rivers SFRA Level 1

Reason To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

The main points of this are;

- 1) Calculations have not been provided.
- 2) Safe access and egress has not been outlined clearly.
- 3) Greenfield / brownfield runoff rates have not been included.
- 4) Existing site conditions are not outlined clearly.

Informative

For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and proforma on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.

Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted

9.5.1 Hertfordshire County Council – Lead Local Flood Authority (10/04/25 – Response 2): [Objection]

We previously responded to this application on 28 January 2025 objecting to no full network calculations, safe access and egress and finished floor level. We have reviewed the documentation as submitted (Response to the LLFA, prepared by HDR, 17 March 2025 and Flood Risk Assessment and Drainage Strategy, prepared by HDR, 17 March 2025) and have the following comments to make.

We are still concerned that there is minimal freeboard shown on the drawings. We would like to remind the applicant that the statutory freeboard is 150mm above the external ground levels or 300mm above the design flood level as a minimum. Additionally, we are concerned that greenfield volumes and brownfield runoff rates and volumes have not been submitted. A full list of objections have been outlined below for ease of reference.

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or local planning policies

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document and below are adequately addressed.

The objections are as follows:

- The drainage layout drawing now shows finished floor levels. However, there is minimal difference between the finished floor levels and the neighbouring cover levels are set. We require justification as to whether 150mm has been given from the external ground levels and 300mm has been given from the maximum design water level.
- Brownfield runoff rates have not been provided.
- No further treatment has been included. Soakaways are being used on site.
- Calculations are showing urban creep allowance as 0%.
- The drainage drawing is preliminary status
- It is still unclear whether the correct CV value has been used.
- Several nodes on the 1% AEP plus 40% climate change allowance event are shown to FLOOD (i.e. Soakaway, Porous Paving, Porous Paving (11), Pipe 15.000). It should be evidenced how the 1% AEP plus climate change event will not leave the site boundary at the affected nodes.
- Above ground flooding has not been shown on a plan. The 1% AEP plus climate change event needs to be provided on a drawing with external ground levels and finished floor levels of the buildings.
- Exceedance flow routes have not been included on the drainage drawing.
- Half drain down times have not been included in the updated network calculations.
- This application has still not provided a construction phase water quality plan. We would be willing to condition this if the above objections are rectified.

9.5.2 Hertfordshire County Council – Lead Local Flood Authority (16/04/25 – Response 3): [Objection]

We previously responded to this application on 9 April 2025 objecting to finished floor level, brownfield runoff rates, surface water treatment, flooding in the calculations, above ground flooding and exceedance flow routes and construction management plan. Whilst we note that Affinity Water removed their objection on 10 April 2025, our stance on the other objections points have not changed as these are not within the remit of Affinity Water. We would refer the applicant to the previous objection letter.

9.5.3 Hertfordshire County Council – Lead Local Flood Authority (12/05/25 – Response 4): [No objection, subject to conditions]

The applicant has provided Technical Note, Drainage Strategy drawings and supporting calculations, as listed in the Annex). These are to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy Three Rivers SFRA Level 1. We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording.

Condition 1:

Prior to the commencement of the development details of all flood resilient and resistant measures including finished floor levels shall be submitted to and approved in writing by the local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Three Rivers Council.

Condition 2:

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

Condition 3:

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [LPA to satisfy numbering]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Three Rivers Council.

9.6 Hertfordshire County Council – Minerals and Waste (06/01/25): [No objection]

Minerals In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. British Geological Survey (BGS) data also identifies potential superficial sand/gravel deposits at the application site.

The Minerals Planning Authority identifies the entirety of the Sand and Gravel Belt as a Mineral Consultation Area

Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources.

In accordance with paragraph 225 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

After reviewing the application, the Minerals Planning Authority does not consider that the proposal would have the potential to unacceptably sterilise mineral resources. It is not necessary to investigate the potential for the prior extraction of mineral resources at this site.

Whilst prior extraction is not necessary, there may still be opportunities to utilise sand and gravel resources that are found during site preparation works, should any deposits be uncovered that are of a suitable quality.

Opportunistic extraction refers to cases where preparation of a site for built development, such as excavating the foundations and footings or landscaping works, may result in suitable material being uncovered that could be extracted and processed for use on site as part of the development.

The Minerals Planning Authority would like to encourage the opportunistic extraction and subsequent use of sand and gravel deposits within developments wherever possible. Opportunistic use of minerals will reduce the need to import sand and gravel to the site and make sustainable use of these valuable resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) 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.'

The supporting documents to this application, specifically the Planning, Economic and Heritage Statement, make no reference to the adopted Waste Core Strategy and Development Management Policies DPD (2012), which is part of the Development Plan for the area. The policies in the adopted DPD that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

As the Waste planning Authority, we are pleased to see that table 8 of the Planning, Economic and Heritage Statement mentions that the applicant is committed to reducing construction waste produced and waste going to landfill.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

As a minimum, the SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)
- Space for Later Recordings
- Space for the recording of actual figures against the estimated figures
- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to
- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

As a SWMP has not been produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

The District Council should also be aware of the Water Recycling Site, Maple Lodge Sewage Treatment Works, which is located to the south-east of the proposed development. The Water Recycling Site is safeguarded under Policy 5 of the adopted Waste Core Strategy and Development Management Policies document due to its important contribution to the strategic network of waste management provision in the county.

Adopted Policy 5: Safeguarding of Sites states that the Waste Planning Authority will oppose development proposals which are likely to prevent or prejudice the use of land identified or safeguarded for waste management purposes unless alternative or enhanced provision is made for a facility dealing with the equivalent waste capacity or where it can be demonstrated that the need for those facilities can no longer be justified.

The 'Agent of Change' principle (NPPF Dec 2024, paragraph 200) is clear that planning decisions on new developments should ensure integration with existing business such that they do not have unreasonable restrictions placed upon them.

The document containing the Existing & Proposed Overlay Plan shows that the applicant plans to retain some of the existing trees, in addition to planting additional trees on the boundary of the development that faces Maple Lodge Sewage Treatment Works, which the Waste Planning Authority is pleased to see.

After reviewing the details submitted with the application, the Waste Planning Authority does not consider that the proposal will prevent or prejudice the Water Recycling Site and therefore has no safeguarding concerns.

9.7 Hertfordshire County Council – Water Officer (27/01/25): No objection

We'd like to request a condition for the provision and installation of fire hydrants, at no cost to the county council or fire and rescue services. This is to ensure there are adequate water supplies available for use at all times

9.8 Hertfordshire Constabulary – Designing Out Crime (12/20/25): No objection

Thank you for your email regarding planning application 24/1963/FUL, I agree that the old access road will be a problem (I have visited many sites like this which are then difficult to deal with retrospectively). If gates are installed at the Maple Lodge Close end of the access track this still leaves a gated alleyway with very little surveillance and who will maintain this, as you say this will be a good fly tipping point.

I think the problem would be at the industrial end of the track.

Would it be possible to extend the wildflower garden and install weldmesh fencing around it (I note that the inner fencing is acoustic fencing) to cut off the end of the track almost in line with the houses.

Or extend the car parking into the end of the track and wildflower meadow (does the rear of the car park need acoustic fencing?) instal weldmesh fencing either 1.8 or 2m this will blend in with the landscape but allow surveillance from the car park. I am sure the trees with TPO's can be incorporated into the car park design.

The vegetation should be as low as possible either side of the track. With lighting it can sometimes aid antisocial behaviour especially in a secluded area , I am not sure CCTV would be a deterrent in this case either and someone has to monitor and respond to any unauthorised activity.

9.9 Herts Ecology (17/01/25): Further information required

Overall Recommendation:

☒ Further information and/or amendments required before application can be determined.

Summary of Advice:

- Insufficient Information in respect to European Protected Species (bats) to determine this application.
- Nesting Bird Informative.
- Lighting plans are acceptable.
- Ecological Enhancements by Condition.
- CEMP Condition Advised.

BNG:

- Automatic, mandatory BGP Condition required.
- S106 agreement to secure net gain.
- An additional HMMP Condition Required

Supporting documents:

I have made use of the following documents in providing this advice:

- Preliminary Ecological Appraisal - Ecology and Land Management (December 2024)
- Bat Emergence Survey – ASW Ecology (October 2024)
- Bat and Biodiversity Enhancement - Ecology and Land Management (November 2024)
- Biodiversity Metric Baseline Report – Ecology and Land Management (September 2024)
- The Statutory Biodiversity Metric - Ecology and Land Management (September 2024)
- Landscape Masterplan – Indigo Landscape Architects (October 2024)
- Landscape Strategy - Indigo Landscape Architects (November 2024)

General Comments:

There are no ecological objections in-principle to this development. It has been demonstrated that biodiversity losses can be addressed by compensation and enhancement through Biodiversity Net Gain (BNG) on-site. However, there is not yet suitable, and sufficient information in respect to protected species (bats) to inform a licence application and allow determination of this application.

1. Protected Species

1.1. Roosting Bats

Out of the seven buildings at the site, of which shall be required to be removed to facilitate the proposal, one building referred to as 'B3' the 'Kier office building' is considered to have high potential for roosting bats. This is because the building has been subject to numerous call outs and retrieval efforts for grounded bats by the Hertfordshire and Middlesex Bat Group (HMBG) from 2016 – 2023. The HMBG's findings have led to 'B3' to be considered as a maternity roost (soprano pipistrelle) over many years due to both juvenile and adult individuals being found during the maternity seasons.

The PEA Report also notes the presence of a Schwegler 1FQ (nursery/colony) bat box on B3's eastern elevation, and the Bat Emergence Survey Report refers to this bat box as a known bat roost. However, Hertfordshire Ecology has confirmed via correspondence with HMBG that 'HMBG are unaware of any bats using the bat box'. As such, there is no information to indicate that bats are roosting in the bat box, particularly as opposed to the wider building.

On balance, it is considered that B3 represents a high conservation roost and will require a European Protected Species Licence (EPSL) to be granted by Natural England. Should any works proceed at B3 without an EPSL, then this would be consistent with the definitions of an offence.

It is noted that two emergence surveys have been carried out thus far, one in August and another in September (2024). However, it has been correctly identified within both reports that the survey effort carried out is not yet sufficient to inform a licence application. This is

because surveys during the bat maternity season and hibernation period have not been covered to fully characterise the roost. It should be noted that further surveys are not required to prove a roost's existence / likely absence – further surveys are needed to characterise the roost, as required to inform the licence application, of which is required for works to be undertaken lawfully at B3.

At present I cannot advise with confidence that there is sufficient evidence/ or likelihood that Natural England will grant a licence for this application. Hertfordshire Ecology are not in a position to advise an LPA that an application should be determined where there is insufficient information in respect of a European Protected Species, and where there is not a reasonable likelihood of a licence being granted. Should the applicant approach Natural England for a formal view on whether they would grant a licence with the survey information collected then they may do so.

Consequently, it is advised that the further survey effort identified within the PEA Report and Bat Emergence Survey Report should be carried out, in accordance with best practice. Such includes carrying out two further emergence/roost characterisation surveys in June and July of the next survey season to determine breeding activity at B3. Recommendations have also been made to ascertain B3's use by bats as a hibernation roost (Vi, page 27). Appropriate survey work should be undertaken by a licensed surveyor by the end of February, and this should be in the form of two visits four weeks apart.

Please note: Given the time of year at which this consultation response will be sent, the applicant is urged to consult their ecologist and arrange this work to avoid further delay and constraint.

The approach to requiring bat surveys and any subsequent recommendations by planning condition is not recognised as acceptable, given it is inconsistent with Government and legal advice. As bats are classified as European Protected Species, sufficient information is required to be submitted to the LPA prior to determination to enable it to consider the impact of the proposal on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2019 (as amended).

Consequently, we advise sufficient bat surveys and subsequent report(s) are completed and submitted to the LPA for approval prior to determination.

1.2. Foraging and Commuting Bats

The emergence surveys carried out at the site detected regular and consistent bat activity along the eastern part of the site, which is characterised by an existing treeline and Maple Lodge Farm Ditch. Consequently, lighting impacts at the site should be a consideration.

Upon review of the external lighting scheme (Lighting Assessment, Oct 2024), I find the plans to demonstrate a horizontal plane for the luminaries which is an important characteristic in reducing light glare. The areas of the site which shall pose the best resources for bats post-development will be the eastern and southern habitat creation areas, and I find these areas to have levels of illuminance that will not likely exceed existing levels. Additionally, areas with higher levels of illuminance are shown as remaining to be within existing levels of hardstanding/ parking areas which are likely to already be subject to a degree of illuminance. Consequently, subject to the lighting plans being implemented exactly as shown there are no constraints identified with the lighting plans.

1.3. Nesting Birds

All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. Whilst the site/buildings are not formally known to support breeding birds, the site is deemed to have potential for nesting birds and their presence cannot be ruled out. To reduce the risk of an

offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent granted:

“In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed”.

1.4. Physical Enhancements

The PEA Report and Bat and Biodiversity Enhancement Report describe a number of ecological enhancements to be incorporated into the design scheme, of which are endorsed. However recent research has demonstrated that compliance with the installation of these features is poor. One of the reasons cited is that, as these are integrated structures, they are difficult to retro fit and their inclusion on top-down plans (such as the block plan) or LEMPS means they are too often not considered till the landscaping phase of the development. The latest NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, incorporating such features which support priority or threatened species, swifts, bats, and hedgehog. Consequently, should the LPA be minded to grant approval for this application, I advise the following:

Either the existing elevation plans and graphical soft landscaping plans are amended to include the integrated swift bricks, bat boxes, and hedgehog features so they form part of the approved plans / or they are secured by a separate condition (example wording given below).

“Following completion of the development, a statement from an appropriately qualified ecologist confirming that all the proposed features shown on Appendix I – Landscape Proposals Plans (Bat & Biodiversity Enhancement, 2024) have been installed accordingly and accompanied by sufficient photographic evidence shall be submitted to and approved in writing by the LPA.”

2. Maple Lodge Nature Reserve, Local Wildlife Site (88/105) and Habitat of Principal Importance – Stream

It is acknowledged within the PEA Report that the site runs parallel within the 10m wide riparian zone of Maple Lodge Farm Ditch for a total of 88m. The adjacent stream also appears to be a tributary to the River Colne. All rivers, valleys, and streams are of ecological significance due to being natural, continuous, linear natural features with associated habitats which cross and dissect the county. In addition, this stream directly connects the site to Maple Lodge Nature Reserve LWS, 150m from the site boundary. Given this development’s proximity to this stream, and that LWS’s are a material consideration for the LPA, adequate precautionary measures should be secured by Condition of approval and strictly adhered to during the construction phase. The following Condition for a Construction Ecological Management Plan is recommended should the LPA be minded to grant approval.

[recommended wording]

“No development shall take place (including demolition, ground works, vegetation clearance delete as appropriate) until a Construction Environmental Management Plan (CEMP) for Maple Lodge Farm Ditch has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

aa*) A review of any ecological impacts informed by the submitted ecological report (Ecology & Land Management, Dec 2024)

a) Risk assessment of potentially damaging construction activities.

- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timings of sensitive works to avoid harm to biodiversity features.
- e) Responsible persons and lines of communication.
- f) Details of low impact lighting measures during construction for nocturnal wildlife compliant with Bat Conservation Trust and Institution of Lighting Professionals (2023).

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority."

3. Mandatory Biodiversity Net Gain

A BNG assessment and associated metric has been submitted and these demonstrate both the site's pre- and post-development unit values. It is noted that the habitat surveys were carried out within the optimal survey period, and I have no objections to the habitat classifications for this site given the evidence provided.

Overall, were the LPA minded to grant permission, I find the BNG information submitted to be adequate to allow determination of this application. In addition, it is apparent from the post-development calculations provided that an excess of 10% BNG can be achieved for both habitat area and hedgerow units respectively – I therefore can advise at this stage that the General Biodiversity Gain Condition is highly likely to be met

Given that this application is automatically subject to the General Biodiversity Gain Condition, this requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the LPA are minded to grant permission. This requires the following:

- An Overall Biodiversity Gain Plan must be submitted to and approved by the planning authority before any development can begin.

A significantly large number of biodiversity units relative to the biodiversity value of the site before development are shown to be able to be achieved for habitat and hedgerow units, and these include habitats of medium distinctiveness. Due to this, the LPA are required to secure this significant net gain via legal agreement whether through an S106 agreement or conservation covenant.

Due to a significant BNG uplift being demonstrated, and this being advised to be secured via legal agreement, if the LPA were minded to grant permission, a Condition of approval (one to be imposed on the written notice with any permission granted) should be added as an additional BNG Condition for a Habitat Management and Monitoring Plan (HMMP). This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

9.9.1 Herts Ecology (05/06/25): No objections

Summary of Advice:

- Sufficient Information in respect to European Protected Species (bats) to determine this application; Bat Licence Informative.
- Nesting Bird Informative.
- Lighting plans are acceptable.
- Ecological Enhancements by Condition.
- CEMP Condition Advised.

BNG:

- Automatic, mandatory BGP Condition required.
- S106 agreement to secure net gain.
- An additional HMMP Condition Required.

Supporting documents:

I have made use of the following documents in providing this advice:

- Preliminary Ecological Appraisal - Ecology and Land Management (December 2024)
- Bat Emergence Survey – ASW Ecology (October 2024)
- Bat and Biodiversity Enhancement - Ecology and Land Management (November 2024)
- Biodiversity Metric Baseline Report – Ecology and Land Management (September 2024)
- The Statutory Biodiversity Metric - Ecology and Land Management (September 2024)
- Landscape Masterplan – Indigo Landscape Architects (October 2024)
- Landscape Strategy - Indigo Landscape Architects (November 2024)
- BAT EMERGENCE SURVEY INTERIM REPORT MAY 2025 & Maple Cross, Rickmansworth WD3 9AR – Bat Survey Statement

General Comments:

There remains to be no ecological objections in-principle to this development. There is now suitable, and sufficient information in respect to protected species (bats) to allow determination of this application. All other recommendations remain advised.

1. Protected Species

1.1. Roosting Bats

Since Hertfordshire Ecology's previous comments (dated 17 January 2025) which advised the following:

- Two further emergence/roost characterisation surveys within the next survey season (2025) to determine breeding activity within B3 to inform a licence.
- Two survey visits, four weeks apart by the end of February to ascertain B3's use as a hibernation roost.

Two endoscope surveys have now since been undertaken, one in January and one in February 2025 in accordance with previous recommendations. Whilst no individual roosting bats were found, a sufficiently large number of new droppings were detected to confirm use by hibernating bats. Such has sufficiently characterised B3 as a known bat hibernation roost and an European Protected Species Licence will be needed for the loss of this roost.

A further two emergence/ roost characterisation surveys have now been carried out, one pre-parturition (14th May) and one post-parturition (4th June) in line with BCT guidelines (Table 2.2. & 7.2.26). These two surveys collectively detected droppings, general bat activity, and a maternity soprano roost utilising the Schwegler 1FQ bat box on B3; I find that these surveys have been carried out in accordance with best practice, and we find no reason to dispute the findings shown. Given that evidence of a nursery colony of roosting bats has been identified, B3/the Schwegler 1FQ bat box remains to represent a maternity roost site and will require an EPSL issued by Natural England to allow the works to be undertaken lawfully.

These two surveys, in combination with the emergence surveys undertaken within the last survey season are considered to meet the minimum information requirements for the LPA to be able to fully consider the impact of the proposal on bats and discharge its legal

obligations under the Conservation of Habitats and Species Regulations 2019 (as amended). Nonetheless, it has been confirmed that a third and final survey (3rd July) will be carried out. We find that this shall ensure that all of the survey data used to inform the licence will be from the most recent optimal survey season and a broader more optimum coverage of the maternity period will be achieved for the most accurate characterisation of the roost. The building (b3) cannot be demolished, nor the bat box removed or disturbed until a licence informed by all the relevant data is obtained.

Overall, we find that there is now sufficient information in respect to European Protected Species (bats) to determine this application. In the event that this application is approved, we advise that the following licence informative is attached to any permission granted:

“An EPSL from Natural England is required to deliver this development due to the confirmed presence of a maternity and hibernation roost. It will be an offence if works proceed without a bat licence. It will also be an offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.”

9.10 National Highways (20/12/85): No objection

National Highways was appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network.

National Highways are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of the proposed development, in this case on M25 J17 which is approximately one mile from the proposed site access.

We have reviewed all supporting documentation provided with this application, particularly the Transport Assessment (TA) and proposed site plans.

Offer No Objection – Reasons

The application site is currently occupied by two large office buildings and a 412-space multi-storey car park. The office buildings are currently vacant, however it is agreed that office use is the current lawful use of the land, and therefore the baseline against which transport impacts should be assessed. Trip generation for the existing office use has been determined by calculating person TRICS trip rates, and then applying 2011 Census mode shares. This is an acceptable methodology and given the large car park on site, we agree with the mode share assumed. A 2029 future baseline has then been calculated by applying TEMPro growth to this result.

Trip generation for the new use of the site has been calculated in the same way, i.e. TRICS person trips split according to 2011 Census mode share. The Industrial Estate TRICS category has been used which we agree is the category most representative of the site. The resulting trip generation has been increased according to TEMPro growth in the same manner as the baseline to determine a 2029 ‘with development’ scenario. This indicates a net decrease in trips across all junctions (including M25 J17) and in both peak hours. This is understandable given that the proposed development has less than a quarter of the existing number of parking spaces.

Whilst the TA has not provided a worst-case assessment of trip generation by assessing the floorspace on the basis of TRICS Parcel Distribution trip rates, we recognise that the small-scale nature of the units, limited loading areas and limited car parking does not lend itself to this type of use. Additionally, the current forecast of a net decrease in vehicle trips means that even were Parcel Distribution to be the ultimate end use, the net trip generation would still be minimal and would not impact the SRN. Therefore, in this specific scenario, we are content that a worst-case assessment of trip generation is not required.

The TA recognises that the change in use from office to industrial will increase the number of HGVs, from none currently to approximately 3 two-way AM trips, though still 0 two-way PM trips. Given the small-scale nature of the units as described above, we agree that this modest HGV trip generation is likely and that it will not adversely impact the SRN.

We are therefore satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and DLUHC NPPF 2023 paragraphs 115-118) in this location and its vicinity.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 National Highways Planning Response (NHPR 24-02) February 2024 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.11 National Grid (16/12/24): [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

9.12 Natural England (24/12/24): No objection

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Landscape Advice

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns National Landscape (defined in legislation as an Area of Outstanding Natural Beauty).

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory

purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

9.13 TRDC – Conservation Officer (17/01/25): No objection

This application is for: Construction of warehouse units accessed from Denham Way (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works.

The application site contains Maple Cross House the larger building to the west/front of the site on Denham Way with two smaller buildings leased by Kier on the eastern side of the site. All are three storeys in height. They are located within an established employment area. There are no designated or non-designated heritage assets within the application site and the site is not located within a Conservation Area.

The designated heritage assets which have the potential to be impacted by the proposal are as follows:

- Barn to West of Maple Lodge Adjoining Maple Close (List Entry: 1100856) - Grade II listed building former farmhouse with seventeenth century elements.
- Maple Lodge (List Entry: 1173687) - Grade II listed building former agricultural building that is now in residential use.

Maple Lodge and Barn are located approximately 130 metres to the south of the application site, surrounded by more modern development on Maple Lodge Close and Longmore Close.

- Building Immediately Northwest of Woodoaks Farmhouse (List Entry: 1100877)- Grade II listed Former small house or part of a larger farmhouse, now a storage building dating from sixteenth century.
- Barn about 100 Metres North of Woodoaks Farmhouse (List Entry: 1100878)- Grade II listed substantial timber-framed structure, probably dating from the sixteenth or seventeenth century.

Woodoaks Farm is located approximately 400m to the north-west of the application site and is accessed via a narrow private drive on the opposite side of Denham Way, leading to the farm and surrounding group of former agricultural curtilage buildings.

Three Rivers District Council holds a list of 'Locally Important Buildings' for Rickmansworth. Criteria for inclusion include architectural and historical interest, function, landmark /streetscape/landscape quality. Nearby locally important buildings which have the potential to be impacted by the proposal include:

- The Cross Public House, a well-preserved seventeenth century half-timbered building.
- Woodoaks Farmhouse, close to the Grade II listed buildings at Woodoaks Farm.
- Hyde House, Old Uxbridge Road, an attractive brick building to the south of the application site.

There are also several Grade II Listed Buildings to the south around the perimeter of Lynsters Lake and separately to the north around Stockers Lake and on Uxbridge Road, which are unlikely to be impact by development at the application site.

The application site is within the wider setting of these nationally and locally listed buildings. The existing modern office buildings on the application site do not positively contribute to setting of the heritage assets highlighted above, and so the redevelopment of the site is acceptable in principle in heritage terms.

The proposed development consists of 6no. industrial units:

- Units 1-4 in the central part of the application site, eaves height: 9.1m/ ridge height of 11.3m. The existing full height at Maple Cross House is 11.6m.
- Units 5-6 are proposed to be positioned at the eastern part of the application site, eaves height: 9.1m, /ridge height of Unit 5 10.75m, full height of Unit 6 11.3m. The existing full height at the Kier buildings is 12m.

The siting would be altered, with Unit 6 sitting closer to the southeastern boundary in comparison to the existing smaller of the two Keir buildings. Extensive planting is also proposed at the southern boundary.

The heritage assets most likely to receive increased impact are the respectively Grade II listed Maple Lodge and Barn to West of Maple Lodge Adjoining Maple Close. However, while the footprint of the proposal would be closer to these listed buildings, the significance of their immediate setting has been heavily eroded by modern residential and industrial development. There is limited intervisibility between the listed buildings and the proposed development and the scale and type of development proposed is very similar to the existing on site. As a result, subject to appropriate materials there would be an acceptable impact on the setting of these Grade II listed buildings.

Due to the distance and separation from Woodoaks Farm and the relatively similar scale and nature of the proposal, the impact on the Grade II listed buildings there would be acceptable. In addition, any impacts on other nationally or locally listed buildings would not be to an extent that would be considered harmful.

On this basis, subject to appropriate materials, the proposal would be acceptable in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework Chapter 16.

- 9.14 TRDC – Environmental Health (Commercial)(16/01/25): No objections, conditions recommended

Air Quality

I have reviewed the Air Quality Assessment prepared by Tetra Tech (Report ref. 784-B068895).

The assessment of construction phase impacts indicates that without the implementation of appropriate mitigation measures, the potential impact of dust emissions associated with the construction phase of the proposed development is 'high risk' at the worst affected receptors without mitigation. It is anticipated that with the implementation of measures, the risk of adverse effects due to dust emissions will not be significant.

The assessment of operational phase impacts indicates that concentrations of NO₂, PM₁₀ and PM_{2.5} will be below the relevant AQOs at all modelled receptors. The impact of the effects of changes in traffic flow as a result of the proposed development, with respect to NO₂, PM₁₀ and PM_{2.5}, has been determined to be negligible at all existing receptors.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The Dust Management Plan should incorporate the mitigation measures presented in Section 7.1 of the Air Quality Assessment.

Land Contamination

I have reviewed the following reports prepared by HDR Consulting:

Geo-environmental Desk Study (Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, April 2024); Ground Investigation Interpretive Report (Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, Oct 2024).

The investigation has not identified any concentrations of contaminants of concern in the underlying soils in exceedance of the relevant generic assessment criteria. Laboratory testing identified asbestos (chrysotile – loose fibres) in a single sample, quantification testing showed that the sample contained <0.001% w/w asbestos fibres. The Environmental Consultant has suggested that an allowance should be made for hand picking, where feasible, of asbestos containing materials from soils.

Monitoring of ground gases was undertaken on four occasions, a maximum CH₄ concentration of 1.2% and a maximum CO₂ concentration of 4.5% was recorded, a maximum gas flow rate of 1.2 l/hr was recorded. The resulting calculations indicate characteristic situation 1. No ground gas protection measures are considered necessary.

Groundwater sampling identified elevated concentrations of TPHs and phenols in all of the groundwater samples that were analysed. The Environmental Consultant has suggested that remediation including the removal of soils is likely to be required.

Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment (reported in the Ground Investigation Interpretive Report prepared by HDR Consulting Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, Oct 2024), giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9.15 TRDC – Environmental Health (Residential)(27/02/25): Insufficient information

Overall, I consider the information provided to be inadequate and recommend refusal.

I identified the following potential noise impacts.

- Demolition noise – I understand that this has been dealt with as part of a separate application and so I will not comment on this.
- Construction noise.
- Operational noise.
 - Deliveries and collections ranging from goods to waste.
 - Vehicle movements within the car park.
 - Plant noise.
- Noise breakout from within the building fabric.

With the exception of refuse collection, the acoustic report has considered these issues and attempted to quantify and assess against relevant national standards. However, modelling software has been used instead of traditional calculations and so this hinders our ability to fully scrutinise the predictions and draw our own conclusions. Whilst modelling software provides useful illustrations and data, there are potential inaccuracies that can arise as discussed in the following publication on page 46 and it is for this reason at Watford we do not accept modelling software derived data on its own.
https://www.ioa.org.uk/system/files/publications/acoustics_bulletin_march-april_2023.pdf

As a site that intends to be in operation 24 hours a day and with the nearest noise receptor being as close as 3 metres, I share the concerns of neighbouring residential occupiers.

Construction Noise.

This is going to be noisy by its very nature and owing to the amount of time that will be needed to complete the construction of the new buildings, I consider it essential that for any future application a condition requiring a Construction Management Plan needing Environmental Health approval to be in situ prior the start of construction.

Operational noise – Deliveries and collections.

From experience, this has the potential to have the greatest impact on residents particularly during the night period, and even more so owing to the limited distance to residential receptors. Within the report, the predicted number of vehicles has been provided but there is no mention on how representative these figures are likely to be. I am concerned that allowing the application without adequate controls in place, for example, time restrictions on the collections and deliveries to the site could lead to significant adverse impact to neighbouring residential properties. Unfortunately, the controls specified within the report are quite limited – screening provided by buildings along with a 6 metre high acoustic

barrier. Again no calculations for the barrier have been given and only figures from the modelling software have been provided. I am not able to scrutinise these and therefore, unable to comment on their effectiveness.

Operational noise – Vehicle movements within the car park.

From experience, when dealing with noise complaints associated with these types of locations, unless there is a mass exodus or influx between 23.00 and 07.00, car movements within the car park are likely to be negligible and so I do not have any solid ground to challenge this aspect of the application.

Operational noise – Plant.

I have used the information provided to calculate noise levels at the nearest residential receptors and with the exception of the plant that will serve Unit 6, the proposal is acceptable, particularly when the additional mitigation provided by the building fabric is also taken into consideration. However, there will also be a piece of equipment to the northwest on Unit 5. There is mention of this being enclosed with a barrier but no calculations have been provided. Once again for any future application we will require calculations for both of these to protect the amenity of properties in close proximity.

Operational noise – Breakout.

Owing to the proposed use being limited to warehouse operations, and considering the sound reduction index, this is acceptable. However, a condition on any future application requiring all doors and windows to be kept closed when the warehouse is in operation with the exception of immediate ingress or egress of people or goods will be beneficial.

Summary and next steps.

At present, although it is highly likely that noise from this activity between 07.00 to 23.00 will be acceptable, there is inadequate information to support this assumption and therefore, I am only able to recommend refusal.

The following details are required.

- Theoretical calculations not derived from modelling software.
- Further information on how the loading and unloading of vans and heavy goods vehicles will take place and the noise impact from this activity, for example, possible fork-lift use.
- Where this activity will this actually happen – in a loading bay and or car park area?
- Sound levels of reversing alarms.

I assume that once this data has been provided it is likely that a time restriction on deliveries and collections between 23.00 and 07.00 will be needed.

Furthermore, we require theoretical calculations on the plant serving Unit 6 and the barrier calculations for the plant to the northwest of Unit 5. If necessary, mitigation controls will also need to be specified and supported with calculations.

A Construction Management Plan will also be required.

9.15.1 Environmental Health Officer (Residential – Second response – 10/06/25)

To ensure I was robust in my review, I considered many of the supporting documents including the concerns of local residents.

This is not my first evaluation of this application and the acoustic consultant acting on behalf of the applicant provided further information in an attempt to alleviate the concerns I had previously set out. These concerns were predominately associated with the operational phase for deliveries and collections to Units 5 and Unit 6.

Delivery and collection noise.

Despite meeting with the acoustic consultants and setting out my concerns along with the information we needed to determine the suitability of the proposal, the revised information that has been provided still falls short of what is required and there is too much uncertainty with the predicted levels that prohibits us from assessing the application accurately.

Regarding Units 1-4, their layout, orientation and distance from the receptors along with the mitigation provided by the fabric of the building, ought to enable 24 hours a day operation without causing a significant adverse impact. This aspect of the application is acceptable.

However, Unit 5 and Unit 6 does raise some potential concern. This is owing to their orientation and close proximity to residential receptors. The report identifies these as R01/ Longmore Close at 7 metres and R02/ Franklins at 3 metres. The following comments are in relation to these units.

Within my E-Mail dated Monday, 12th May 2025, I requested the following.

- Describe the route that will be taken by heavy goods vehicles as they park into and leave the loading bays for Unit 5 and Unit 6. Please include the time each aspect will take and mention if the area surrounding each bay has been designed to facilitate a smooth arrival/ departure, for example, allowing vehicles to carry out the manoeuvre without having to reverse and go forward repeatedly.
- What is the impact from reversing alarms. Please provide calculations on how effective the barrier will be at mitigating this impact on the nearby residential properties.
- What will be sound level at the nearby residential receptors when the loading bay gates are open and closed?
- What type will they be – a shutter type or hinged openings?
- What will be the sound level from shutters being opened and closed on heavy good vehicles fitted with that type of access?
- Will the loading bay area openings be kept closed at all other times apart from when a delivery is made? What will be the noise break-out be when the openings are open? Please also comment on the use of wheeled cages and other similar equipment that could be used. If there is an internal solid concrete floor in the loading area, what will be the sound level from wheel and ground interaction? What will be the noise break-out through the opening?
- Will deliveries be restricted to the loading bays? Assuming vans might not be as the bays are not likely to be designed for that type of vehicle and given the predicted time of heavy goods vehicle deliveries, it is possible that bays might not be free for vans. If deliveries/ collections are not in the bays, where else could this activity take place and what is the predicted sound pressure level? Please encompass all aspects, for example, use of fork lift trucks, cages, pallets and so on.
- What will be the sound level associated with the use of fork-lift trucks? There is no mention of this within the current report.

This information was not fully provided and instead section 4.2.2 of the report states,

“Noise of a delivery event has been known to vary from site to site by as much as 22 dB LAeq at 5m distance even with the same vehicle type. Similarly, individual events using the same vehicle and at the same location have been recorded to vary by as much as 14 dB. As such, the following worst-case calculations have been based on measurements of HGVs delivering goods. All measurements were undertaken in free-field conditions 3m away from the noise source. The measurement includes noise from the unloading process together with other sources such as trolleys and reversing beepers.”

This information did not assist for a number of reasons. There is mention of the parameter, LAeq which is the 'A'-weighted Equivalent Continuous Noise Level and within Appendix A of the report this parameter is described as,

“Since almost all sounds vary or fluctuate with time it is helpful, instead of having an instantaneous value to describe the noise event, to have an average of the total acoustic energy experienced over its duration.”

In other words it is a time referenced parameter and without giving a time value it is of limited use as it is impossible to know the length of time over which the measurement was obtained. Therefore, a longer period could lead to loud impulsive noise being averaged to the extent where it could fail to accurately reflect its potential impact.

This parameter is more suited to measuring steady, continuous noise sources for the purpose of this assessment.

The report states that all the activities that form part of a delivery were incorporated into a single measurement even though I had requested a breakdown of each component so that I was better able to assess the scheme. Additionally, there is no time reference provided and as mentioned previously, this affects the reliability of this data. I am concerned that this has diminished the likely impact of impulsive noise sources that are a component of delivery noise. Providing the LAmax, which is the highest sound level measured would have been appropriate as it would have allowed us to know how loud each activity is likely to be. A limit set in the report for the Lowest Observed Adverse Effect Level is an LAmax at 45dB(A), it would have assisted greatly if this assessment had been provided for each component of the delivery.

I know from experience that when it comes to delivery noise, the components I had requested details on can often lead to complaints – cages/ trolleys, reverse alarms, opening and shutting of roller shutters and this was the rationale for requesting these specific details. Instead, I do not know what activities were measured to arrive at the figure given in section 4.2.2 of the report.

It is essential that the LAmax of each component is considered to fully gauge the likely impact and compare against the self-imposed limit of 45dB(A). Therefore, I am wary of utilising the LAeq figure mentioned within the report to determine suitability.

The technical note on this issue also caused confusion. The photograph within the report shows a delivery taking place.



I had assumed that what was shown in the elevation drawings and plans was a delivery dock thereby negating the need to have any delivery activity outdoors. This is not what is shown in the photograph. The report in section 3.1 proposes a condition prohibiting the use of fork-lifts externally. Furthermore, the drawings showing the proposed units have the shutters drawn and there are no drawings with the shutters in an open position. It has not been possible to obtain absolute clarity on whether what is shown on the drawings will be a loading dock or a loading bay. If not a loading dock, it will be necessary to utilise fork-lift trucks externally thereby invalidating the control put forward in the report.

I do not know how many different deliveries or collections were monitored. If they were similar to those shown in the above photograph, it is likely that cages/ trolleys were not used at all. Also unloading can differ to loading. Trolleys/ cages can create more noise when empty.

Again by only providing the LAeq, the LMax has not been fully considered and I question how it is possible to determine that the self-imposed limit of 45dB(A) will not be exceeded.

The report states, "The architects (Ian C King Architects) have confirmed that the site layout and orientation of the units has been designed to optimise the use of the units whilst mitigating any resulting noise with acoustic fencing" (page 20).

Therefore, the proposed acoustic fencing/ barrier is key to ensuring that residents at R02 and R03 are protected against any significant adverse impacts associated with noise.

As the barrier is a key feature I would expect there to be sufficient details on its design, for example, elevation drawings and so on. This information is lacking. The acoustic report includes a plan showing the location of the barrier and on the planning portal there is a picture showing what a section of this would look like - a wooden style fence from ground level to what I assume is the height mentioned within the report, 6 metres. However, we have only recently been informed that there will be an earth bund and the barrier would sit on top of that to a height of 6 metres.

I have repeatedly asked for theoretical calculations but again these have not been provided. With regards to the acoustic barrier we require Maekawa calculations to be provided. I am not able to scrutinise the modelling predictions.

Whilst the receptor will be static, the source will not and it seems there has been no consideration of this. Had my request to consider each component on its own merit been

fulfilled I am confident that I would have had the information needed to assess the suitability of the scheme.

For example, upon arrival a heavy goods vehicle is likely to drive up to the barrier approximately 30 metres from the nearest facade before reversing (with alarm sounding). This is likely to happen throughout the night at least once an hour and if not effectively mitigated, it could be loud enough to wake up residents. There is no data to assess this likely impact. It is necessary to know how loud the engine of a heavy goods vehicle will be at this distance and the mitigation that the barrier will provide. This manoeuvre could bring a noisy source approximately 30 metres from the bedroom windows of nearby residents, not to mention the reversing alarm which tends to be louder to overcome the noise of the engine.

With any barrier, there will be sound that passes through it or diffracts around it. Furthermore, with the sound source moving, the level of attenuation will also vary. Assuming there is no sound passing through the barrier, being close to it, will offer greater protection whilst being further away from will reduce (theta). Therefore, what will be the level at the receptor as sources are further away from the barrier?

Instead, we are being asked to rely on the single LAeq measurement where all the sound noise sources have been added together and then averaged out. Not to mention the lack of a time reference.

Additionally, there does not seem to have been any consideration of directivity associated with the noise sources. Using the lorry as an example, if a measurement was obtained as shown in the photograph rather than directly in front it is likely that an accurate noise level has not been obtained. This is because the frequencies that make up the overall sound are not all going to be omnidirectional. If a person stands in front of a stationary lorry, the noise level will differ if they moved to the rear.

Table 4.7 gives the distance from the boundary to the nearest noise sensitive façade. It would have assisted greatly if distances from the location of the noise source to the façade were provided. Instead I attempted to obtain these using the data that was available.





The approximate distance from the nearest loading area to the nearest noise sensitive façade is a distance of approximately, 40 metres, which would provide approximately 32dB attenuation. The L_{Amax} given for a heavy goods vehicle was 73dB at 3 metres, assuming there was no barrier from 3 metres to 40 metres there would only be a 22dB reduction giving a level approximately 51dB which is above the limit set out in the report. Therefore, it is imperative that the level of attenuation offered by the acoustic barrier is clearly set out.

When assessing noise in accordance with British Standard BS4142, where noise has a tonal and/ or impulsive component, it is necessary to apply a correction which can add up to +6dB for tonality and up to +9dB for impulsivity. The report in section 6.2.1 only seems to have applied a correction of +2dB overall but it not evident if this correction is sufficient, a diesel engine on a lorry for example, can be quite tonal and shutting and opening of gates can be impulsive.

The report states, “For the purposes of the modelling, this noise source has been assumed to be operating simultaneously at Units 4, 5 and 6 throughout the day and at Unit 4 in the night with the following percentage on times”. Therefore, has the night time noise from Unit 5 and Unit 6 not been incorporated into the assessment and does the figure in Table 6.2 for location R02 not include noise from Unit 5 and Unit 6?

Apart from the noise of the heavy goods vehicle and van, there does not seem to be an L_{Amax} figure given for any other component of the delivery noise and only car doors opening and closing in the car park. Therefore, the report does not demonstrate how the self-imposed limit of 45dB(A) is achievable. Even the contour map shown in Figure 6.1 is for the L_{Aeq}(16 hours) and not the L_{Amax}.

An operation management plan has been put forward as an additional control for this application. I am wary of utilising this approach to achieve the best outcome. It is also an

indicator that the orientation of Unit 5 and Unit 6 to residential receptors is not the most ideal design with regards to noise control.

However, in an attempt to be pragmatic and given that the nearest façade will be approximately 40 metres from the source and there will be a barrier in situ which ought to provide around 10dB attenuation, when combined with distance, ought to equate to an approximate reduction of 40dB and based upon the existing daytime background noise level, deliveries and collections could operate during the daytime and evening without leading to a significant adverse impact. The daytime background noise levels at LT2 are likely to be similar at R02 and R03, and so the potential impacts associated with deliveries and collections are likely to be reduced. Furthermore, as people are generally awake, although the noise will be audible the impacts are likely to be less compared to the night time period.

In the future a further application could be submitted to extend the opening hours if it could be adequately demonstrated that the self-imposed L_{Amax} limit was achievable. I have suggested the following conditions which I hope will alleviate the concerns of residents whilst allowing the proposal to proceed.

Plant noise.

As per my initial E-Mail, regarding the plant serving Unit 5 and Unit 6, there is still inadequate information provided. I am therefore unable to determine the likely impact upon residential receptors from these sources. Theoretical predictions must be provided.

Next steps.

Going forward, the application could be acceptable if the following conditions were applied.

- Deliveries and collections to Unit 5 and Unit 6 shall only be permitted 07.00 to 23.00 on weekdays, 08.00 to 23.00 on Saturdays, 09.00 to 22.00 on bank holidays and Sundays.
- No tonal reversing alarms shall be used on site, and smart broadband / white noise reversing alarms shall only be permitted.
- Engines to be switched off when vehicle is waiting, not in use, or parked.
- Roller shutter doors (loading gates) shall be kept closed when not in use.
- Plant serving Unit 5 and Unit 6 shall not be used until calculations have been provided demonstrating that they can operate without exceeding the relevant representative background noise level specified within the accompanying acoustic report.
- A construction management plan must be approved by the Council prior to the commencement of construction works.

It is important to note that if planning permission were granted in full to the whole site permitting 24 hour use, if there were future noise complaints, the legislation we would utilise to try and rectify the situation would be the Environmental Protection Act 1990. However, there is a defence of best practicable means given to businesses within the act and this can hinder efforts to eliminate noise, particularly when the business is implementing best practicable means. It is for this reason that utilising the planning regime to strike the right balance between the needs of business and residents is vital. Over the years, our team has had to deal with noise complaints from similar set ups and not only do they take up a lot of Council resources to deal with but they often lead to residents having to endure noise whilst prohibiting the business from operating in a way that best suits them. In those types of circumstances, as a last resort we try and agree an operation management plan.

9.16 TRDC – Tree and Landscape Officer (06/02/25): No objections

Recommend: Approval, subject to conditions

The submitted plans indicate that approx. 26 trees would need to be removed to facilitate development. However, of these only 6 are of moderate quality, with the remaining graded as poor quality, including T2 (Magnolia) that is protected by Tree Preservation Order (TPO570).

The submitted landscape plans provide details of extensive replacement tree, hedge and shrub planting that would take place following development and are sufficient to mitigate the loss of trees proposed. Conditions should be applied that require the tree protection method statement to be followed during construction, and that the landscape plans are implemented in full.

9.16.1 TRDC – Tree and Landscape Officer (12/05/25): No objections

The plans generally look pretty good. One of the key aspects would be, is there enough space for the trees to develop to size where they would provide effective screening. It appears that on the southern boundary, the building is approx. 10 metres from the boundary, which should provide just about enough space for the trees to develop before they are getting too close to the building, or neighbouring properties, and have to be cut back.

There appears to be a mix of standard trees, which will give some immediate landscape impact, but are slow to establish. And bare whips, which whilst small at first, will establish quickly and will catch up with the standards over the first ten years and may well overtake them.

The other important consideration will be ensuring that the ground preparation, planting, and establishment maintenance (particularly watering), is carried according to the Landscape strategy. As the standards proposed appear to be root-balled and bareroot, they will need to be planted in well prepared ground and well-watered for at least three years after planting to ensure they survive.

9.17 TRDC – Local Plans Team (First response, 08/01/25): Comments received

Representation: The proposal relates to the construction of warehouse units accessed from Denham Way (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works. The proposed development consists of 6no. industrial units in Class E(g)(iii), B2 and B8, with a total floorspace of 7,540 square metres (gross internal area). The submitted Planning, Economic and Heritage Statement sets out that a prior approval for demolition application (ref. 24/1334/PDND) was submitted for the demolition of all existing buildings on the site. This application was determined, and prior approval was not required.

The application site is located in the Secondary Centre of Maple Cross, as identified in the Core Strategy (adopted 2011). The Spatial Strategy states that in Secondary Centres, more limited new development will take place on previously developed land and appropriate infilling opportunities. The National Planning Policy Framework's (NPPF) core planning principle is to encourage the effective use of previously developed land. The site is comprised of previously developed land and subsequently the proposal would comply with the Spatial Strategy.

The site is located in the Maple Cross/Maple Lodge allocated employment area in the Site Allocations LDD (adopted 2014) (site E(d)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The provision of E(g)(iii), B2 and B8 floorspace in this area of the employment site would contribute to the safeguarding business, industrial, storage and distribution uses. Subsequently, the application complies with Policy SA2.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floor space within the district. Policy CP6(j) similarly states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas, including the Maple Cross/Maple Lodge employment site. The South West Herts Economic Study (2019) estimates that there is a requirement for approximately 40,000 sqm of industrial and warehousing floorspace over the period to 2036. The application supporting documents specify the gross internal area of the proposed units totals 7,540sqm, which would contribute to the industrial and warehousing floorspace needs.

Given the Permitted Development Notice of Demolition, in reality, the proposal would result in a net loss of employment floorspace (approximately 10,754sqm) at the Maple Cross/Maple Lodge employment area, although it must be noted that the demolition of the buildings is not being assessed under this planning application. Nevertheless, due to the site's formal allocation for employment uses and the future need to provide employment floorspace for industrial uses (as set out above), the site is considered suitable for the proposed uses and the development is supported.

9.17.1 TRDC – Local Plans Team (Second response, 06/02/25): Comments received

Representation: The proposal relates to the construction of warehouse units accessed from Denham Way (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works. The proposed development consists of 6no. industrial units in Class E(g)(iii), B2 and B8, with a total floorspace of 7,540 square metres (gross internal area). The submitted Planning, Economic and Heritage Statement sets out that a prior approval for demolition application (ref. 24/1334/PDND) was submitted for the demolition of all existing buildings on the site. This application was determined, and prior approval was not required.

The application site is located in the Secondary Centre of Maple Cross, as identified in the Core Strategy (adopted 2011). The Spatial Strategy states that in Secondary Centres, more limited new development will take place on previously developed land and appropriate infilling opportunities. The National Planning Policy Framework's (NPPF) core planning principle is to encourage the effective use of previously developed land. The site is comprised of previously developed land and subsequently the proposal would comply with the Spatial Strategy.

The site is located in the Maple Cross/Maple Lodge allocated employment area in the Site Allocations LDD (adopted 2014) (site E(d)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The provision of E(g)(iii), B2 and B8 floorspace in this area of the employment site would contribute to the safeguarding business, industrial, storage and distribution uses. Subsequently, the application complies with Policy SA2.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floor space within the district. Policy CP6(j) similarly states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas, including the Maple Cross/Maple Lodge employment site. The South West Herts Economic Study (2024) sets out that demand for industrial and storage & distribution space in South West Hertfordshire is strong, driven mainly by demand for large scale storage & distribution space which increased during the pandemic. The study identifies a need for 413,400 sqm of storage & distribution space between 2021 and 2041. After taking account of the existing employment land supply, the study considered two employment land scenarios. In Scenario 1, there is no need to identify additional employment sites over the 2021-41 period. In Scenario 2 (which is the preferred option),

there is a shortfall of 9.5 hectares across South West Hertfordshire. The application supporting documents specify the gross internal area of the proposed units totals 7,540sqm, which would positively contribute to the industrial and warehousing floorspace needs.

In terms of office space, the South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,000 sqm of available office space in south-west Hertfordshire, of which 124,000sqm was identified as vacant. However, the economic study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority “should prioritise the protection of office space as far as possible”.

Given the Permitted Development Notice of Demolition, in reality, the proposal would result in a net loss of employment floorspace (approximately 10,754sqm) at the Maple Cross/Maple Lodge employment area, although it must be noted that the demolition of the buildings is not being assessed under this planning application. Nevertheless, due to the site’s formal allocation for employment uses and the future need to provide employment floorspace for industrial uses (as set out above), the site is considered suitable for the proposed uses and the development is supported.

9.18 Thames Water (19/12/24): No objection

Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn’t materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don’t surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn’t materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don’t surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

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 would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

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.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.





View toward site from neighbouring garden in Franklins



View from pre-existing car park (now demolished) toward Franklins



View south toward Franklins from pre-existing carpark (now demolished)



View toward Longmore Close properties from site.





View north from car park south of the 'Kier' buildings



View of rear of pre-existing office building from car park



Image from neighbouring garden to the south of the site, looking toward the previously existing building



Front of pre-existing building (From Google Street View)

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PLANNING COMMITTEE – Thursday 19 June 2025

25/0153/FUL – Change of use from builders merchant (Sui Generis) to Class B8 (Storage and Distribution) use with ancillary trade counter at UNITS A & B, VALLEY PARK, OLDS APPROACH, RICKMANSWORTH, WATFORD, HERTFORDSHIRE, WD18 9TL

Parish: Batchworth Community Council
Expiry of Statutory Period: 03.04.2025
(Extension agreed to 26.06.2025)

Ward: Rickmansworth Town
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three members of the planning committee unless officers are minded to refuse, due to concerns regarding the noise impact on surrounding residential properties.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQU7FWQFMTS00>

1 Relevant Planning History

- 1.1 17/2266/FUL - Change of use from Use Class B8 to Builders' Merchant (sui generis) for display, sale and storage of building, timber and plumbing supplies, plant and tool hire including outside display and external storage, and associated works including construction of covered canopy to north elevation, alterations to windows, doors and roller shutters in building elevations, re-painting of building, and construction of fencing to eastern forecourt area - 05.01.2018 – Permitted.
 - 1.1.1 18/0808/NMA – Non-material amendment to planning permission 17/2266/FUL: Installation of six high heat recovery units, relocation of four louvers from the western facade to the northern façade, installation of six square grills (two on the southern facade and four on the eastern façade), alterations to landscape and fence location to the front and provision of two addition LED lights to the south elevation - 26.04.2018 – Permitted
 - 1.1.2 18/1117/NMA – Non-material amendment to planning permission 17/2266/FUL: Alterations to fencing to tool hire compound - 06.06.2018 – Permitted
 - 1.1.3 18/1753/NMA – Non-material amendment to planning permission 17/2266/FUL: Alterations to parking layout and provision - 13.09.2018 – Permitted

2 Description of Application Site

- 2.1 The application site is located within the Valley Park industrial estate, on the northern side of Olds Approach.
- 2.2 The site contains a two-storey, flat roofed commercial building, which is presently occupied by Travis Perkins builders merchants, and Benchmark Kitchens & Joinery. The building has a green, metal clad exterior and facing brick at ground level.
- 2.3 The site includes hardstanding to its frontage, including areas for parking and turning, and areas for loading and storage.
- 2.4 The wider context consists of similar industrial and commercial uses, within the estate. Further to the east, along Tolpits Lane is a business park consisting mainly of office uses, and some residential. There are some nearby residential dwellings on Moor Lane Crossing

and further to the east within the business park (Ved House and 1 Century Court). Beyond the commercial estates is open land, such as Croxley Common Moor (SSSI).

3 Description of Proposed Development

- 3.1 Planning permission is sought for the change of use of Units A & B from a builders merchant (sui generis) to Use Class B8 (Storage and Distribution) use with ancillary trade counter.
- 3.2 No alterations are proposed to the building, including internal or external changes. Permission is only sought for the new use and operating hours. Any new signage or external building alterations would require either planning or advertising consent.
- 3.3 In terms of the operating hours for the trade counter/customer facing element, these are proposed as follows:
- Monday to Friday – 07:30 to 18:00
 - Saturday – 07:30 to 13:00
 - Sundays & Bank Holidays – Closed
- 3.4 It is proposed that the storage and distribution use would operate 24 hours a day, 7 days a week. This would involve staff picking and preparing orders ahead of the customer trading hours. The use would also involve the acceptance of a small volume of deliveries outside of the customer trading hours. Following discussions with the applicant, it is proposed that a condition is included on any prospective permission for such deliveries to be limited to a maximum of 10 per day, outside of trading hours, which equates to less than one per hour.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Made the following comments on 17.02.2025

BCC strongly object to this application for twenty-four-hour, seven day a week working operational hours. This will have a severely detrimental effect on the 12 residential dwellings on Moor Lane Crossing.

Made the following comments on 01.04.2025

BCC strongly objects to this application for the following reasons:

- *The amended noise impact assessment maintains that noise levels will be no different to the current usage as a builder's merchants.*
- *There is no evidence that the noise levels will be any different despite the fact the change of use proposed will result in twenty-four/ seven usage.*
- *The light pollution and hours of use will have a serious impact on neighbouring and nearby residential properties.*

BCC would like to call this into committee unless officers are minded to refuse.

4.1.2 Environmental Health Officer: [No objection]

After reviewing the revised report and taking the comments from the applicant into consideration, the proposal is acceptable.

The report did not contain all necessary calculations and to expediate this application I did my own using the data available and arrived at a similar level mentioned within the report.

As stated, the proposed use is likely to have a similar noise level to the proposed change. Ideally, it would have been beneficial if the acoustic consultant had obtained measurements to validate the estimated level of 77dB(A).

If it were possible, it would be beneficial to include a condition that requires night-time deliveries not to cause an adverse impact on nearby residential receptors.

4.1.3 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 41

4.2.2 Responses received: 2 (Objections)

4.2.3 Site notice posted 12.02.2025, expired 05.03.2025.

4.2.4 Press notice not required

4.2.5 Neighbours were re-consulted for 21 days following receipt of an amended Noise Impact Assessment.

4.2.6 Summary of responses:

- Query over Noise Impact Assessment (omission of Moor Lane Crossing dwellings)
- Adverse noise impact of proposal
- Existing light impact of industrial estate

4.2.7 **Officer comment:** An amended noise report was submitted during the application. This assessment included all nearby dwellings (including those at Moor Lane Crossing which were not included in the original assessment). All neighbours and consultees were renotified for 21 days on the amended information.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

6.1.3 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.

6.1.4 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policy CP1, CP6, CP10 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policy DM4, DM6, DM10 and DM13, and Appendix 4 and 5.
- 6.2.6 The Site Allocations LDD was adopted in November 2014. Policy SA2 and site E(b) are relevant.
- 6.2.7 The Batchworth Neighbourhood Plan (2023). Policy BW CO7 and BW CO8 are relevant.

6.3 Other

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

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The National Planning Policy Framework sets out that the Government is committed to securing economic growth to create jobs and prosperity and advises that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 7.1.2 Policy CP1 of the Core Strategy seeks to ensure that development contributes to the sustainability of the district and sets out provisions including that development should consider the need to maintain high levels of employment by attracting jobs and training opportunities for local people
- 7.1.3 Policy CP6 of the Core Strategy further states that the Council will support development that sustains parts of the district as attractive areas for business locations and that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the district including Tolpits Lane which would include the application site.
- 7.1.4 Policy SA2 of the Site Allocations LDD sets out that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. It goes on to state that

sites allocated as having potential for mixed use development may provide for mixed use development including but not limited to business, industrial and storage or distribution; residential or community uses.

7.1.5 Policies BW CO7 and BW CO8 relate to employment and design principles for B2-B8 employment uses.

7.1.6 The change of use subject of this application would change the use from Sui Generis to a B8 (Storage & Distribution) use with an ancillary customer trade counter. The proposed use would be classified as a use which is appropriate to the area and the designation of the site and would not conflict with the purposes of retaining the site for employment purposes. The site was previously in a lawful B8 use prior to the 2017 permission, set out within the Planning History section of this report. The proposals would support and enhance the employment use of the site and would therefore be acceptable in this regard in accordance with Policy CP6 of the Core Strategy (adopted October 2011).

7.2 Design & Character Impact

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. The site is also adjacent to the Croxley Common Moor, designated Site of Special Scientific Interest (SSSI).

7.2.2 This application seeks permission only for the use of the building. No external or internal changes to the building are proposed. As noted above, any such changes to the external aspect of the building or signage would require its own consent. The proposed use would be in keeping with the industrial nature and employment allocation of the area as detailed above. The use of the proposed site would also not have a detrimental impact upon the adjacent SSSI through its use or associated noise.

7.3 Neighbour Impact

7.3.1 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'. Policy DM9 of the Development Management Policies document sets out that planning permission will not be given for development which would or could give rise to polluting emissions to land, air or water including by reason of noise, light or vibration.

7.3.2 Given that no changes to the building are proposed, other than the use, the main consideration would be any neighbour impact caused by noise or disturbance from the use. The application was accompanied by a Noise Impact Assessment, an amended version of which submitted during the application given that it did not originally include an acknowledgement of nearby residential properties. The LPA are satisfied that the amended NIA is thorough.

7.3.3 The application proposes a customer trade counter which would assume regular operating hours (07:30 to 18:00 on Mondays to Fridays (inclusive) and 07:30 to 13:00 on Saturdays and shall not operate at all on Sundays or Bank or Public Holidays). The application also proposes a 24-hour, 7-day a week use of the building for picking and preparing orders and the acceptance of a small volume of deliveries.

7.3.4 The application site is within an established industrial estate, approximately 200m from its nearest residential neighbours at Moor Lane Crossing. There are residential neighbours further afield including at Ved House and 1 Century Court (both within the business park)

and at Woodland Chase (to the north across the Moor). The entrance road (Olds Approach) is 100m away at its closest point to the dwellings at Moor Lane Crossing. There are industrial buildings, including Units C & D Valley Park and Aspect Gate which are between the application site and the dwellings on Moor Lane Crossing.

- 7.3.5 Given the nature of the internal use, it is not considered that this would result in harm to neighbours in terms of any noise or disturbance, for example it would not include the use of loud machinery. The NIA concludes that the noise levels at the nearest residential properties, including Moor Lane Crossing, are predicted to be 22dB, 12dB below the daytime background sound level (34dB) and 13dB below the night-time background sound level (35dB).
- 7.3.6 In terms of further noise and disturbance considerations, the proposed use would have associated overnight vehicle deliveries. There is not an in-principle concern that the proposed use would generate excess noise level. The overnight use would be internal stock picking with infrequent deliveries and collections to the site. Following discussions with the Environmental Health Officer, it is recommended that a condition be included on any permission granted for the out of hours sound level (dB) not to harmfully exceed the background noise level. Given the location and route to the application site, off Tolpits Lane, it is not considered that the proposal would cause harm to the nearest residential properties at Moor Lane Crossing. It is considered that there would be a negligible difference between such vehicles passing the Olds Approach junction with Tolpits Lane. The NIA states that an indicative estimate of delivery noise suggests that it is likely to be no greater than the existing background sound levels at the nearest residential properties. This is based on Carterhatch Architectural Acoustics library data for delivery noise, considering shielding by existing buildings, and distance.
- 7.3.7 In summary, subject to conditions, including limiting the quantity of out of hours deliveries, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies document.

7.4 Parking, Access & Highways

- 7.4.1 No changes to the site access are proposed. In respect of parking, the existing site in a similar use, but permitted as sui generis. The site, prior to the 2017 permission, was in a B8 use with the same parking arrangement. As a primarily B8 storage and warehousing use, the proposal has a requirement to provide parking spaces for approximately 39 cars plus approximately 13 lorries. The site would provide approximately 41 parking spaces, including dedicated loading bays for customers of a size to accommodate vans. This provision includes disabled parking bays.
- 7.4.2 It is considered that this level of car parking provision would be sufficient and is therefore acceptable in accordance with Policy DM13 of the Development Management Policies document.

7.5 Biodiversity & Ecology

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 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. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected because of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.6 Biodiversity Net Gain

7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

7.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application is subject to the de minimis exemption under 25 square meters. The LPA agree that this exemption applies in this case.

8 **Recommendation**

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

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

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

C2 The development hereby permitted shall be maintained in accordance with the following approved plans: TPWFD2A REV 03, 300 REV 03, VALLEY PARK_PFP REV 0

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP6, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, and DM9 of the Development Management Policies LDD (adopted July 2013) and Policy SA2 of the Site Allocations LDD (adopted November 2014).

C3 The parking and turning spaces shown on drawing Valley Park_PFP 0 shall be kept permanently available for the use of employees and visitors to the site (Units A & B, Valley Park, Olds Approach).

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 The customer trade counter use, hereby permitted, shall not be open to the public other than between the hours of 07:30 to 18:00 on Mondays to Fridays (inclusive) and 07:30 to 13:00 on Saturdays and shall not operate at all on Sundays or Bank or Public Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C5 The level of noise emitted from the site shall not exceed 55dB between the hours of 18:00 to 07:30 on Monday to Friday (inclusive), 13:00 to 07:30 on Saturdays and at any time on Sundays and Bank Holidays.

The rated noise level from the commercial activity, including all noise associated with deliveries and vehicle movements including parking within the car parking areas and

service yards, hereby permitted shall not at any time exceed 10dB above the background sound level (45dB) representative of any period being assessed applying the methodology within BS4142:2014+A1:2019 at Moor Lane Crossing using a suitably calibrated noise meter for the purpose. The 'rated' noise level shall be determined as in accordance with BS4142:2014+A1:2019.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Officer Note: The above condition is being reviewed by the Environmental Health Officer and any alterations to the wording will be circulated.

Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised

to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.



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