

## PLANNING COMMITTEE – 12 DECEMBER 2024

**24/1304/FUL - Demolition of all buildings on the site including residential dwelling and construction of a light industrial (Use Class E(g)(iii)) building with biomass boiler, associated car parking, landscaping and alterations to land levels at SOUTH BEND, STATION ROAD, KINGS LANGLEY, HERTS WD4 8LL (DCES)**

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 18.11.2024 (Agreed Case Officer: Claire Wilson

Extension 17.12.2024)

Recommendation: Defer to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA) and Environmental Health Officer (EHO), the inclusion of any conditions recommended by the LLFA and EHO, and following referral to the Secretary of State and subject to them raising no objection, and following completion of a S106 Agreement (securing a monitoring fee in relation to BNG) that Planning Permission is granted.

Reason for consideration by the Committee: The application was called in by three members of the planning committee regardless of officer recommendation due to loss of residential unit and land and the introduction of a business use in the Metropolitan Green Belt. The application was also called in by Abbots Langley Parish Council if officers are minded to refuse as ALPC “feel that this brings exceptional circumstance within its application”.

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

[24/1304/FUL | Demolition of all buildings on the site including residential dwelling and construction of a light industrial \(Use Class E\(g\)\(iii\)\) building with biomass boiler, associated car parking, landscaping and alterations to land levels | South Bend Station Road Kings Langley Hertfordshire WD4 8LL](#)

### Relevant Planning History

- 1.1 05/0032/CLED - Certificate of Lawfulness Existing Use: Use of land distribution, repair and servicing of motor vehicles - Permitted 16.03.05.
- 1.2 05/0930/CLED - Certificate of existing use: Siting of mobile home with residential occupation - Refused 17.08.05.
- 1.3 14/0974/OUT - Outline Application: Demolition of existing dwelling and building on the site removal of mobile home and cessation of commercial uses and construction of 30-bedroom motel (all matters reserved). Application refused for the following reasons:

*The proposed development would constitute inappropriate development which is by definition harmful to the Green Belt. It would also result in significant harm to the openness of the Green Belt. Significant weight is given to the identified harm to the Green Belt. No very special circumstances, either individually or cumulatively, exist to outweigh this harm. The development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the National Planning Policy Framework.*

*The proposed development would result in a significant increase in demand for sustainable transport provision in the area and there is currently a shortage of these facilities in the area. The proposed development would exacerbate this situation and in the absence of an*

*agreement under the provisions of Section 106 of Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The proposal would also attract a requirement for fire hydrant provision. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011).*

*The proposed development would result in the loss of the residential dwelling of South Bend and it is also proposed to remove the mobile home to the west of South Bend from the land within the control of the applicant. This would result in the net loss of two residential dwellings which would be contrary to Policy CP2 of the Core Strategy (adopted October 2011) and Policy SA1 of the emerging Site Allocations document (Main Modifications Consultation, January 2014) which seek to ensure an adequate supply of housing to serve the District over the plan period.*

*Appeal dismissed on all grounds.*

## **2 Description of Application Site**

- 2.1 The application site consists of a former mixed-use site which is located on the western side of Station Road, Kings Langley and is located within the Metropolitan Green Belt. This is an area consisting of mixed uses with both residential and commercial uses present. Kings Langley Employment Area is located in close proximity to the site (approx. 100m north), however, the site does not fall within this allocation.
- 2.2 The site contains a detached residential dwelling which is set back approximately 10m from the highway. This is a chalet style bungalow with a two storey front gabled projection facilitating accommodation at first floor level. This residential dwelling has experienced significant fire damage and consequently is no longer occupied and is not habitable in its current condition.
- 2.3 The area to the south east of the dwelling was previously in commercial use for the servicing and repair of motor vehicles. A Certificate of Lawfulness of Existing Development was granted for this in 2005, however, the lawful extent of the use did not extend for the full frontage width of the site. This use has now ceased. To the south east of the dwelling is a single storey flat roofed outbuilding which appears to have been previously used in connection with the commercial use. On site, it was also observed that there was some hardstanding which was also historically used for the parking of vehicles, again in connection with the pre-existing commercial use. This area of the site now appears to be overgrown, with rubbish dumped across the land. Adjacent to the southern boundary of the site, is a mobile home which does not benefit from planning permission.
- 2.4 The remaining part of the site consists of open grassland which slopes steeply down towards the western boundary of the site down to the Mill Stream Channel of the Grand Union Canal.
- 2.5 To the north of the site is a detached pitched roof garage which projects forward of the residential dwelling located on the application site. It is understood that this is in use as a residential dwelling. Beyond this are further residential dwellings which front Station Road. Kings Langley Station is located opposite the site. To the south of the site is the M25, raised above the valley on a flyover at this point.

## **3 Description of Proposed Development**

- 3.1 The application seeks full planning permission for the demolition of all buildings on site and the construction of a light industrial (Use Class E(g)(iii)) building with biomass boiler, associated car parking, landscaping and alterations to land levels.

- 3.2 As stated, all buildings associated with the former mixed use of the site would be demolished to accommodate the development. The proposed building would be positioned to the southern side of the site. It would be set in from the southern boundary of the site by approximately 3.9m and a maximum of 19.3m from the northern boundary with the residential dwellings. The building would have a maximum width of 25.9m and a depth of 40.5m. The plans indicate that the building would be located approximately 35m from the blue line of the site (which marks the western edge of the site and corresponds with the boundary with Mill Stream). The area between the red and blue lines as indicated on plan would be retained as a buffer area to the watercourse.
- 3.3 In terms of design, the building would appear as only having one storey when viewed from the Station Road frontage. It would have a gabled design with a maximum height of approximately 9m. Due to the nature of the levels on site, the building would be sunken into the ground, with a lower ground floor level accommodated. Consequently, the building would have a two -storey appearance when viewed from the rear and would have a height of approximately 13.8m from this lower land level. The roof form would be hipped to the rear and the plans indicate full height glazing to the flank and rear elevations. The proposed roof would be a green roof with solar panels located on southern roofslope.
- 3.4 A biomass boiler and associated plant would be located adjacent to the southern elevation, but would be set back from the front wall of the building and set at a lower land level to the front wall of the building.
- 3.5 The existing access would be modified to provide a simple priority junction into the site in the form of a kerbed bellmouth access. This would provide access to an area of hardstanding to the site frontage which would provide provision for five car parking spaces. To the north of the building, an area of hardstanding for use as a turning area would be provided. Due to the nature of the levels on site, the plans indicate the provision of a retaining wall in this area.
- 3.6 The applicant is proposing a Class E g (iii) use. Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 such uses are defined as the following:
- (iii) any industrial process, being a use, which can be carried out 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.*
- 3.7 This would be to facilitate a furniture manufacturing and distribution business. The business would employ 40 staff and it is proposed that it would only operate Monday-Friday between the hours of 7.30am-16.30pm.

## **4 Statutory Consultation**

### **4.1 Abbots Langley Parish Council: [No objection]**

Members would like to confirm that they have had this application presented to ourselves and residents, and attended a site meeting presented by the applicant and attended by residents and residents associations prior to this application coming to this committee.

Whilst Members acknowledge this proposal could represent inappropriate development in the greenbelt as per TRDC guidance, we feel that the overall site classification as residential is more historic rather than 'actual' as whilst we appreciate that the site was undergoing enforcement action by the local planning authority, the site has the look and historical recognition of an industrial site. The site also resides within a ribbon of development comprising both residential and commercial buildings. Furthermore, the developments locations essentially beneath the M25 motorway flyover would make this a poor suggestion for residential accommodation.

We feel therefore that in the proposal of an industrial unit on this site the proposals also exemplify extremely special circumstances, in that :-

- The design and structure of the building whilst expressed to the road frontage, the south, west and north flanks thru the use of landscape and a planted green roof, creates a 'concealed' structure, well contained visually within the site, so as not to affect the 'open nature' of the green belt.
- The site location in the Valley base, within a dedicated construction area, would create a concealed structure within the overall topography and wider landscape.
- Views from around the hills into the valley base, would not be determined by such a structure in this location, as the concrete flyover takes precedent.
- The high biodiversity improvements are welcomed on what is a rather depleted site thru historic misuse.
- The tree planting proposals are highly welcomed.
- The 'step forward' of the riverbank is highly welcomed and the proposal for Bio Diversity within this area is welcomed.
- The proximity to the M25 motorway and A41 would provide this site with good transport links to the wider national and international stages, with minimal residential interruption.
- The location adjacent to the train station would allow green travel for employees avoiding any overbearing requirements for onsite parking.

To that point, Abbots Langley Parish Council do not see this as inappropriate development in the Green belt as we feel the nature of the site, the positioning of what is a tall building within the topography of the site to reduce any potential effect of overbearing, and the use of natural planted roofs to conceal the exposed structure, present very special and exceptional circumstances on this occasion, providing a material consideration in the resolution of this planning application.

Further to the above points, ALPC also commend the approach to create a BREEAM Outstanding building and feel this should be a welcome addition to the building stock in the valley.

If the officer is of a mind to refuse this application, ALPC request that it is brought to committee, as we feel that this brings exceptional circumstance within its application.

We would request that the following items are conditioned:-

- The building achieves the BREEAM Outstanding rating.
- The Bio Diversity NET GAIN as stated within the D&A statement are adhered to.
- Delivery times are set so as not to affect the few residential properties in the area and also avoid high times of congestion such as 'school runs'.
- Provide much needed local employment within the district.

To conclude, having viewed presentations and carried out a site visit, ALPC support this application.

#### 4.2 TRDC Local Plans: [No objection]

The site is located in Kings Langley, the Spatial Strategy identifies Kings Langley as a Secondary Centre and states that 'more limited new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres.' It is worth noting the site does not fall within the any mixed-use allocations in the Site Allocations Local Development Document (SALDD, 2014) in Kings Langley. Part of the site comprises of brownfield land and the remaining parcel is green field land. The industrial unit proposed is predominantly located on the green field parcel of land and a smaller portion located on the brownfield parcel of land.

Policy SA1 of the Site Allocations LDD (adopted 2014) states that "permission will not be granted for development resulting in a net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided the surrounding residential area is not significantly adversely affected". However, in this case, it must be noted that the submitted documents state that "the dwelling on the site has not been occupied since 2019 and due to the extensive fire damage, is uninhabitable. It is likely the building would need to be demolished and rebuilt to be suitable for future residential occupation. Conversion of the existing building to another use is therefore not an option". The Core Strategy Place Shaping Policies set out that of the District's housing requirements over the plan period. Policy PSP3 of the Core Strategy sets out that approximately 24% should be provided in the Secondary Centres (Kings Langley, Carpenders Park, Eastbury, Maple Cross, Moor Park and Oxhey Hall). Although this is a small percentage, the proposal would result in the loss of a dwelling and subsequently would have a detrimental effect on meeting this requirement and sustaining housing provision in the District. The proposal would fail to contribute to meeting local housing demand and therefore does not comply with the Spatial Strategy and Policy PSP4. Policy SA1 of the Site Allocations LDD (adopted 2014) states that in view of the need for new housing in Three Rivers, the benefits of building new homes would be undermined if the stock of existing housing were to reduce. Therefore, the protection of existing housing should be upheld. However, as set out above the dwelling on the site has not been occupied since 2019 and due to the extensive fire damage, is uninhabitable.

The site is located within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 152). Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' It is considered that given the scale of the proposed development, it would likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. Paragraph 154 of the NPPF states the construction of replacement buildings in the Green Belt is an exceptional circumstance provided the new building is in the same use and not materially larger than the one it replaces. The application supporting documents illustrate the proposed industrial building will replace all of the buildings on the site, including the outbuildings and residential dwellings. The footprint of the industrial unit is proposed to be significantly larger than the existing buildings combined and would not fall within the same use. On this basis, it is considered that the application proposal constitutes inappropriate development in the Green Belt. According to paragraph 153 of the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The South-West Herts Economic Study (2019) states there is a need for industrial and warehousing floorspace over the period to 2036 however, it should be focused on previously developed land.

Part of the site falls within Flood zone 3a and consideration should be taken of this.

#### 4.3 National Highways: [No objection]

##### 4.3.1 Initial comments: Referring to the consultation on a planning application dated 22 August 2024 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

-Recommend that planning permission not be granted for a specified period (see reasons at Annex A);

National Highways has been 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.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the M25 Junction 20, which is approximately 0.5 miles away from the site. The site is located to the south of Kings Langley, south of the railway station and north of the M25 viaduct. The site is accessed via Station Road, which is a local highway. The slip roads from the motorway to the roundabout periodically operate with slow moving traffic particularly during the evening peak hours. The site is located at a lower gradient to the M25.

#### Transport Assessment

We have examined the Transport Assessment, including assumptions about development related trip numbers, and the Travel Plan Statement. We are content that the development will pose no issues in relation to the operation or safety at M25 Junction 20. We are similarly content that the development is not of a size to require a vision as defined in the DfT Circular 01/2022 and are of the opinion that the measures associated with the travel plan statement are proportionate to the scale of development.

Boundary: Although the M25 carriageway and the proposed site do not share a common boundary with the SRN, some of the land within the red line boundary on the eastern side of the site is owned by National Highways as shown below, highlighted blue. It is thought that this National Highways land is represented in the Proposed Block Plan, titled AR-01 REV P, by the red line boundary on the eastern side and the blue line that runs parallel to it. Part of this land is owned by National Highways but managed by Hertfordshire County Council as the Local Highway Authority.

Action: Please can the applicant confirm that the site proposals do not utilise National Highways owned of land. The applicant should liaise directly with the Council and Local Highway Authority on any matters relating to access to the site.

#### Landscape and Visual

We acknowledge that there are solar panels proposed on the roof of the proposed light industrial building. The Landscape and Visual Appraisal identifies that 'there are likely to be transient views from short stretches of the M25 travelling northbound, although these are likely to be limited to van and lorry drivers who are able to see over the barriers at the edge of the motorway', despite the sensitivity assessment setting out the predicted visual effects onto the M25 to have a low adverse magnitude of change and negligible effect during construction, and neutral impact 10 years post completion. The Existing Visibility of the Site Appendix to the Landscape and Visual Appraisal also identifies the SRN that would have visibility, however small, of the site.

We would require confirmation that any reflection as a result of the installation of solar PV panels would not result in a distraction for drivers on the M25, in line with DfT Circular 01/2022, Developments with solar reflection paragraph 70:

Some developments, notably solar farms, wind turbines and those with expansive glass facades, have the potential to create glint and glare which can be a distraction for drivers. Where these developments would be visible from the SRN, promoters must provide an appropriate assessment of the intensity of solar reflection likely to be produced, which satisfies the company that safety on the SRN is not compromised.

Action: Therefore, we request that a Glint and Glare assessment is carried out to identify the intensity of solar reflection likely to be produced and to assess any impact this may have onto the SRN.

Recommendation: Planning permission not be granted for a specified period. It is recommended that the application should not be granted permission for a period extending until 12 December 2024; unless in the meantime all queries and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to either refuse the application or agree an extension of time beyond 12 December 2024.

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 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 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.

4.3.2 Officer comment: A Glint and Glare Assessment was received on 07.11.2024, and National Highways have been re-consulted.

4.3.3 Second comment: National Highways Ref: NH/24/07650 Referring to the consultation on a planning application dated 22 August 2024.

a) offer no objection (see reasons at Annex A);

National Highways has been appointed by the Secretary of State for Transport as 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.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development (“the Circular”). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network

The SRN in the vicinity of the proposed development is the M25 Junction 20, which is approximately 0.5 miles away from the site. The site is located to the south of Kings Langley, south of the railway station and north of the M25 viaduct. The site is accessed via Station Road, which is a local highway. The slip roads from the motorway to the roundabout periodically operate with slow moving traffic particularly during the evening peak hours. The site is located at a lower gradient to the M25.

Transport Assessment: We have examined the Transport Assessment, including assumptions about development related trip numbers, and the Travel Plan Statement. We are content that the development will pose no issues in relation to the operation or safety at M25 Junction 20. We are similarly content that the development is not of a size to require a vision as defined in the DfT Circular 01/2022 and are of the opinion that the measures associated with the travel plan statement are proportionate to the scale of development.

Boundary: Although the M25 carriageway and the proposed site do not share a common boundary with the SRN, some of the land within the red line boundary on the eastern side of the site is owned by National Highways. It is thought that this National Highways land is represented in the Proposed Block Plan, titled AR-01 REV P, by the red line boundary on the eastern side and the blue line that runs parallel to it. Part of this land is owned by National Highways but managed by Hertfordshire County Council as the Local Highway Authority.

The applicant confirms that the site proposals do not utilise National Highways owned land, other than where it forms part of the highway and verges managed by Hertfordshire County Council Highways and as agreed by them in their pre-application consultation and consultation response.

The applicant should continue to liaise directly with the Council and Local Highway Authority on any matters relating to access to the site

Landscape and Visual: We acknowledge that there are solar panels proposed on the roof of the proposed light industrial building. The Landscape and Visual Appraisal identifies that ‘there are likely to be transient views from short stretches of the M25 travelling northbound, although these are likely to be limited to van and lorry drivers who are able to see over the barriers at the edge of the motorway’.

We required confirmation that any reflection as a result of the installation of solar PV panels would not result in a distraction for drivers on the M25, in line with DfT Circular 01/2022, paragraph 70.

The applicant provided a Glint and Glare assessment, dated November 2024, and advised that no impacts upon surrounding road safety, residential amenity, and railway signals are predicted due to the proposed development being obstructed from view at all locations where solar reflections are geometrically possible.



The M25 in this location runs on a viaduct above the valley which the proposed building is situated in. The height of the building roof and proposed solar panels on the south side are significantly below the height of the M25 wall.

Appropriate vehicle receptors were identified along the M25 (receptors 1-12 on Figure 7) concluding a “No Impact” position for all receptors. For receptor 12, a “No Impact” position is reasonable as the road and barriers obstruct the views for vehicles travelling southwest. Given the height of the M25 carriageway wall at this point, and the position of the solar panels significantly below the level of the wall, we are satisfied that there will be no impact on vehicles and no further work is necessary.

Recommendation: No Objection

We are 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 110-113) 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 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 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.

#### 4.4 Hertfordshire County Council – Highway Authority: [No objection]

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:

##### 1. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing number 2403-058 PL06 B have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- New vehicle bellmouth access and any associated works including extension of the footway;
- Any works associated with closing off the existing vehicle accesses and reinstatement of full height kerbs and highway verges;
- Any works associated with construction access into the site.

##### B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

#### Travel Plan Statement

Prior to the first use of the approved development an updated Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The updated plan shall include:

- Interim travel plan coordinator (TPC) contact details prior to occupation;
- A secondary contact to the travel plan coordinator along with full TPC contact details once appointed.
- TPC duties listed to clearly define their responsibility.

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).

#### 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);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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).

#### Highway Informatives

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

#### Construction standards for works within the highway (s278 works)

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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

#### Comments / Analysis

A Transport Assessment (TA) and Travel Plan Statement (TPS) have been submitted as part of the application.

#### 1. Access

##### a. Highway Works

There are currently two access points into the site in the form of two vehicle crossovers (VXOs) from Station Road. Station Road is designated as a classified C local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. Station Road is classed as P3/M3 (Transport Interchange) on HCC's Place & Movement Network reflecting the close proximity to Kings Langley Railway Station although then changes to P2/M2 (Multi Function Road) on either side of the stretch of runs adjacent to the railway station.

The proposals include a new simple priority junction into the site in the form a kerbed bellmouth access with a kerb radii of 10m on either side and carriageway width of 7.3m, the layout of which is shown on submitted drawing number PL06 B. Visibility splays of both 2.4m by 43m and 2.4m by 70m are available in either direction from the proposed access point (illustrated on drawing number 2403-058 VS06 B) , which is considered to be acceptable and sufficient to ensure visibility levels are in accordance with HCC'S place & Movement Planning and Design Guidance (PMPDG) and both Manual for Streets and DMRB standards.

There is an existing footway on parts of the west side of Station Road (the development side). The proposals include extending this footway to provide pedestrian access into the site with the provision of a pedestrian crossing point across the new vehicle access with pedestrian dropped kerbs and tactile paving on either side.

HCC as Highway Authority would not have an objection to the highway access proposals, subject to the normal safety audit review and 278 technical review, as referred to below. The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the necessary works that would be needed on highway land. The works are indicated on the submitted plan 2403-058 VS06 (B) and include:

- New vehicle bellmouth access and any associated works including extension of the extension of the footway;
- Any works associated with closing off the existing vehicle accesses and reinstatement of full height kerbs and highway verges;
- Any works associated with construction access into the site.

The applicant would need to submit the full Stage One Road Safety Audit and Designers Response as part of the 278 application. It is acknowledged that the TS states that "A Stage 1 Road Safety Audit is currently being undertaken on the proposed Site access arrangement, with this being submitted to HCC in due course. The Stage 1 Road Safety Audit also will be supported by a designer's response report." Please see the above conditions and informatives for more information in relation to applying for the 278.

## b. Internal Site Layout

The proposed site layout is shown on submitted drawing numbers 2403-058 PL06 B. The proposals include a parking area and loading bay / turning area for Heavy Goods Vehicles (HGV).

Swept path analysis plans have been submitted as part of the TA to illustrate that a 16.5m long HGV (drawing number SP06 B), a 12m long rigid truck and a 8.68m long fire tender (drawing number 2403-058 SP08 B)) would be able to use the proposed internal site access arrangements from the highway, turn around on site and egress to the highway in forward gear. The 7.3m proposed access width would enable two HGVs (and therefore other smaller vehicles) to pass one another within the site. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes.

HCC as Highway Authority does not have any specific concerns in respect to access for emergency vehicles. Nevertheless due to the size of the proposed building, as part of the highway authority's assessment of this planning application, we have forwarded to Hertfordshire Fire and Rescue for any comments which they may have. The dimensions and layout of the car parking spaces are considered to be acceptable and in accordance with the P&MPDG, Section 4, Chapter 6. Vehicles would be able to use the spaces, turn around on site and egress the site in forward gear.

Public Transport Access: Kings Langley Railway Station is located approximately 60m to the north of the site and therefore within an easy walking distance. The nearest bus stops to the site are located approximately 40m north of the site and therefore well within the normal desirable walking distance of 400m. Therefore, there is potential for bus services to provide a convenient sustainable travel option to and from the site albeit taking into account that services on the closest bus stops are limited (the additional bus stops on A4251 are approximately 700m away and served by a more frequent service throughout the day) . Please see the following link if any further details on bus services within this local vicinity of the site are required <https://www.intalink.org.uk>.

## Parking Levels

The proposals include a total of 25 car parking spaces, 5 of which are located on-site (two disabled and three short stay / visitor parking) and 20 spaces off-site (leasing 20 spaces within Kings Langley Railway Station Car Park for a period of 10 years with a break clause to vacate if the car park reaches 80% occupancy – based on the submitted details the car park is currently approximately 53% occupied). HCC as Highway Authority would not have an objection to the proposals in this respect.

The submitted TA also includes a “fallback option” (4.26/4.27) in the event that for whatever reason the lease came to an end. This option extends to the on-site car parking area to provide a total of 25 car parking spaces as illustrated on drawing number 2403-058 PL03. There would not be an objection to this proposed layout, which would retain the main access design, footway and crossing points and facilitate turning on site for all vehicles.

TRDC as the Local Planning Authority for the district would ultimately need to be satisfied with the overall proposed level and type of vehicle parking taking into account their parking standards, use class, accessibility zone and the local area. This would need to include their view on the suggested lease arrangement of part of the railway station car park.

## Trip Generation and Impact

A trip generation assessment has been included in section 5 the TA. Both a first principles approach of the number of staff, visitor and delivery trips for the site (as the end occupier is an existing business) and trip rate information from the TRICS database (to help support

the sale of the site to another operator in the future) have been used. This approach is considered to be acceptable and robust by HCC as Highway Authority.

The number of anticipated vehicular trips (using either method) would not be considered to be significant nor a safety reason to recommend refusal for the proposals from a highway perspective. The number of vehicular trips associated with the overall proposed development are anticipated to be 19 two-way vehicle movements in the AM peak (0700-0800) and 19 two-way vehicle movements in the PM peak (1600-1700). It is also acknowledged that as an existing business, the trips would essentially be diverted rather than new trips on the wider highway network.

#### Travel Plan Statement

A Travel Plan Statement (TPS) has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The TPS is considered to be generally acceptable for this stage of the application. Nevertheless, the TPS would need to be updated To include the following additional details:

- Interim travel plan coordinator (TPC) contact details prior to occupation;
- A secondary contact to the travel plan coordinator along with full TPC contact details once appointed.
- TPC duties listed to clearly define their responsibility.

For further information please see the following link

For further information please see the following link

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk).

Conclusion: Following consideration of the application and the associated off-site highway works, HCC as Highway Authority has considered that there would not be sufficient ground to recommend refusal from a highways perspective. The applicant would also ultimately need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore, HCC as HA would not wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions, and informatives.

4.5 Affinity Water: [No objection]

4.5.1 Initial comments: [Objection]

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 (HUNT). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We are writing to currently object to the application. This is because we require the submission of 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 include the following:

- i) Intrusive Ground Investigations to identify the current state of the site and appropriate techniques for any on site works to avoid displacing any contamination to a greater depths, including the generation of turbidity.

- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination (including turbidity generation from groundworks)
- iii) Proposals for the likely depth and type of excavations (e.g. piling) including mitigation measures (e.g. appropriate piling design, etc.) to prevent and/or minimise any potential migration of pollutants to public water supply
- iv) A Remediation Strategy/Report detailing how contamination will be/was dealt with.

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.

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](mailto: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](mailto: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](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

4.5.2 Officer comment: A Contamination Report was received on 07.11.2024 and Affinity Water have been re-consulted. The following comments have been received.

4.5.3 Further comments: [No objection]

Following on from our response dated 16/09/24 we have since been provided with further information for our review and we are now prepared to remove our objection, provided that the following pre-commencement conditions can be agreed with the developer and are applied to the development.

Contamination through Ground Works.

Condition 1

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

- An Intrusive Ground Investigation plan prior to the intrusive ground investigation, agreed with Affinity Water to ensure all concerns will be covered.
- Subject to an agreed intrusive ground investigation plan with Affinity Water, an Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth
- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The

remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- 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: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

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 2

If, during development, contamination not previously identified is found to be present at the site, 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.

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 3

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 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.

#### Contamination through Substance Storage:

If any tanks, generators and filling areas are to be installed as part of the development, they will need to have secondary containment which can hold 110% of the volume the tank or generator is designed to contain. These should also have a leak detection system, and a procedure should be adopted that includes directly notifying Affinity Water along with the Environment Agency immediately if any leak is suspected.

#### 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 Substance Storage Strategy/Report providing details of all substance containers confirming bunding of 110% capacity and the presence of a leak detection system with a methodology that includes immediate notification to Affinity Water and the Environment Agency.

Reason: To prevent contaminants being discharged into the surface and groundwater network in the event of a spill and to enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary.

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](mailto: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.

4.6 Environment Agency: [No objection subject to conditions]

4.6.1 Initial comments: [Objection]

Environment Agency Position: Based upon a review of the submitted information, we object to this development, as the application does not demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. We therefore recommend that planning permission is refused in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework and Policy DM9 of the Three Rivers Development Management Policies 2013.

Reasons for objection: We are aware that your LPA may currently be subject to the 'presumption in favour of sustainable development'. Given our outstanding objection on risk to controlled waters relates to duties under the Water Environment (WFD) Regulations we would like to highlight that in this case these duties still apply and action must be taken to ensure the development complies with these requirements. If your LPA is not subject to the 'presumption in favour of sustainable development' you can disregard this paragraph. If our objection on risk to controlled waters is subsequently withdrawn, you can also disregard this paragraph.

The site is located within an Inner Source Protection Zone (SPZ1) associated with an Affinity Water groundwater abstraction for public supply approximately 1.3km south of the site (Hunton Bridge). It is also underlain directly by Chalk, which is a Principal Aquifer. The applicant has not provided any evidence to demonstrate that the risk to controlled waters, that could arise as a result of this development, have been understood.

The historical and specific current uses of the site are unknown, so potentially contaminative activity cannot be ruled out. Past Google Maps Street View imagery indicates that a number of vehicles, along with scrap metal and other waste, has been stored on the site since approximately 2011, and our own records do not indicate that this is an activity regulated through Environmental Permitting Regulations (EPR). As such, we do not know the nature of the activity nor the condition of the site and believe this requires investigating prior to construction given the sensitivity of the site.

Overcoming our objection: The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model, and initial risk assessment. This information must demonstrate to the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. It will also inform the scope of any potential future ground investigation which, if necessary, would inform remedial strategy

Advice to applicant : The applicant is recommended to:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination;
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health;
- Consider using the National Quality Mark Scheme for Land Contamination Management, which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
- Refer to the contaminated land pages on gov.uk for more information.

Water Resources: Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills. We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

Commercial/Industrial development: We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the BREEAM 'excellent' standard for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

Pre Application Advice : We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via [HNL.SustainablePlaces@environment-agency.gov.uk](mailto:HNL.SustainablePlaces@environment-agency.gov.uk).

Further information on our charged planning advice service is available at: <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments: Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

4.6.2 Officer comment: A Contamination Assessment was submitted on 07.11.2024 and the Environment Agency have been reconsulted. The following comments have been received:

4.6.3 Further comments: [No objection]

Thank you for consulting us on the above application on 11 November 2024. As part of the consultation we have reviewed the following submitted documents:

- Phase 1 Contamination Risk Assessment prepared by Ground and Environmental Investigation Ltd. ('GEI'), dated November 2024 (ref.: 24-698);
- Flood Risk Assessment & Drainage Strategy prepared by RAB Consultant Ltd. ('RAB'), dated July 2024 (ref.: RAB: 33.27 v2.0).

Environment Agency Position

Considering the information provided, we no longer have an objection to the proposed development. We do however request the inclusion of the following conditions on any grant of planning permission for this development. Without these conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Upon review of the submitted Phase 1 Contamination Risk Assessment by GEI, we are content that our concerns that caused our objection to be raised have been suitably addressed. However, the proposed development site's previous use as an informal vehicle storage area and subsequent fire damage means it could potentially contain sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Chalk Principal aquifer as a result of the proposed redevelopment of the site. The site is located within an Inner Source Protection Zone (SPZ1) associated with an Affinity Water public water abstraction approximately 1.3km south of the site (Hunton Bridge).

We note a recommendation within the submitted Phase 1 Contamination Risk Assessment by GEI that further intrusive works are needed to properly inform contamination present within the Made Ground. We agree with this in principle but also are of the opinion that natural strata encountered during the works should also be sampled for laboratory analysis as well to examine whether potential contaminants have migrated into the aquifer. This may result in the requirement for more elaborate remedial measures. We consider the outline Site Investigation Protocol presented within Appendix 3 of the aforementioned document to be adequate in extent but perhaps not in implied exploratory hole depth nor sampling density; we would encourage a wider scope of intrusive investigation given the sensitivity of the site.

We also note the current plan to deal with surface water drainage at the site is to discharge into the River Gade which runs along the western site boundary, following attenuation within various drainage features. We agree with the view that infiltration drainage is not appropriate at this site due to the potential to aid leaching and vertical migration of contaminants towards the Principal aquifer; the groundwater level is also understood to be close to the surface at this site. We typically apply a condition to prevent infiltration drainage as a precaution in case the current preferred option cannot be achieved – in this case we view connection to a mains sewer to be the next best option from an environmental protection perspective and would encourage this possibility to be explored if this scenario occurs, though we understand it may not be feasible.

#### Advice to Local Planning Authority

The current drainage strategy is deemed acceptable. If it changes during another stage of planning, we request to be reconsulted, especially if it include infiltration drainage features. If the drainage strategy is implemented as proposed, we believe our "Infiltration Drainage" condition can be discharged.

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority. This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and

PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

4.6.4 Officer comment: The above comments from the Environment Agency also included a number of suggested conditions. However, since these comments, the drainage strategy had been amended and as such the Environment Agency were reconsulted and the following comments received:

4.6.5 Final comments: [No objection]

Thank you for consulting us on the above application on 25 November 2024. As part of the consultation we have reviewed the following submitted documents:

Flood Risk Assessment & Drainage Strategy prepared by RAB Consultant Ltd. ('RAB'), dated November 2024 (ref.: RAB: 33.27 v3.0)

Environment Agency Position: After reviewing the attached document, our comments remain the same as our letter dated 21 November 2024 (ref 137379/02). Without these conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 – Remediation Strategy No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework.

Advice The submitted Phase 1 Contamination Risk Assessment by GEI (ref.: 24-698) will satisfy (1). A revised and finalised site investigation scheme and subsequent intrusive works will be required in order to satisfy (2) and enable (3) and (4), if deemed necessary. We consider it important to ascertain chemical information for natural strata underlying the currently targeted Made Ground.

Condition 2 – Unexpected Contamination If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework.

Condition 3 – Monitoring The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 180 of the National Planning Policy Framework.

Condition 4 – Investigative Boreholes A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with paragraph 180 of the National Planning Policy Framework.

Condition 5 – Verification Report Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results

of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

Condition 6 – Piling Piling, deep foundations, or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. A foundation works risk assessment will be required, prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002)

Advice: We have not been made aware of any confirmed foundation methods. We consider it prudent to incorporate geotechnical investigation into the scope of any intrusive siteworks to inform foundation design. This condition becomes necessary if piled foundations are proposed. The associated monitoring scheme can be tied in with an existing general groundwater monitoring schedule.

Condition 7 – Infiltration Drainage No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework.

Advice We note that there is currently no plan to utilise infiltration drainage within this development. However, this condition comes into effect if the current preferred drainage strategy cannot be achieved. To implement infiltration drainage features, an appropriate Hydrogeological Risk Assessment will likely be required to support this, along with reasonable justification that a connection to a mains sewer cannot be achieved.

Advice to Local Planning Authority

The current drainage strategy is deemed acceptable. If it changes during another stage of planning, we request to be reconsulted, especially if it include infiltration drainage features. If the drainage strategy is implemented as proposed, we believe our "Infiltration Drainage" condition can be discharged.

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NO<sub>x</sub>), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM<sub>10</sub> and PM<sub>2.5</sub>). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

#### Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 189 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation

[\(http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/\)](http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/)

#### Advice to applicant

Contamination We recommend that developers should:

- follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination;
- refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health;
- consider using the National Quality Mark Scheme for Land Contamination Management, which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
- refer to the contaminated land pages on gov.uk for more information

Waste Contaminated soil that is (or must be) disposed of is waste, therefore its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991;
- Hazardous Waste (England and Wales) Regulations 2005;
- Environmental Permitting (England and Wales) Regulations 2016;
- The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment

or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information.

Additionally, the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2), often referred to as “DoW:CoP”, provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution;
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically. Refer to the Waste Classification Technical Guidance and the waste suitability page on gov.uk for information about what each type of waste comprises and what it can be used for.

**Piling:** Piling has the potential to create preferential pathways, aiding the vertical migration of contaminants towards sensitive groundwater aquifers. We consider it prudent to include geotechnical investigation within the scope of any further intrusive ground investigation in order to inform foundation design. Continuous Flight Auger (CFA) piling is our preferred piling method, if piling is indeed deemed necessary. If the proposed strata for piles to terminate in is a Principal aquifer, we strongly recommend exploring the feasibility of shallower foundations as much as possible.

If penetrative techniques are indeed to be used during the construction of this development, information to address these issues will need to be included as part of a risk assessment and should consider the following:

- Identification of relevant receptors and baseline monitoring;
- determination of contaminants of concern and establishment of trigger values;
- a monitoring strategy to be implemented during and after piling;
- mitigation measures to be implemented should the agreed trigger values be breached

Within SPZ1, due to the close proximity of potable abstractions, we recommend that weekly monitoring for in-situ groundwater quality parameters, including conductivity and turbidity, should be incorporated into the groundwater monitoring plan as these provide valuable on-site data that can enable rapid decision making with respect to mitigations if required. A brief introduction to the potential hazards associated with piling through contaminated soils can be found here. Monitoring wells installed to support a piling risk assessment should be installed to at least 5m deeper than the deepest piled foundation toe depth to capture any impacts from the proposed groundworks during and post construction.

**Permitting** The construction of this project may be subject to a number of activities regulated through Environmental Permits (EPR), including (but not limited to):

- dewatering;
- Deposit for Recovery (DfR);
- Flood Risk Activity Permit (FRAP);
- use of drilling fluids;
- abstraction license;
- surface and groundwater discharge consent(s).



We recommend contacting the National Permitting Team for permitting matters and any issues likely to be raised as early as possible as the processing times vary depending on the type of permit and can be long in some cases.

**Boreholes** The decommissioning of boreholes at the site should be undertaken in line with the guidance presented in Good practice for decommissioning redundant boreholes and wells (Environment Agency, 2006)

You should keep an accurate record of the abandonment details for future reference, including:

- the reasons for abandonment (for example water quality problems);
- measurement of groundwater level prior to backfilling;
- the depth and position of each layer of backfilling and sealing materials;
- the type and quantity of backfilling and sealing materials used;
- any changes made to the borehole/well during the abandonment (for example casing removal);
- any problems encountered during the abandonment procedure.

The location of abandoned borehole and wells should be clearly marked on site records. This is essential where any part of the well has not been filled. It is also very good practice to mark or deeply inscribe well caps with the word "WELL". Even if done crudely it can avoid considerable risk, delay or uncertainty in the event of the structure being discovered during excavation by others in the future, who may not otherwise know what the feature is. Always notify the Environment Agency and British Geological Survey of the abandoned well location and structure.

**Water Resources:** Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants

The supply of water in the area is under serious water stress (as identified in our report: Water stressed areas – 2021 classification). All residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within the Building Regulations &c. (Amendment) Regulations 2015. This standard or higher may already be a requirement of the local planning authority

We also recommend you contact your local planning authority for more information.

#### 4.7 Hertfordshire County Council - Lead Local Flood Authority: [Objection]

This is a full planning application for construction of a light industrial building by demolishing the existing residential building and all other constructions.

Thank you for providing the Flood Risk assessment and Drainage strategy. However, we object this planning application in the absence of an acceptable Drainage strategy and supporting information relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
  - The development is not in accordance with NPPF, PPG or Three Rivers local policies including POLICY DM8 – Flood Risk and Water Resources
- Reason

To prevent flooding in accordance with National Planning Policy Framework paragraphs 173, 175 and 180 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 following issues are adequately addressed.

1. It is noted that the scheme intends to create a lower floor below ground surface, and we recommend that appropriate flood resilient and resistance measures be provided this would include the risk of groundwater flooding into this area (e.g. tanking) and minimise the impact of any exceedance events on the drainage scheme.
2. Reasoning and calculation for considering the runoff rate as 2 l/s even though the greenfield run off rate is only 0.1 l/s and the drainage scheme appears to be a sealed system where there is no risk of blockage. As the applicant has used a soil value of 0.15 this indicates that it is likely to be groundwater dominated area and so in accordance with the SuDS Manual (2015) runoff rates should be reduced to 1 l/ha. We are aware that hydro-brakes or other control mechanisms can reduce flow rates down to 0.5 l/s (which would be acceptable to the LLFA).
3. The informal outfall of water to the Mill Glade over the grassed area is not acceptable and a formal outflow or soakways must be provided. We also request justification as to why the whole car parking / hardstanding cannot be permeable surface (lined system) which would reduce the need for a below ground storage tank under the car park.
4. An updated Drainage strategy with supporting drainage calculations including the complete pipe network to test the network for flooding using FEH rainfall parameters(either FEH13 or FEH22). Other parameters to use are the CV value of 1, and the new allowances of climate change. The rainfall simulations are expected to include 100% AEP (1 year), 3.33%AEP (30 year), 3.33%AEP (30 year) with climate change allowance, 1% AEP (100 year) and 1% AEP (100 year) with climate change allowance events. The labels in drainage drawings should match the labels in the supporting calculations.
5. Details of flood resistance and resilience measures for residual risk. Finished floor levels should be minimum 300mm above any source of flooding (design flood levels including river flooding, surface water flooding or from the drainage scheme) or a minimum of 150mm above any ground level. Whichever is the more precautionary.

### 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.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

4.7.1 Officer comment: A revised drainage strategy has been received and is currently being considered by the LLFA.

4.8 Canal and River Trust: [No objection]

The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

4.9 TRDC Tree and Landscape Officer: [No objection]

Recommend: Approval

Please apply a condition requiring the applicant to follow the submitted tree protection method statement.

A condition should also be applied requiring further detail on remedial landscaping following development.

4.10 Thames Water: [No objection]

Waste Comments: With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

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 advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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.

4.11 Herts Ecology: [No objection subject to conditions]

4.11.1 Initial comments: [Further information required]

Overall Recommendation: Further information and/or amendments required before application can be determined.

Summary of Advice:

- There is currently insufficient evidence on European protected species (bats) to determine this application. Submission of emergence survey results required prior to determination.
- CEMP Condition Required.
- 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:

- Ecological Appraisal – hda (August 2024)
- TECHNICAL NOTE TO ACCOMPANY BIODIVERSITY IMPACT ASSESSMENT CALCULATIONS – hda (August 2024)
- The Statutory Biodiversity Metric - (July 2024)

Comments: Given the nature of this site and its existing biodiversity, of which is of low-moderate ecological value, we do not advise that this application should be refused on the grounds of ecology. It has been demonstrated that biodiversity losses can be addressed by compensation and enhancement through Biodiversity Net Gain (BNG). However, there remains to be insufficient information on protected species (bats) at present to determine this application (1.2.)

## Protected Species & Designated Sites

1.1 The ecological assessment undertaken found limited to negligible potential for a number of protected/ and or notable species at the site itself, including, otter, water vole, badger, reptiles and great crested newts. It is concluded that no further surveys are required for any of these species, and I find no reason to dispute these conclusions.

However, Mill stream, of which is present along the site's blue line boundary was found to be capable of supporting water vole and otter. Additionally, the habitat on site could still be accessed by badger and pose as suitable habitat for reptiles (though the potential for reptiles being present at the site is stated as unlikely). It is also noted that the site does provide opportunities for nesting birds and the adjacent tree lines, woodland edges, and Mill Stream provide ideal foraging and commuting opportunities for bats.

Whilst the above species do not pose a fundamental constraint, they should require further consideration, and appropriate precautionary measures for during the course of the works (as outlined in Section 8 of the report, with the additional recommendation for a sensitive lighting scheme) should be secured. Consequently, it is recommended that a Construction Environmental Management Plan should be required by Condition of Approval should the LPA be minded to grant consent in order to demonstrate these measures.

No development shall take place (including demolition, ground works, vegetation clearance delete as appropriate) until a Construction Environmental Management Plan (CEMP) for biodiversity 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 (Section 8 Ref: Ecological Appraisal – hda (August 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) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) A low impact lighting scheme 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.

Reason: To ensure sensible working practices that shall protect the ecology of Croxley Common Moor SSSI / LNR and Hamper Mill Lakes LWS and the local area.

1.2 It is stated that Emergence surveys are ongoing due to two buildings at the site being found to have roosting potential for bats (high and low). Given that the sites usage/ or lack of by roosting bats is currently unknown, there is insufficient information to assess the proposals impact on European protected species (bats) upon which to determine this application. Submission of the Emergence Survey results must be required prior to determination.

1.3 The Site is within the immediate vicinity of Mill Stream, and Grand Union Canal/ River Grade LWS which lies 165m west. 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. However, an approximately 20m buffer between the red line boundary and Mill Stream is being implemented to ensure that the

stream remains unaffected. Subject to this buffer being strictly adhered to during the course of the works and thereafter, no direct impacts are foreseen on Mill Streams' riverine habitat.

2. Mandatory Biodiversity Net Gain: Given that this application was received and validated after the 12th of February, mandatory BNG is expected as a planning requirement. A BNG assessment has been submitted and demonstrates the site's pre- and post-development unit values. It is noted that the habitat survey was undertaken just outside of the optimal survey period (28th May) yet given the site's ecological value and that this difference in survey period is so marginal, there are no objections to the habitat classifications for this site. Consequently, the baseline calculations provided are considered acceptable and it is apparent from the excess of 10% that BNG has been met for both habitat area and hedgerow units. 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 hedgerow units. Due to this, the LPA are advised 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.

4.11.2 Officer comment: Further emergence surveys have been received and the Herts Ecology have been re-consulted. Their comments are as follows:

4.11.3 Further comments: [No objection subject to conditions]

Overall Recommendation:

Application can be determined with no ecological objections (with any conditions/Informatives listed below).

Summary of Advice:

- There is sufficient information on European protected species (bats) to determine this application. A BMCL or EPSL for roosting bats is required.
- CEMP Condition remains required.
- Automatic, mandatory BGP Condition remains required.
- S106 agreement to secure net gain.
- An additional HMMP Condition remains required.

Supporting documents:

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

- Ecological Appraisal – hda (August 2024)
- TECHNICAL NOTE TO ACCOMPANY BIODIVERSITY IMPACT ASSESSMENT CALCULATIONS – hda (August 2024)

- The Statutory Biodiversity Metric - (July 2024)
- Bat Survey Report – hda (October 2024)

Comments: Given the nature of this site and its existing biodiversity, of which is of low-moderate ecological value, we remain of the opinion that this application should not be refused on the grounds of ecology. It has been demonstrated that biodiversity losses can be addressed by compensation and enhancement through Biodiversity Net Gain (BNG), and there is now sufficient information on protected species (bats) to determine this application. All previous recommendations (20 September 24) remain advised, with the addition of the below bat licence informative.

#### Protected Species: Bats

1.1. A Bat Survey Report has been submitted with detail of the emergence surveys carried out for Buildings 'B1' and 'B2'. These surveys have been carried out in accordance with best practice, and I find no reason to dispute their findings. The findings have concluded that the proposed demolition of building 'B1' will result in the loss of a common pipistrelle day roost; however, sufficient mitigation and compensation measures have been recommended to ensure the favourable conservation status of bats is maintained. It is further acknowledged that the measures proposed will be carried out under the conditions of a European Protected Species Licence (EPSL) issued by Natural England or a low impact licence (BMCL) for low conservation roosts. With this information in place, I consider the LPA to now have sufficient information to fully consider bats prior to determination.

Should the LPA be minded to grant permission for this application, the following informative is advised to be attached to any permission granted:

*“A bat licence, either an EPSL from Natural England or BMCL is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will 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.”*

#### 4.12 TRDC Environmental Health Officer (Commercial): [No objection]

Air Quality: I have reviewed the Air Quality Assessment prepared by Hoare Lea (Report ref. 34/22497).

The qualitative assessment of potential dust impacts during the construction phase indicates that impacts will be temporary and short-term in nature. By employing good practice and the implementation of appropriate mitigation measures, it is considered that dust impacts will be not significant.

The operational phase traffic screening assessment indicates that the traffic increase that will result from the proposed development will be below the relevant screening criteria. It is considered that the impact of operational road traffic will be not significant.

Due to the location of the flue and the small scale of the biomass boiler, no local air quality impacts are anticipated and a detailed assessment of the impacts of combustion emissions has been screened out.

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 measures presented in Appendix 3 of the Air Quality Assessment.

Land Contamination: The residential use of the property is unlikely to have given rise to anything more than diffuse anthropogenic contamination. However, there is a large area of

hardstanding to the side of the property that appears to have been used for the parking or storage of a large number of motor vehicles.

There are certain risks associated with the parking or storage of motor vehicles, these can include leaking fuels, oils and fluids. There may be materials beneath the hardcover (imported to allow the formation of the hardstanding) that may not be suitable to remain on site.

The proposed development will not have a sensitive end use. Future users of the site are unlikely to be exposed to contaminants that may be present in the underlying soils. However, should hydrocarbons be present, vapour intrusion and permeation of water pipes is a possibility. Any unexpected contamination encountered during the development should be reported to the LPA.

Any unexpected contamination encountered during the development should be reported to the LPA. Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

1. 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.

#### 4.13 TRDC Environmental Health (residential): [Further information required]

The report states that the site will only be in use between 07.00 to 23.00 and so I have assessed the application accordingly. After reviewing the application I have identified the following potential key impacts.

- Noise and dust from the demolition of the existing derelict building.
- Noise and dust from the construction of the new building.
- Noise from the movement of heavy goods vehicles.
- Noise from air-handling units.
- Noise and dust from the extraction system.
- Workshop activity.

I appreciate the potential sensitivity of this type of application, particularly owing to the close proximity of the nearest noise sensitive receptor. I want to acknowledge that I have factored this into my review. However, it is important to note that when assessing applications such as these, we are not able to impose a criteria of absolute inaudibility.

Overall, subject to condition, I consider the proposed noise limit to be acceptable.

Regarding the other potential impacts, my comments are as follows.

- A construction and demolition plan must be submitted to the council and approved by Environmental Health prior to any groundworks commencing. I recommend this includes the management of any potential asbestos containing materials.



Although the representative LA90 is given as 54dB(A), according to the graph/ figure 5, the LA90 seem to be low until around 8.00am. I am concerned that heavy good vehicle movement before this time could adversely impact nearby residents and so I consider the following condition to be in place to protect amenity.

- There shall be no heavy goods vehicle movements on the site and no deliveries and collections between 23.00 to 08.00.

Regarding the air-handling units and extraction system, it is appropriate to require a separate application for these. I recommend that a competent person such as a Building Services Engineer is consulted to ensure the discharge from the dust extract system does not cause an adverse impact.

- A separate planning application shall be submitted for the dust extraction system. The discharge must not adversely impact neighbouring properties.
- A separate application shall be submitted for all externally located plant/ air-handling units.

Based upon the acoustic report, the impact of workshop noise will be mitigated by the building fabric. However, if doors and windows are left open, the noise could easily find its way into neighbouring properties and so we require a condition to prevent this.

- Workshop activity shall only be permitted between 07.00 and 23.00.
- When the workshop is in use, all windows and doors are to remain shut with the exception of immediate ingress and egress.

Overall, subject to the above conditions being in place, the proposal is acceptable.

4.13.1 Officer comment: The Environmental Officer has confirmed in writing that HGVs would be able to access the site between the hours of 9.30am-18.30pm Monday – Fridays.

4.13.2 Officer comment: Further information has been received and this is now with the Environmental Health Officer for consideration.

4.14 Network Rail: [Comment received]

Network Rail notes that the proposal is across the public highway from the railway boundary however the development is in proximity to Kings Langley station & the existing operational railway.

The applicant is to submit details of the proposal to the link below to set up a formal interface with NR asset protection, the developer needs to clarify:

1. What mitigation measures are in place to ensure that the proposal does not import any dust, debris or fumes to the railway & the station.
2. NR will need to examine the impacts of traffic to & from the site to determine if the proposal could impact traffic / access to and from the station
3. NR agreement to fire mitigation measures.

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of

proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR.

The local planning authority (LPA) are not responsible for the safe operation of the railway or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal

Link to ASPRO ACE Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](https://oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

**No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.**

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

For future reference, it is imperative developers/applicants consult neighbouring/affected statutory undertakers in advance of any construction work, to identify and mitigate potential risks to both sites including people using or working on the sites, in line with CDM 2015 and HSW 1974 legislation. Network Rail's ASPRO (Asset Protection) team's role is to support external parties in identifying risks associated with construction near the railway and mitigating these in advance of work starting. Most insurance policies include clauses relating to consultation with statutory undertakers, and external parties who do not consult appropriately in advance may find their insurance policy becomes invalid.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway

tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

## Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

## 5 Public/Neighbour Consultation

5.1 Number consulted: 14

5.2 No of responses received: 5 in support (including Kings Langley Residents Association, Watford Chamber of Commerce and Electric Umbrella)

5.3 Site Notice: Expiry: 24.09.2024 Press Notice: Expiry: 27.09.2024

5.4 Summary of Responses:

- Proposal provides much needed employment space which has just lost 30000 square feet to housing developments.
- Environmental innovations to make it a marquee development in the borough and county
- Design integrates the building naturally into the landscape and maintains openness.
- Ongoing issues with this site and it has been unkempt for a number of years. The property has been empty since 2022 and was also subject to an arson attack.
- The Planning Agent has engaged with neighbours prior to the application and has taken into account the views of neighbours and we have attended a site visit.
- The building is sympathetic, eco efficient and partially submerged to reduce the height impact.
- Parking is limited and securing the parking at Kings Langley Station would be key. TRDC should impose conditions if permission is granted.
- Deliveries would be low in numbers, so as long as condition is imposed regarding times, this would not be a problem.
- Understand there would be a very small loss of Green Belt and this would be compensated by biodiversity netgain
- The building is expected to achieve a Building Research Establishment Environmental Assessment Methodology
- Considering 100s of flats granted/converted locally, the need for employment and overall gain in Biodiversity, sympathetic and innovative design of the building, we recommend TRDC recommends approval.

5.5 Kings Langley Residents Association: The Kings Langley & District Residents Association (KL&DRA) strongly support this application for the following reasons:

1. Although the KL&DRA are generally against development of the Green Belt, this particular site is very much "Grey Belt", in that it is previously developed land, within the Green Belt.

The site has been an eyesore for some time now, and we welcome its development into state of the art small factory. It makes sense to use this land for non-Green Belt purposes. The site was previously a mixed use site and contains one derelict dwelling. The KL&DRA do not consider the best use of this site to be residential, due to its proximity to the M25 flyover and there being a number of existing new housing developments close by. Further, the loss of one dwelling is outweighed by the benefit of additional employment space. Kings Langley has lost a lot of employment land due to such housing developments, and this site represents a perfect opportunity to add a valuable employment site and in some way, redress the balance.

2. It can be seen that this application is specifically for a company that needs a new home and they appear to be taking every opportunity to develop the site sympathetically, with a very sustainable factory, in keeping with the surroundings. The application is well thought out and considerate. They have engaged with neighbours and Councillors and have been very open regarding their intended use for the site.

3. As the Resident's Association for Kings Langley, we exist to act in the interests of our residents, and to date, we are unaware of any objections from local residents.

4. The design of the building includes a sympathetic and eco-efficient workshop building, partially submerged, to reduce the height impact. Parking is limited and we understand the applicant is in the process of securing parking at the station, which will effectively offset any parking impact on local roads. In terms of sustainability, the building is expected to achieve a Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of "Outstanding".

5. In terms of biodiversity net gain of the site, the applicant states this will be improved by 30% in broad area habitats and 134% increase in hedgerow habitats.

6. Because the site will become a workshop, the KL&DRA would like to see some conditions imposed, in order to minimise the impact of the manufacturing on the site, on local residents, and commuters using the railway station. These are suggested as follows:

Off-site parking - to require the applicant to have access to 20 parking spaces at all times, at locations meeting planning policy (ie within walkable distance)

Further development - no further development to take place on site without additional planning consent being granted by the Local Authority. The approval of this application does not grant permitted development rights on the site.

HGV deliveries - HGV deliveries to be made between the hours of 9:30 and 16:30, Monday to Friday only. This is to avoid peak traffic hours and reduce noise disturbance on neighbouring properties.

Contaminated soil - a study should be undertaken to confirm any presence of contaminated soil.

Archaeological study - an intrusive archaeological study should take place to ensure the identification and conservation of any archaeology affected by development

5.6 Watford Chamber of Commerce: On behalf of Watford Chamber of Commerce, I am writing to express our strong support for the planning application submitted by ar18 for the proposed development at South Bend.

As the representative body of the local business community, the Watford Chamber of Commerce advocates for initiatives that promote economic growth, job creation, and substantial development within our region. We believe that the proposed project will have a significant impact on the local economy and community.

The project offers several benefits that align with our goals including:

1. **Economic Growth:** The development is expected to bring substantial investment into the area, creating new business opportunities and attracting further investment.
2. **Job Creation:** The project will generate a considerable number of jobs during the construction phase, providing employment opportunities for local residents.
3. **Local Supply Chain/Procurement:** ar18 are working with The Chamber to identify and connect with local business to create a local supply chain to support our local economy.
4. **Community Revitalization:** By repurposing underutilized land this project will contribute to the revitalization of our community, making it a more attractive place to live, work, and do business.
5. **Community/Social Value Partnerships:** ar18 are committed to supporting our local community and are early adopters of our Community Network Partnership building purposeful relationships supporting positive local activities

The Watford Chamber believes that the ar18 project will respect and enhance the local environment and community.

We respectfully urge the Planning Department to give favourable consideration to this application and approve the proposed development. We believe it represents a valuable contribution to our local economy and community, in line with the strategic objectives of Southwest Herts.

- 5.7 Electric Umbrella: On behalf of Electric Umbrella, I am writing to champion our support for the planning application submitted by ar18 for the proposed development at South Bend.

Electric Umbrella is an 11 year old registered charity based in Hertfordshire. Over the years we have worked with a huge number of local businesses keen to show support to the charity sector and held a number of charity partnerships. None of these partnerships have come anywhere close to the support we have received from ar18. Over the past 3 years, ar18 have provided considerable support to Electric Umbrella for absolutely no gain or recognition.

On a pro-bono basis, we have received generous and ongoing support with

- Business Development
- Mentoring
- Use of specialist equipment and facilities
- Production and manufacture of products to support our charitable aims and activities
- Environmental strategy and policy

We are proud to be supported by ar18 and it will be an absolute asset to the community to have a business in the local area that is so passionate about supporting other organisations and so forward thinking about the environment in a way that is inspirational to all.

## **6 Reason for Delay**

- 6.1 Additional information sought in response to consultee comments. Extension of time agreed.

## **7 Relevant Planning Policy, Guidance and Legislation**

### 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

In December 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

## 7.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM8, DM9, DM13 and Appendix 5.

## 7.4 Other

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

# 8 **Planning Analysis**

## 8.1 Principle of Development.

- 8.1.1 One of the primary objectives of National Planning Policy, is to ‘significantly boost the supply of homes’, as stated in paragraph 60 of the NPPF. Sustainable development in itself is underpinned by the social objective to ensure that a ‘sufficient number and range of homes can be provided to meet the needs of present and future generation’ as set out in paragraph 8 of the NPPF. Whilst the NPPF does not make provision for the loss of individual dwellings,

it is considered that the Council's Development Plan has statutory status as the starting point for decision makers.

- 8.1.2 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people want and are able to live and work. The priorities for the future are amongst other things, to provide growth required to support local communities and provide for their needs in the most sustainable way possible, to improve access to housing and affordable housing and to recognise opportunities to improve and enhance the built, historic and natural environment wherever possible. In order to implement and deliver the Local Development Framework's Vision, Strategic Objectives have been identified which include; to balance the community's need for future homes and jobs by providing sufficient land to meet a range of local housing needs.
- 8.1.3 Policy CP2 (Housing Supply) of the Core Strategy states that providing sufficient housing to meet the needs of local communities in a sustainable way is one of the key challenges facing Three Rivers. It further states that, amongst other things, development in the District, needs to provide an adequate and continuous supply of housing, provide a range of types and sizes of homes to meet needs at an appropriate density; and address local affordability issues.
- 8.1.4 Policy SA1 (Housing Site Allocations) of the Site Allocations LDD (adopted 2014) is also relevant and states that, in view of the need for housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council' starting point in such cases is to protect existing housing. Furthermore, it is emphasised that the LPA cannot currently demonstrate a 5 year housing land supply and at present can only demonstrate a 1.9 year land housing supply which emphasises the critical importance of both retaining and building new homes within the District.
- 8.1.5 The site has historically been in mixed use, supporting both a residential dwelling and a commercial business. The business use has ceased, whilst the dwelling is fire damaged and therefore is no longer occupied. The proposed development would involve the demolition of the existing dwelling and therefore the loss of one residential unit, contrary to the above planning policies. In support of their application, the applicant has advised the following at paragraph 11.2 of their Planning Statement:

*'The dwelling on site has not been occupied since 2019 and due to the extensive fire damage, is uninhabitable. It is likely that the building would need to be demolished and rebuilt to be suitable for future residential occupation. Conversion of the existing building to another use is not an option'.*

- 8.1.6 On site, it was observed that significant fire damage has occurred, however, the structure is still in situ with the most significant damage being at first floor/roof level. No supporting evidence has been submitted with the application to demonstrate that the dwelling in situ is both structurally unsound or beyond repair. Whilst it is acknowledged that the scheme would result in the loss of only one unoccupied dwelling, this loss must still attract significant weight in the decision making process. This was emphasised in a recent appeal decision at 162-164 High Street, Rickmansworth for the loss of one residential dwelling due to the conversion of two dwellings into one. The Inspector stated the following:

*'Given the Council's performance in the delivery of new housing and supply of housing land, the legitimate aim of SALDD Policy SA1 to maintain the use of properties as separate dwellings retains its importance. Moreover, the proposed conversion would have material consequences through the net loss of a house in the district, with acute housing shortages, the removal of smaller, more affordable homes from the market and increase in the demand for homes. This would place even greater pressure on the Council to be able to meet the aims of the Framework to boost the supply of housing in the District....*

*Accordingly, I afford considerable weight to the conflict of the proposal with SALDD Policy SA1 and CS Policies PSP1 and CP2 which also seek to deliver new housing’.*

- 8.1.7 Whilst the net loss of housing is acknowledged, Policy SA1 (Housing Site Allocations) does state that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided that the surrounding residential area is not adversely affected. In this case, the applicant is seeking to provide an industrial unit, in Class E(g(iii)) use in order to manufacture and distribute/export high end retail furniture. The existing business is currently based in Uxbridge and has been there since 2003. It *‘creates bespoke solutions using CNC, joinery, metal work, painting and printing. Its products can be found in film sets, airport lounges, shops and hotels’*. AR18 currently employs 40 staff members and is running a successful apprenticeship programme. The business currently has an annual turnover of £5 million. Whilst the business has some international clients, a number of their clients are smaller and are based around 1 hour from their existing premises in Uxbridge in North London and Hertfordshire. In addition, the applicant utilises a number of local suppliers including James Latham Timber in Hemel Hempstead, Taylors Tools in Kings Langley, Orbital Fasteners in Watford, and Kings Langley Building Supplies. Consequently, the existing business already contributes to the local economy.
- 8.1.8 Their existing premises is leasehold and in November 2022, the company was given notice that its lease would not be renewed and since this time has been working to find a new freehold premises. Due to the nature of the business, the applicant has specific requirements including the requirement for at least 1500 square metres of industrial floor space and within 10 minutes of the M25 (Junctions 16-21). However, the search to date has not been successful, due to not being able to provide sufficient floor space, or being located too far from the M25. Where offers have been made, these have not been successful or properties have been withdrawn from the market.
- 8.1.9 Paragraph 85 of the NPPF sets out that *‘Planning Policies should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for the Development’*. Policy CP6 of the Core Strategy also emphasises the importance of economic development. The supporting text to Policy CP6 of the Core Strategy sets out that in *‘order to maintain and improve the economic performance of the District, it is important to make provision for future employment and economic development alongside housing growth and protection of the environment’*. In addition, the supporting text states the following:
- The economy of south-west Hertfordshire (Three Rivers, Watford and Dacorum) is dominated by service industries such as those associated with motor vehicles sales and maintenance, computing, post and telecoms, construction, printing and publishing. These are the areas which offer the greatest opportunity for economic growth in the south-west Herts area in future. Three Rivers is particularly attractive to small businesses often relocating from London, and to film and media.....*
- The Employment Land Study (2005) undertaken for the Districts in south-west Hertfordshire indicated that on the basis of projected growth within the area, Three Rivers cannot afford to lose any more employment floorspace within the industrial and warehousing sectors.*
- 8.1.10 Policy CP6 of the Core Strategy states that the Council will support development that:
- a) *Sustains parts of the District as attractive areas for business location*
  - b) *Provides an appropriate number of jobs to meet strategic requirements*
  - c) *Promotes skills and learning of the local workforce*
  - d) *Provides for a range of small, medium and large business premises*
  - e) *Reinforces the south-west Herts area’s existing economic clusters including film,*



*printing and publishing, telecommunications and construction*

- f) Further develops knowledge-based industries (including high-tech manufacturing, finance and business services, computing and Research & Development, communications and media industries*
- g) Aligns economic growth with housing growth in the area in order to balance the provision of homes and jobs and reduce out-commuting*
- h) Retains overall levels of industrial and warehousing floorspace in the District and adopts a more flexible approach to the release of office floorspace for other uses*

- 8.1.11 The need for industrial floorspace is further evidenced in the more recent South West Herts Economic Study Update 2019, which emphasises that there is a shortage of industrial floor space. This sets out that for small level requirements (up to 1858sqm), there is a severe shortage of available space within the market, with availability being below 5% in each District in South West Herts. For medium requirements (1859-9290sq m), there is considered to be a shortage of space. The South West Herts Economic Study states the following:

*We have identified a shortfall of over 211,000 sq m of industrial space which equates roughly to 53 ha (although this is dependent on the proportion of warehouse/industrial development which is permitted at East Hemel Hempstead).*

*There is therefore a clear need for additional sites suitable for strategic industrial development with good access to the strategic road network. This study has identified a small number of sites which meet these criteria....*

*In addition to this shortfall in land for strategic industrial uses, we have identified a lack of supply of land suitable for small scale industrial uses in Dacorum, Watford and Three Rivers.*

- 8.1.12 The South West Herts Economic Study Update 2019 concludes that there has been a considerable demand for industrial floor space and that the market is undersupplied. Consequently, it is considered that there is a shortfall in the level of industrial floorspace within the District, particularly for the scale of business proposed by the applicant. The search by the applicant for a premises reflects the evidence above, that there is insufficient space of this kind. As such, it is considered that weight must be attached to the need for employment land space. Consequently, it is considered that the principle of the construction of industrial floor space would be in accordance with Policy CP6 of the Core Strategy subject to assessment against all other relevant material planning considerations.

## 8.2 Impact on Green Belt

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

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

- 8.2.2 Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 8.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out seven exceptions to inappropriate development which include:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and;
- g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would;
  - not have a greater impact on the openness of the Green Belt than the existing development or
  - not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

8.2.4 In addition, paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land in it. This includes engineering operations.

8.2.5 In this case, some of the site would constitute previously developed land due to it containing a residential dwelling, and the pre-existing car servicing and repairs business. However, a large proportion of the site is free of built form, consisting of a residential garden, and open grassland. As such, the proposed development would not meet any of the above identified exceptions and thus would constitute an inappropriate form of development within the Green Belt, which is by definition harmful as set out in Paragraph 152 of the NPPF.

8.2.6 It is also noted that the proposed development would also include the laying of hardstanding to provide a turning area to the side of the building and car parking to the front of the site. This would constitute an engineering operation. However, in accordance with Paragraph 155, the laying of this hardstanding would be considered as an exception provided that it would preserve the openness of the Green Belt. In this case, the proposed hardstanding would spread around the front and side of the building, and would again project beyond existing built form and the existing extent of hardstanding on site. The extent of hardstanding would therefore result in an urbanising form of development and thus would constitute an inappropriate form of development. The actual harm of this shall be considered in more detail below.

8.2.7 Actual Harm: In accordance with paragraph 153 of the NPPF, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 143 of the NPPF states that the Green Belt serves five purposes:

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

8.2.8 There are a number of structures on site including a residential dwelling, mobile structures and hardstanding associated with the former mixed use of the site. However, it is noted that the built form is contained to the front portion of the site, with the remaining site consisting of grassland and therefore appearing open and semi-rural in terms of its overall appearance. It is also noted that the site is located within Parcel KL2 within the Green Belt

Assessment for Watford and Three Rivers (2019). This has set out that the parcel's contribution to Green Belt purposes are relatively limited, noting that due to the land's containment by the M25 to the south, railway line to the east and development to the north, the land has a stronger relationship with the inset settlement edge rather than the wider countryside, limiting its role in preventing sprawl and in safeguarding the countryside from encroachment. In addition, existing development within its parcel weakens its role in preventing the merging of towns.

- 8.2.9 Notwithstanding the above, the planning history for the site is noted. In determining an appeal for the provision of a motel at the site in 2015, the Inspector made the following comments which are still considered applicable:

*'Even though the site is filled with parked cars, a small commercial building, a house and garden, as the parking area is mostly grass, much of the site appears open and semi rural. The indicative drawings give a realistic indication of the size of the motel and it is clear that the proposed building would be significantly larger than the existing structures covering much of the site with a large two to three storey building. It would inevitably have a much greater impact on openness of the site allowing the built form of Kings Langley to encroach further into the country side.'*

- 8.2.10 Like the dismissed motel scheme quoted above, the proposed scheme would introduce a large industrial building onto the site which would extend for a maximum depth of approximately 40m and for a width of approximately 25.5m. Whilst it is acknowledged that it would appear as only having one level when viewed from Station Road, the building would still have a height of approximately 9m (when measured from the front) and would have a gabled roof form to the front. It would therefore still appear as a relatively high and bulky structure. Due to its siting and scale, the proposed development would therefore extend significantly into areas of the site which are currently free from built form and as such, the proposed development would have a spatial and visual impact on the openness of the Green Belt. Consequently, it is considered that the proposed development would conflict with one of the central purposes of including land within the Green Belt as the development would encroach into the countryside.
- 8.2.11 It is acknowledged that some of the identified harm would be mitigated by the locational characteristics of the site. It is located at the end of this section of Station Road with the raised section of the M25 being readily visible and appearing as an urbanising structure within the backdrop of the site. As such, it is considered that the site is relatively contained, however, this in itself would not eliminate harm to the Green Belt. In contrast, it is noted that the building would be readily visible in further views into the site, in particular from the canal tow path located to the west of the site.
- 8.2.12 The proposed development would also include the provision of hardstanding to the front of the site to facilitate off street car parking, with a large turning space being located to the side of the proposed building. The proposed hardstanding would project beyond the existing extent of hardstanding which currently serves as a garden to the existing host dwelling on site. Paragraph 155 of the NPPF does allow for engineering operations, provided that this would retain openness. In this case, as identified above, it is considered that the extent of hardstanding on site would result in a spread of urbanising development into the Green Belt, to the detriment of its openness. Furthermore, the actual harm would be exacerbated by the use of the area adjoining the neighbour as a turning area. The proposed turning area would result in an intensification of use in this area as this would be used for collections and deliveries including by larger vehicles. Furthermore, were this area to be utilised for car parking in certain circumstances, the presence of parked vehicles in this area would result in a physical visual impact on the Green Belt. Indeed, in dismissing an appeal for a car park at no.2-3 Station Road, located to the north of the application site, the Inspector made the following comments regarding visual harm to the Green Belt:

*'The car parking areas would extend westwards onto land that was formerly scrubland and therefore would introduce hardstanding and parked vehicles into an area that was free from built form. As a result, there would be a notable increase in the number of vehicles present at the site during the daytime hours as well as in the associated degree of movement and activity.....*

*Planning Practice Guidance advises that openness is capable of having both spatial and visual aspects. Taking the above factors together, the parked vehicles and structures would have a considerable physical and visual impact on the Green Belt,*

- 8.2.13 In terms of the actual use of the site, it is noted that the existing site is currently vacant. However, it has historically been in mixed use with a residential dwelling present, as well as a commercial business for the servicing and repair of motor vehicles. As such, it is recognised that there would have been a number of movements to and from the site by reason of the nature of the uses, particularly in connection with the former commercial use. Furthermore, both of the former uses would have likely generated some noise, particularly in relation to car servicing and repairs which were all undertaken externally. The proposed development would result in a material change of use of the site. The proposed use would introduce a single use onto the site which would be a light industrial use. The applicant has advised that this would fall within Class E g (iii) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Such uses are defined as the following:

*(iii) any industrial process, being a use, which can be carried out 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.*

- 8.2.14 The furniture manufacturing process would all be undertaken within the building itself and therefore, it is not anticipated that this would result in disturbance to neighbouring properties (amenity is discussed in more detail in a later section). Notwithstanding this, the proposed business would employ 40 people and therefore there would be an intensification of use by reason of the number of people coming and going from the site. However, due to the nature of the business, the staff would generally remain on the site during working hours and therefore movement would be contained to certain parts of the day which would minimise some harm. Furthermore, it is noted that the business would not operate during the evenings or at weekends. However, given the existing situation, the scale of the business and staff numbers would result in an intensification of use of the site, and as a result there would be some limited harm to the openness of the Green Belt in this regard.

- 8.2.15 In summary, it is concluded that the proposed development including the erection of a new building, associated hardstanding and the material change of use would constitute an inappropriate form of development which would be by definition harmful to the openness of the Green Belt. It is considered for the reasons outlined above that the proposal would result in moderate harm to the openness of the Green Belt. As such, the proposed development would be contrary to Policy CP11 of the Core Strategy. In accordance with the requirements of the NPPF, very special circumstances would be required which would outweigh the harm to openness. Whether very special circumstances exist which would outweigh this harm shall be explored at the end of the analysis.

### 8.3 Impact on Character of the area and landscape

- 8.3.1 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'.

- 8.3.2 Policy DM7 of the Development Management Policies LDD relates to Landscape Character and advises that 'in all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission'. In addition, it advises that the Council will support proposals that:
- i) Lead to the removal or a reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape
  - ii) Enhance public access and recreation opportunities without detriment to the landscape or wildlife
  - iii) Contribute to delivery of Green Infrastructure
  - iv) Contribute to the measures identified in the Hertfordshire Landscape Strategy 2001 to strength, reinforce, safeguard, manage, improve, restore and reconstruct landscapes.
- 8.3.3 In terms of siting, the building would be set back from the site frontage and would be set back from the rear building line of the neighbouring properties. It would also be set in from the northern boundary by approximately 19.8m, with a distance of 3.9m being retained to the southern boundary. It is considered that appropriate spacing would be provided around the building which would prevent it from appearing as cramped within the site
- 8.3.4 In terms of its design, the building would have a gabled front elevation, with limited glazing, and would appear as one storey (height 9m). The plans indicate that it would be industrial in terms of its appearance through its finish with dark timber cladding to the front. Given the variation within Station Road, with a mix of commercial and residential buildings of varied scale and design, it is not considered that it would appear as an incongruous addition. The spacing around the building, along with the proposed planting would also help minimise its prominence. The rear elevation of the building would also be visible from certain viewpoints and it is noted that this element would be fully glazed. Again, given the scale and presence of other forms of commercial buildings within the vicinity, it is not considered that this would result in significant demonstrable harm to justify refusal. In order to ensure that the appearance of the building is acceptable, a condition requiring full details of materials to be submitted is suggested as a condition. A green roof form is also proposed. Whilst no objection is raised to this in principle, it is viewed that a condition would need to be attached to any consent regarding the exact details of the roof form to be submitted, alongside details of the future maintenance/management of this element.
- 8.3.5 Due to the nature of the business, a biomass boiler would be located adjacent to the southern boundary of the site. It is acknowledged that this would be visible and would add additional bulk to the building. However, it would be set back from the front wall of the building and from the site frontage, which would reduce the overall prominence of this element.
- 8.3.6 The plans indicate that the on-site parking provision consisting of five spaces only would be located to the front of the building, with a wider turning area being located to the side of the building. It is acknowledged that this would introduce a large area of hardstanding on site, however, given the varied nature of Station Road and Home Park Road where there are commercial buildings with larger car parks present, it is not considered that any significant harm would occur. Full details of the hardstanding, will be required to be submitted as part of external materials condition.
- 8.3.7 A Landscape and Visual Appraisal has accompanied the application. This notes that the site is already partly developed and at present consists of existing derelict buildings within an unkempt landscape. The previous land use including a car repairs business is acknowledged to have resulted in visual harm to the area due to the spread of paraphernalia

associated with this particular use. The proposed development would remove the existing structures and land use which are considered harmful and thus the development would be in accordance with Policy DM7 of the Development Management Policies LDD in this regard. The proposed development is acknowledged to introduce a new building, however, whilst this would be larger than the existing built form, it would not be inconsistent with the scale of other commercial buildings present within the Gade Valley. It is also noted that the building has been designed to sit within the slope of the land. Furthermore, the Appraisal states the following with regard to the visual impact of the scheme:

*'The site has a small visual envelope due to containment provided by adjacent trees and built form. Where existing views are possible, the site does not currently contribute positively to the view. The proposed design has sought to address this'.*

- 8.3.8 The proposal would result in an increase in landscape features including a change from mown grass to wildflower meadow, a flowering lawn, tree planting and native scrub. Furthermore, the Appraisal concludes the following:

*'The proposals would not result in any significant adverse landscape or visual effects in the short or long term. Once the proposed landscape scheme has established (assessed at 10 years following completion) it is expected that there would be a number of beneficial effects to landscape features, Green Infrastructure, and landscape character (by virtue of the enhanced quality and condition of the site and the introduction of more characteristic land cover) and to visual amenity (as the site would no longer be an eyesore from the east and would fit in with the tree covered valley side slopes when viewed from the west'.*

- 8.3.9 It is therefore considered that whilst the development would introduce a large building on to the site, the visual impact of the development is minimised by the visual containment of the site and furthermore would not appear incongruous in relation to existing commercial buildings within the vicinity. Furthermore, in accordance with Policy DM7 of the Development Management Policies LDD, the proposed development would lead to the removal of existing structures and land uses which are viewed to be detrimental to the visual quality of the landscape. The proposed scheme would also result in the delivery of green infrastructure and an increase in new landscape features on site which would be consistent with their surroundings. The proposed development is therefore considered to be in accordance with Policy DM7 of the Development Management Policies LDD.
- 8.3.10 In summary, given the mixed streetscene in this location, and the existing site circumstances it is not considered that the proposed development would result in significant harm to the streetscene or existing Landscape Character to justify refusal. Subject to suggested conditions, the development is considered acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM7 of the Development Management Policies LDD (adopted July 2013).

#### 8.4 Impact on amenity of neighbours

- 8.4.1 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'. In addition, Policy DM9 of the Development Management Policies LDD sets out that *'the Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained'.*
- 8.4.2 With regard to siting, the block plan indicates that the front wall of the proposed building would be set back relative to the building line of the neighbouring dwellings located to the north of the site. In addition, the plans indicate that the flank elevation would be set in from the northern boundary by approximately 19.8m. Given the distance and siting of the

proposed building, it is not considered that this would appear unduly overbearing and thus no objections are raised in this regard.

- 8.4.3 In terms of design, the building would appear as limited to one storey from the site frontage, however, the plans indicate that it would be sunken into the ground such, that it would have a two storey appearance from the rear. The submitted sections illustrate that the lower ground floor would not be readily visible from the neighbour's perspective. Whilst it is acknowledged that the built form would project further into the site than the rear elevation of the neighbours, given the nature of the levels and the distance from the boundary, it would not appear unduly overbearing and it is not considered that a loss of light would occur.
- 8.4.4 The design would include a significant level of glazing to the rear, however, again due to the siting of the building and the distance from the boundary, it is not viewed that the rear facing glazing would result in any harm. It is noted that the design would include flank glazing facing towards the northern boundary. However, the 'entry level' floor plan indicates that the glazing would be sited to be set back relative to the rear elevation of the neighbouring dwellings which would minimise harm in terms of actual overlooking to the dwellings themselves or to the private amenity zone located closest to the dwelling. The floor plan suggests that the glazing would in part serve a stairwell area and a circulation area and thus, this would limit harm in terms of direct overlooking to neighbours. Furthermore, given the distance from the boundary and screening, it is not considered that significant demonstrable harm would occur to justify refusal.
- 8.4.5 With regard to the use itself, the applicant has specified that ar18 manufactures and distributes high end retail furniture. The applicant considers that this would fall within Class E g (iii) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Such uses are defined as the following:
- (iii) any industrial process, being a use, which can be carried out 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.*
- 8.4.6 A Noise Report accompanies the current application and the Environmental Health Officer has confirmed that no objection is raised in principle. With regard to the hours of the, the applicant is proposing to operate between the hours of 07.30-16.30 Monday-Friday, excluding the weekends and bank holidays. This would not be unreasonable given the location of the site, within an area which is characterised by a mix of uses and taking into account other background noise sources including the M25 and the nearby railway station. Furthermore, the business would not operate at a weekend or into the evenings. A condition shall be attached restricting the hours of use between 07.30 - 18.30 Monday to Friday and 08.00 – 13.00 on Saturdays (taking into account that there may be the need to work later into the evenings and on Saturdays on certain occasions). The Environmental Health Officer has also suggested that windows and doors should be kept closed (except for ingress and egress) when the workshop is in use to prevent noise impact to neighbours. Given the nature of the industrial floorspace, it is not considered that this would be unreasonable.
- 8.4.7 The plans include a turning space which would be located to the side of the building adjacent to the existing residential neighbours. The plans illustrate that the turning space would extend down the side of the building, past the rear elevations of the neighbouring dwellings. It is noted that this space would be located at a higher land level relative to the neighbouring dwellings. However, this area would be used for collection and deliveries only and as a turning space, and therefore vehicles located at a higher land level would not be in situ at all times, which would help minimise any loss of residential amenity by reason of the level of this area. A condition shall be added requiring this area to be only used in connection with deliveries and collections and not for the parking of vehicles.
- 8.4.8 With regard to noise impact from deliveries and collections, paragraph 5.7 of the submitted Transport Report advises that at the existing site in Uxbridge, the business generates 40-

50 deliveries/collections per week. Averaging 8 deliveries and one collection per day. It is further advised that the vast majority of the deliveries/collections are undertaken by van with a limited number of large vehicle movements. With regard to the likely number of deliveries/collections per day, it is not considered that this would be excessive such that it would adversely affect the residential amenities of neighbouring dwellings. The applicant has advised in writing that all deliveries would need to take place during working hours as they would need to be handled by staff on site. However, they recognise the potential disturbance to neighbouring dwellings which could occur due to vehicle reversing alarms and therefore would be amenable to a condition which would restrict deliveries/collections until after 9am. Given the location of the turning space to the side of the building, immediately adjacent to neighbouring dwellings, it is considered that a restriction on the hours of delivery/collections would be reasonable and necessary. Furthermore, the Environmental Health Officer has noted that a restriction on the times HGV vehicles can access the site should be added to any consent. The Environmental Health Officer has advised that HGV vehicles would only be able to enter the site between the hours of 09.30-18.30.

- 8.4.9 In summary, given the design of the proposed building, the proposed hours of operation and suggested conditions, it is not considered that the proposed development would result in harm to the residential amenities of neighbouring occupiers and no objection is raised. The development is therefore considered to be acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## 8.5 Highways, Access and Parking

- 8.5.1 Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 111 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe'.

- 8.5.2 National Highways have been consulted in relation to the application. Their comments confirm that they have assessed the Transport Assessment and are content that the development would pose no issues in relation to the operation or safety at M25 Junction 20. However, National Highways have noted the proposal to include solar panels on the roof of the building, with the Landscape and Visual Appraisal stating the following:

*'there are likely to be transient views from short stretches of the M25 travelling northbound, although these are likely to be limited to van and lorry drivers who are able to see over the barriers at the edge of the motorway'.*

- 8.5.3 Likewise, the Appendix to the Landscape and Visual Appraisal also identifies that the SRN that would have visibility of the site. DT Circular 01/2022, Developments with Solar Reflection paragraph 70 states the following:

*'Some developments, notably solar farms, wind turbines and those with expansive glass facades, have the potential to create glint and glare which can be a distraction for drivers. Where these developments would be visible from the SRN, promoters must provide an assessment of the intensity of solar reflection likely to be produced, which satisfies the company that safety on the SRN is not compromised'*

- 8.5.4 Consequently, a Glint and Glare Assessment was requested to ensure that there would not be an unacceptable impact on the SRN. In response, a Glint and Glare Assessment has been provided. The submitted Glint and Glare Assessment considers, Aviation; Road Safety; Residential Amenity and Railway Operations and in all cases identifies no impacts or requirement for mitigation. The Glint and Glare Assessment has been reviewed by



National Highways who have confirmed that given the height of the M25 carriageway wall at this point and the positions of the solar panels significantly below the level of the wall, no objections are raised.

- 8.5.5 Access: The site is currently served by two access points in the form of two vehicle crossovers via Station Road. However, the access arrangements would be altered to propose a new simple priority junction in the form of a kerbed bellmouth access. The Highways Officer notes that the visibility spays from the proposed access point are acceptable and sufficient.
- 8.5.6 In addition, it is noted that there is an existing footway on parts of the western side of Station Road, with the proposals including extending this footway to provide pedestrian access into the site with provision of a pedestrian crossing point across the new access vehicular access with pedestrian dropped kerbs and tactile paving either side. The Highways Officer has confirmed that no objections are raised to the proposal subject to the normal safety audit review which would be submitted as part of a Section 278 Agreement.
- 8.5.7 With regard to the internal layout of the site, the plans indicate the provision of a turning area/loading bay for Heavy Goods Vehicles. Swept Path Analysis Plans have been provided and demonstrate that a 12m long rigid truck and 8.68m long fire tender would be able to use the proposed internal access arrangements and would be able to turn around on site and egress to the highway in a forward gear. The proposed access width would also enable two HGVs to pass each other within the site. The Highways Officer emphasises that it is important that the turning area is kept free of obstruction. In response, the importance of keeping this area free from obstruction is acknowledged, however, this would be a matter for the applicant to enforce on site on a day- to- day basis. In addition, a condition is suggested to require this area to be retained as a turning area only which would help ensure that it is kept free from obstruction. It is also noted as discussed earlier in the report that the EH Officer considers it appropriate to restrict use of the turning space by heavy goods vehicles in the interests of residential amenity.
- 8.5.8 Trip Generation and Car Parking: A trip generation assessment has accompanied the application, with the approach used considered to be acceptable by the Highways Officer. The Highways Officer considers that the number of vehicle trips would not be considered to be significant or a safety issue to justify refusal of the application.
- 8.5.9 Appendix 5 of the Development Management Policies LDD sets out the requirements for off street car parking provision. This sets out the following requirements:
- B1 (C) Light Industrial: 1 space per 35sqm gross floor space.
- 8.5.10 The proposed building would have a gross external floor space of 2,029 square metres which would generate a total requirement for 58 off street car parking spaces. In this case, the applicant is proposing a total of 5 off street car parking spaces to the site frontage. This would therefore represent a significant shortfall of 53 off street car parking spaces against the maximum standard. Appendix 5 of the Development Management Policies LDD also states that '*the standards for car parking (except for C3 Residential) may be adjusted according to which zone the proposed development is located in*'. In this case the site is located adjacent to and partly within Zone 3 which would requires 50-75% of indicative demand-based standard. This would therefore result in the need for 29-44 car parking spaces on site. As such, there would still be a shortfall when considered against the zonal reduction with a minimum shortfall of 14 car parking spaces.
- 8.5.11 In support of their application, the applicant has set out that a further 20 off street car parking spaces would be available for them to lease for ten years from Kings Langley Train Station. The applicant has advised that heads of terms are agreed with Network Rail and that this arrangement could be secured via a S106 Agreement.

- 8.5.12 In terms of cycle parking provision, Appendix 5 sets out that 1 short-term space is required per 500sqm gross floor area plus 1 long-term space per 10 full staff members. There are forty staff employed on site. Therefore, based on the above, a total of 9 spaces would be required. In this case, the Transport Report sets out that ten spaces would be provided in a cycle store to the front of the site. The cycle provision therefore would be in accordance with the requirements of Appendix 5. A condition would be added requiring full details of the cycle store to be submitted and that it is provided, prior to the first use of the building.
- 8.5.13 When considering whether a shortfall in off street car parking is acceptable, it is considered that one must have regard to the proximity of Kings Langley Railway Station to the site. This station provides connections to Tring, Watford and into London Euston. In addition, bus services are also within walking distance of the site, with the Highways Officer noting that the nearest bus stop is approximately 40m to the north of the site. The bus stop is located outside of Kings Langley Station and is therefore accessible from the site by footpaths. Consequently, the site is considered to be in an accessible and sustainable location. In 2021, a planning application relating to the residential development of up to 65 flats in a five-storey building at West Herts College, Home Park Mill Link Road (close to the application site) was refused on the grounds of character and insufficient off street car parking. This decision was subsequently appealed by the applicant and was allowed by the Planning Inspectorate who granted planning permission. Whilst it is acknowledged that the West Herts College scheme related to residential dwellings, the following comments made by the Inspector in relation to the accessibility of the site are considered to be applicable given the close proximity of the appeal site to the application site.

*Also, Kings Langley railway station, which is a conveniently short walk from the appeal site, provides regular onward public transport connections to, among other places, Tring, Watford, London Euston and beyond. Bus services in the locality provide further access to Aylesbury, Hemel Hempstead and Watford. Cycle parking provision at the proposed development would encourage non-car modes of travel. The public footpath and pavement network in the locality also provides alternatives for walking for leisure, and to access shops and facilities on Kings Langley High Street. As such, there would be some realistic alternatives to private car use for future residents of the proposed development.....*

*Furthermore, on-street parking restrictions on Home Park Mill Link Road and Station Road are likely to be evident to future residents of the proposed dwellings, and thus contain their expectations of local car parking capacity.*

- 8.5.14 In addition, other recent appeal decisions have accepted a shortfall in parking provision in this general location. Regard must be had for a recent appeal decision at nearby Shannon House, Station Road for the conversion of an existing office (Class B1) to 74 residential units (Class C3) (PINS Ref APP/P1940/W/20/3252855 LPA Ref: 20/0369/PDR). This scheme required a policy compliant provision of 129.5 car parking spaces, however, proposed only 15 spaces, resulting in a shortfall of 114.5 spaces. In determining the appeal, the Inspector emphasised that the appeal site was located within the Secondary Centre of Kings Langley which the Core Strategy recognises to be well located with regard to accessing adjoining centres and public transport facilities. Whilst it is again acknowledged that the appeal scheme related to residential development, the following comments made by the Inspector in relation to accessibility and car parking restrictions within the area are considered relevant to the current application:

*'In particular, the appeal site lies within 160 metres of Kings Langley Train Station and there are bus stops in close proximity on Station Road which collectively provide frequent transport links locally and further afield.*

*The scheme would also result in the provision of 80 cycle spaces, which is in excess of that required under Appendix 5 of the Development Management Policies Plan (1 space per 2*

*units, which equates to 37 cycle spaces). Furthermore, the appeal site is in reasonable walking distance of shops and facilities on the High Street.*

*The appeal site also falls within a controlled parking zone area where on-road parking is heavily restricted and there is no evidence before me demonstrating significant on-road parking stress in the locality. Although the appellant has offered a unilateral undertaking restricting future occupiers from applying for car-parking permits, there is no evidence before me of demand for these significantly exceeding supply, but even if there were, this is a matter for the local highway authority to administer. I do not therefore consider such a restriction on future occupiers to be necessary.*

*As a consequence of the heavily restricted level of parking facilities available on-site, I am satisfied that there would be limited car movements by future occupiers and visitors to and from the building, and that the development would not therefore be harmful to the surrounding highway network or pedestrian safety.*

*In view of the above, I conclude that despite the substantial shortfall of car-parking spaces, future occupiers would have good access to sustainable modes of transport other than the private car and that the scheme represents an opportunity to promote walking, cycling and public transport as set out in Paragraph 102 of the Framework. The scheme would also comply with Policy CP10 of the Core Strategy which seeks, amongst other things, major development to be located in areas highly accessible by the most sustainable modes of transport*

*I am satisfied that there would be limited impact on the local area in terms of parking stress and that suitable mechanisms exist to prevent unauthorised parking, whether that be on the public highway or in the private car parks of neighbouring commercial buildings and residential apartment complexes. The scheme would therefore comply with Paragraph 109 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe'.*

- 8.5.15 In the case of the current application, whilst it is recognised that off street car parking would be limited for employees, there would be nowhere in the nearby locality for cars to be displaced which would mean that employees would need to consider other modes of transport other than private vehicles. As such, the lack of off- street parking on site would not pose a highway safety issue. It is also noted that in terms of the hours of use, the applicant is proposing that the business would operate Monday-Friday and not during the evenings and weekends which would further minimise any impact.
- 8.5.16 The application has also been accompanied by a Travel Plan to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The Highways Officer has noted that the Travel Plan is considered to be generally acceptable for this stage of the application and that an updated Travel Plan should be secured via a condition.
- 8.5.17 Furthermore, it is noted that although the site is restricted in terms of off- street parking for staff, a large turning area has been proposed to the side of the building which provides plenty of space for deliveries and collections. As such, this aspect of the proposal would also not pose any significant issue to the safety and operation of the adjacent highway network. As already outlined, a condition is suggested requiring that this area is retained as a turning area and not for off street car parking provision. This would ensure that there would be no harm to the safety of the highway caused by large vehicles reversing onto Station Road.

8.5.18 Whilst it is acknowledged that the applicant has stated that they would be willing to enter into a S106 Agreement to secure 20 car parking spaces at Kings Langley Car Park, due to the site circumstances as set out above, it is not considered that this would be necessary to make the development acceptable. Consequently, a S106 agreement would not be required to ensure the acceptability of the application. This does not prevent the applicant from entering into their own agreement with Network Rail to use this parking.

8.5.19 In summary, it is not considered that the proposed development would result in harm to the adjacent highway through the creation of a modified access. Furthermore, whilst a shortfall in off street car parking is acknowledged, given the site circumstances and nature of the development, it is considered that the proposal would be acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 8.6 Refuse and Recycling

8.6.1 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.

8.6.2 The plans indicate a refuse store to the front of the site and it is noted that there would be sufficient space for turning on the application site itself. In order to ensure that there is sufficient bin storage for a business of this size, a condition shall be added requiring a full refuse and recycling scheme to be submitted as part of the application.

## 8.7 Drainage

8.7.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.

8.7.2 The LLFA raised an objection to the development in the absence of an acceptable Drainage Strategy and supporting information in relation to the following:

- The proposed SuDs are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with the NPPF, PPG or Three Rivers Local Policies including Policy DM8.

8.7.3 Consequently, further information has been requested by the LLFA including the provision of appropriate flood resilient/resistance measures; reasoning and clarification for the run off rate; and to address their concern that the informal outfall of water to the Mill Lade over the grassed area is not acceptable. In addition, an updated Drainage Strategy is required.

8.7.4 A further Drainage Report has been received and the LLFA have been re-consulted. At the time of writing, no comments have been received from the LLFA as to whether the additional information would overcome the concerns raised, an update if available will be provided at Committee.

## 8.8 Air Quality and Contamination

8.8.1 Policy DM9 relates to contamination and pollution control and states the following:

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

- I) There will be no threat to the health of future users or occupiers of the site or neighbouring land and
- II) There will be no adverse impact on the quality of local groundwater or surface water quality

8.8.2 The Environmental Health Officer has reviewed the submitted Air Quality Statement, and notes that the qualitative assessment of potential dust impacts during the construction phase indicates that the impacts will be temporary and short term. By employing appropriate mitigation measures, it is not considered that the dust impacts would be significant. However, in order to ensure that no adverse harm occurs, a condition would be attached requiring a dust management plan to be submitted.

8.8.3 The Environmental Health Officer also notes that due to the location of the flue and the small scale of the biomass boiler, that no local air quality impacts are anticipated and a detailed assessment of the impacts of combustion emissions has been screened out. As such, no objections are raised in this regard. In addition, the operational phase traffic screening assessment indicates that the traffic increase which will result from the proposed development will be below the relevant screening criteria and thus it is considered that the impact of operational road traffic will not be significant.

8.8.4 In relation to contamination, the Environmental Health Officer notes that there is a large area of hardstanding which has been used historically for the parking and storage of a large number of motor vehicles. The risks associated with this include leaking fuels, oils and fluids. Consequently, a condition is suggested by the Environmental Health Officer requiring any unexpected contamination to be reported to the Local Planning Authority.

8.8.5 The Environmental Health Officer has also noted that the submitted information includes the provision of a Dust Extraction System and has advised that further information is required with regard to the nature of the discharge, and forms of mitigation to prevent odour and smoke. Further information has been provided and this is now being considered by the Environmental Health Officer.

8.8.6 With regard to groundwater, the site is located within an Environment Agency defined ground water Source Protection Zone 1 (SPZ1). Affinity Water and the Environment Agency have both raised initial objections to the development, considering that the development would represent a risk to groundwater. The Environment Agency raised concerns regarding the former use of the site, particularly given that their own records do not indicate that this was an activity regulated through Environmental Permitting Regulations. Consequently, further information was requested including the following

- Intrusive Ground Investigation: In order to identify the current state of the site and appropriate techniques for any site works to avoid displacing contamination to greater depths.
- A Risk Assessment: Identifying both the aquifer and the abstraction point and potential receptors of contamination

- Proposals for the likely depth and type of excavation (eg piling) and mitigation measures to prevent and or minimise any potential migration of pollutants
- A Remediation Strategy- Detailing how contamination will be dealt with.

8.8.7 In response, a Contamination Report was received on 07.11.2024 and both Affinity Water and the Environmental Agency have been re-consulted. Both consultees have confirmed in writing that their objections have been overcome. However, they have suggested a number of conditions in respect of contamination and remediation to ensure that there is no water pollution as a result of unidentified sources of contamination.

8.8.8 In summary, given the consultee comments received, and subject to conditions, it is not considered that the proposed development would result in harm to the health of future users of the site, or to neighbouring land/occupiers and there would also be no harm to groundwater. As such, the proposal is considered acceptable and in accordance with Policy DM9 of the Development Management Policies LDD.

## 8.9 Sustainability

8.9.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 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.

8.9.2 The submitted Energy Statement sets out that the proposed development would achieve a 63% reduction in carbon emissions across the site. In addition, it states that the proposed low and zero carbon technologies would lead to an 86% reduction in energy demand per year. The proposed measures would include the provision of a biomass boiler. This would use waste wood from the manufacturing processes to power the biomass boiler and to provide space heating to all rooms. In addition, air source heat pumps would be used to provide space cooling demand for all office and meeting rooms. The exact siting of the air source heat pumps has not been provided, and therefore were the development to be considered acceptable, a specification along with details of their siting should be provided via a condition. In addition, PV Panels are proposed which would be located the roof form of the building.

8.9.3 The submitted Energy Statement also sets out that a full BREEAM Pre-Assessment has been provided, which predicts a score of 91.6% and therefore an outstanding rating. The proposed development therefore represents a very high level of sustainable design and construction.

8.9.4 In summary, the proposed development would exceed the required standard as set out in Policy DM4 of the Development Management Policies LDD. A condition shall be attached to any permission requiring that the development is undertaken in accordance with the submitted Energy Statement.

## 8.10 Wildlife and Biodiversity

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.

8.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local

Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 8.10.3 Herts Ecology have raised no objections in principle to the proposed development and note that the ecological assessment found limited to negligible potential for a number of protected/notable species at the site including otters, water voles, badgers, reptiles and great crested newts. The ecological assessment concludes that no further surveys are required in this regard, and the Ecology Officer has noted that there is no reason to dispute these findings. However, notwithstanding this, Mill Stream is located beyond the western boundary and is found to be capable of supporting water voles and otters and that the habitat can also be accessed by badgers. Consequently, a condition is suggested requiring the submission of a Construction Environmental Management Plan to ensure that the ecology of the surrounding locality is protected.
- 8.10.4 In addition, the Ecology Officer advised that two of the buildings on site were found to have roosting potential for bats and therefore emergence surveys were required to be submitted. Following these initial comments, the applicant submitted further surveys which found that demolition of one of the buildings on site would result in the loss of a common pipistrelle day roost. However, sufficient mitigation and compensation measures have been recommended to ensure that the favourable conservation status of bats is maintained. In the event of an approval, an informative is suggested advising that a Bat Licence would be required.
- 8.10.5 The Ecology Officer has also advised that the site is within the immediate vicinity of Mill Stream and the Grand Union Canal Local Wildlife Site is located 165 metres to the west. All rivers, valleys and streams are of ecological significance. However, the plans indicate that an approximately 20m buffer between the red line boundary and Mill Stream will be in place which would ensure that the stream would be safeguarded. The Ecology Officer notes that subject to this condition being strictly adhered to during the course of the works, no direct impacts are foreseen on Mill Streams riverine habitat.
- 8.10.6 In summary, subject to the condition suggested above, the development would not have a significant impact on any protected species or ecological interests. The development would therefore be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.
- 8.11 Biodiversity Net Gain (BNG)
- 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% biodiversity value. This is subject to exemptions as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 8.11.2 A BNG Assessment has accompanied the application and demonstrates the site's pre and post development unit values. The Ecology Officer notes that the habitat survey was undertaken just outside of the optimal survey period, however, given the difference in survey period is so marginal, no objections are raised to the habitat classifications for this site. The submitted Appraisal demonstrates that there would be a 29.27% increase over the baseline value of the site, therefore in excess of the required 10% increase. The Linear Impact Assessment relating to the loss/gain of linear features such as hedgerows, indicates 133.77% increase of the baseline value.
- 8.11.3 Officers consider that the net gain on site can be secured via a condition, and that a S106 Agreement would be required to secure a monitoring fee over the 30 year period. In addition, a condition would be attached to any consent which would require the submission of an overall Biodiversity Gain Plan.

8.11.4 In summary, subject to the above, it is considered that the proposed development would secure a significant biodiversity net gain and is therefore acceptable and in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

#### 8.12 Trees and Landscaping

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

8.12.2 The Landscape Officer has been consulted in relation to the development and notes that the application is accompanied by an Arboricultural Impact Assessment and Method Statement. No objection is raised to the submitted details, however, a condition is recommended requiring the development to be undertaken in accordance with the submitted tree protection scheme and method statement. An indicative landscaping scheme has also been provided as part of the application, and also indicates that a bund is proposed at the rear of the building. Given the nature of the site as being located within the Green Belt, it is considered that a full landscaping scheme including details of planting, the bund and hardstanding should be secured via a condition.

8.12.3 In summary, given the submitted details, it is considered that the proposed development would be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

#### 8.13 Impact to Railway

8.13.1 The application site is located opposite Kings Langley Station and therefore Network Rail have been consulted. They have advised that a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail to ensure that works do not impact on the operational railway. An informative shall be added advising the applicant to liaise directly with Network Rail.

#### 8.14 Referral to Secretary of State

8.14.1 The Town and Country Planning (Consultation) (England) Direction 2024 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

#### 8.15 Very Special Circumstances and Planning Balance.

8.15.1 As already identified, in the analysis above, the proposed development would result in identified harm due to the loss of an existing residential dwelling. It is noted that the LPA cannot currently demonstrate a 5 year housing land supply and at present can only demonstrate a 1.9 year land housing supply which emphasises the critical importance of both retaining and building new homes within the District. As such, the loss of an existing residential dwelling would result in harm.



- 8.15.2 In addition, the proposed development would represent a new building within the Green Belt which would not be wholly constructed on previously developed land. Consequently, the proposal would fail to fall into any of the identified exceptions and thus would represent an inappropriate form of development within the Green Belt. In addition, the provision of hardstanding would result in an urbanising spread of development which would be harmful to the openness of the Green Belt and therefore would also constitute an inappropriate form of development. It is considered there would be moderate actual harm to openness due to the provision of a new building and associated hardstanding, as the works would encroach into a currently open part of the site and therefore the development would fail to safeguard the countryside from encroachment.
- 8.15.3 The NPPF makes it clear that inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF advises that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Very special circumstances are not defined and determining whether very special circumstances exist is a matter of judgement and will depend on the facts and circumstances of the individual application.
- 8.15.4 There is no definition of what constitutes a very special circumstance or what weight should be attached to any VSC. As set out this is a matter of planning judgement. The very special circumstances will be assessed against the following weightings: substantial, significant, moderate and limited.
- 8.15.5 Within the submitted Planning Statement, the applicant has sought to provide a number of very special circumstances which they consider would outweigh the harm to the Green Belt and any other harm. These are summarised as follows:
- Impact of the chronic lack of supply of industrial premises on an established local business
  - Supporting local businesses
  - Suitability, availability and deliverability of the site
  - High quality design and biodiversity enhancement
  - Previously developed land
  - Visual containment
  - Accessibility
- 8.15.6 In response, officers do not consider that a number of the issues presented by the applicant would constitute very special circumstances. For example, the visual containment of the site is acknowledged, however, this is considered to be a contextual element of the site which would minimise the harm of development rather than a very special circumstance which would outweigh identified harm. In addition, the accessibility of the site is acknowledged, but again, this is not considered a very special circumstance in relation to Green Belt. Officers also acknowledge that part of the development would take place on previously developed land. However, this would constitute a fact, rather than a very special circumstance. In addition, the availability and deliverability of the site are also not considered to constitute a very special circumstances.
- 8.15.7 Impact of the chronic lack of industrial premises and economic benefits: Paragraph 85 of the NPPF sets out that '*planning policies and decisions should help create conditions in which businesses can invest, expand and adapt*'. In addition, paragraph 87 of the NPPF states that '*planning policies and decisions should recognise the locational requirements of different sections. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries and for storage and distribution operations at a variety of scales and in suitably accessed locations*'.

- 8.15.8 In this case, the applicant emphasises that there is a chronic lack of supply of industrial floor space which is required by the applicant. As set out previously, the need for industrial floorspace is evidenced in the South West Herts Economic Study Update 2019 which states the following.

*We have identified a shortfall of over 211,000 sq m of industrial space which equates roughly to 53 ha (although this is dependent on the proportion of warehouse/industrial development which is permitted at East Hemel Hempstead).*

*There is therefore a clear need for additional sites suitable for strategic industrial development with good access to the strategic road network. This study has identified a small number of sites which meet these criteria....*

*In addition to this shortfall in land for strategic industrial uses, we have identified a lack of supply of land suitable for small scale industrial uses in Dacorum, Watford and Three Rivers.*

- 8.15.9 Policy CP6 of the Core Strategy also emphasises the need for economic floor space within the District and also notes that the location of Three Rivers is attractive to small businesses often locating from London. As noted in the above analysis, the lease on the current site is not being renewed and therefore AR18 are looking for a permanent site and would be relocating from Uxbridge. Due to the nature of their business, AR18 has specific requirements including the need for at least 1,500m of industrial floor space and within a 10 minutes drive of the M25 Junction 15-21. The locational requirements are due to their existing client base and proximity to Heathrow Airport and in order to ensure the retention of their skilled workforce. Whilst the applicant has considered alternative premises, their search has not been successful. Since 2021, only 7 properties have been suitable to view, and these have not met all of the sought after criteria. Consequently, the lack of alternative industrial premises of this size emphasises the lack of supply within the locality. Failure to secure a permanent location for the business would have significant implications for the existing business.

- 8.15.10 Paragraph 85 of the NPPF sets out the following in relation to building a competitive economy:

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*

- 8.15.11 The additional information submitted during the course of the application specifies that at present AR18 has an annual turnover of £5million and employs 40 staff. As set out previously, whilst AR18 has some international clients including airports, it also has a client base of more local clients within one hour of its existing site. In addition, the submitted information also specifies that it has a local supplier base of around 100 businesses which service its needs at the present time. Local suppliers include James Latham Timber in Hemel Hempstead, Taylors Tools in Kings Langley, Orbital Fasteners in Watford, and Kings Langley Building Supplies. Consequently, the existing business already contributes to the local economy and would continue to do so by securing the new site in South Bend.

- 8.15.12 The provision of a new premises would also allow the further growth of this business with the supporting information setting out that at present the business is operating below its optimum size. The relocation of the business to South Bend would help allow for a growth in turnover (with the supporting information setting out that it has 'realistic plans to increase its annual turnover to 8million). This would likely allow for the employment of further staff which would thus likely provide opportunities for local people. Furthermore, the existing business already operates apprenticeship opportunities and these opportunities would increase, with local colleges being targeted.

- 8.15.13 The construction phase would also result in some economic benefits for the local area. The applicant estimates that the redevelopment cost is likely to exceed £2million and this would likely benefit local construction companies, suppliers and tradespeople.
- 8.15.14 The site at South Bend would provide a permanent home for AR18, whilst providing much needed industrial floor space within an accessible location. It is therefore considered that **substantial weight** should be given to the lack of industrial floor space and the economic benefits of the development. The redevelopment of South Approach would enable an existing business the opportunity to invest, expand and adapt in accordance with Paragraph 85 of the NPPF.
- 8.15.15 Biodiversity Enhancements: The proposed development would result in a significant biodiversity net gain. The Appraisal submitted demonstrates that there would 29.27% increase over the baseline value of the site, therefore in excess of the required 10% increase. In addition, there would be a 134% increase in linear hedgerow habitat units. The landscaping strategy which would result in ecological enhancement of the site as well as improving the visual amenity of the site. The identified net gain would significantly exceed National Policy and law and as such would weigh in favour of the development. It is officer's view, that **significant weight** is attached to the biodiversity enhancements on site.
- 8.15.16 High Quality Sustainable Design: With regard to the design of the building, it is acknowledged that the applicant is seeking to construct a sustainably designed building. The submitted Energy Statement sets out that the proposed development would achieve a 63% reduction in carbon emissions across the site. In addition, it states that the proposed low and zero carbon technologies would lead to an 86% reduction in energy demand per year. The Energy Statement also sets out that that a full BREEAM Pre-Assessment has been provided, which predicts a score of 91/6% and therefore an outstanding rating. The proposed development therefore represents a very high level of sustainable design and construction and far exceeds the standards as set out in Policy DM4 of the Development Management Policies LDD. This would weigh in favour of the development. However, whilst the sustainability of the proposed development is commended, the impact of development on climate change through reduction in carbon emissions and reliance on fossil fuels should be integral to the design principles of development proposals and serves to meet the environmental objective of the sustainable development principles as set out within the NPPF. As such, **limited weight** is attached here.
- 8.15.17 In addition, it is noted that the existing site currently has a detrimental impact on the visual amenities of the area due to the abandonment of the former business use and the burnt out nature of the dwelling. The proposal would result in the redevelopment of the site including the removal of existing structures and its replacement with a new building including proposed landscaping. The applicant sets out that is a positive benefit of the proposal and would improve the visual amenities of the site. This is acknowledged to be a benefit of the scheme that would also be given **limited weight**.
- 8.15.18 Summary: As set out the proposed development would result in moderate harm to the Green Belt through the provision of a new building and associated hardstanding. There would be some encroachment into the Countryside as a result of the development which would conflict with one of the five purposes of including land within the Green Belt. However, it is acknowledged that the harm is minimised by the location of the site as being visually contained due to the location of the M25 to the south and by the location of Kings Langley Station opposite. In addition, it is acknowledged that there would also be further harm as a result of the loss of one residential dwelling.
- 8.15.19 However, substantial weight would be given to the need for industrial floorspace within the district. Whilst the net loss of housing is acknowledged, Policy SA1 (Housing Site Allocations) does state that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided that the surrounding residential area is not adversely affected. The

provision of this new building would provide much needed industrial floor space whilst also supporting the long term retention of an existing business which supports the local economy. Considering the need to support economic growth, and businesses, the weight attached to the very special circumstances supporting this application would outweigh the inappropriateness and resultant harm. In addition, the biodiversity net gain which would be achieved should also be given significant weight in the decision making process, and likewise the sustainability credentials of the scheme are acknowledged but these would be afforded more limited weight.

8.15.20 It is considered that the above considerations collectively combine to constitute material considerations of sufficient weight to amount to 'very special circumstances' that clearly outweigh the identified harm to Green Belt and the identified harm caused by loss of a residential dwelling to enable planning permission to be granted subject to conditions.

**9 Recommendation: Defer to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA) and Environmental Health Officer (EHO), the inclusion of any conditions recommended by the LLFA and EHO, and following referral to the Secretary of State and subject to them raising no objection, and following completion of a S106 Agreement (securing a monitoring fee in relation to BNG) that Planning Permission is granted subject to the following 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 In Accordance with Plans.

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

AR-E01-P1, AR-E02 P1, AR-EO3 P1, AR-01 P1, AR-02 P1 (28.11.2024), AR-03 P1 (28.11.2024), AR-104 P1 (28.11.2024), AR-05 P1, AR-106-P1 (28.11.2024), AR-07 P2 (24.11.2024)

Reason: For the avoidance of doubt, in the proper interests of planning and the openness of the Green Belt; in accordance with Policies CP1, CP3, CP6, CP8, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Site Levels.

No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C4 Highways Works: Access

A: Highways Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing number 2403-058 PL06 B have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- New vehicle bellmouth access and any associated works including extension of the footway;
- Any works associated with closing off the existing vehicle accesses and reinstatement of full height kerbs and highway verges;
- Any works associated with construction access into the site.

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C5 Laying out Parking/Access

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C6 Travel Plan

Prior to the first use of the approved development an updated Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The updated plan shall include:

Interim travel plan coordinator (TPC) contact details prior to occupation;

A secondary contact to the travel plan coordinator along with full TPC contact details once appointed.

TPC duties listed to clearly define their responsibility.

The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied 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 Policy CP10 of the Core Strategy.

#### C7 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);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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 CP10 of the Core Strategy (adopted October 2011).

#### C8 Dust Management Plan

Prior to the commencement of development, a dust management plan whose purpose shall be to control fugitive dust emissions generated during the earthworks/demolition/construction phase and to minimise adverse impacts on nearby sensitive receptors, shall be submitted to and approved in writing by the Local Planning Authority.

The Dust Management Plan should include, but not necessarily be limited to, the measures described in Section 8.2 of the Institute Air Quality Management 'Guidance on the assessment of dust from demolition and construction' (mitigation for all sites). Where site specific mitigation is considered necessary, these measures should also be included.

The Dust Management Plan shall be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition to minimise adverse impacts on local air quality in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C9 Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C10 Contamination

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

#### C11 Monitoring and Maintenance

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports has been submitted to, and approved in writing by, the Local Planning Authority.

Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority in accordance with the approved timetable.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C12 Intrusive Ground Investigation and Remediation

No works involving excavations (excluding demolition and those required for the investigation) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:

- An Intrusive Ground Investigation plan prior to the intrusive ground investigation, agreed with Affinity Water to ensure all concerns will be covered.
- Subject to an agreed intrusive ground investigation plan with Affinity Water, an Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- 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.

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

Reason: This is a pre-commencement condition as excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply in line with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### C13 Borehole Management

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior to the first occupation of the development.



Reason: This is a pre-commencement condition to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C14 Final drainage scheme

No works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:

A final surface water drainage scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

The scheme shall be implemented as approved prior to the first use of the building hereby approved.

Reason: This is a pre-commencement condition as surface water drainage can mobilise contaminants 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. This is in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C15 Substance Storage Strategy Report

No works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:

A substance storage strategy report providing details of all substance containers confirming bunding of 110% capacity and the presence of a leak detection system with a methodology that includes immediate notification to Affinity Water and the Environment Agency.

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

Reason: To prevent contaminants being discharged into the surface and groundwater network in the event of a spill and to enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C16 Verification Report

Prior to any part of the permitted development being first brought into use, a verification report demonstrating the completion of the works as set out in the remediation strategy and effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment demonstrating that the requirements of the approved verification plan have been met and that the remediation of the site is complete. This is in accordance with Policy DM9 of the Development Management Policies LDD (adopted October 2011).

C17 Piling

Piling, deep foundations, or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. A foundation works risk assessment will be required, prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002). This in accordance with Policy DM9 of the Development Management Policies LDD (adopted October 2011).

#### C18 Drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the prior written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with Policy DM9 of the Development Management Policies LDD (adopted October 2011).

#### C19 Hard and Soft Landscaping Scheme (Landscape Officer)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. 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. The scheme shall include details of the planting of the proposed bund.

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

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

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

C20 In accordance with Arboricultural Method Statement and Tree Protection

The development shall only be implemented in accordance with the approved method statement (Arboricultural Impact Assessment and Arboricultural Method Statement, Patrick Stileman Ltd, Ref DS14032401)

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 until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect 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).

C21 Construction and Environmental Management Plan (Herts Ecology)

No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following.

- a) A review of any ecological impacts informed by the submitted ecological report (Section 8 Ref: Ecological Appraisal – hda (August 2024)
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of 'biodiversity protection zones'
- d) 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).
- e) The location and timings of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) A low impact lighting scheme for nocturnal wildlife compliant with Bat Conservation Trust and Institution of Lighting Professionals (2023).

Development shall proceed only in accordance with the approved CEMP.

Reason: To ensure sensible working practices that shall protect the ecology of the local area in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C22 Biodiversity Net Gain Plan**

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Report (Technical Note to accompany Biodiversity Impact Assessment Calculations, HDA Ref 1160.2, 2<sup>nd</sup> August 2024)

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).

**C23 Habitat Management and Monitoring Plan**

The development shall not commence until a Habitat Management and Monitoring Plan (“the HMMP”), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (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 biodiversity net gain in accordance with the approved Biodiversity Net Gain Plan.
- (d) Management measures to maintain the 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 (eg year 2, 5, 10, 15, 20, 25 and 30) in respect of the created or enhanced habitat

has been submitted to and approved by the Local Planning Authority.

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.

**C24 Habitat Management and Monitoring Implementation**

Notice in writing shall be given to the Local Planning Authority when the agreed Habit Management and Monitoring Plan (HMPP) as secured by condition 23 has been implemented.

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 accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C25 In accordance with Habitat Management and Monitoring Plan**

The created and / or enhanced habitat specified in the approved HMMP (as secured by Condition C23), shall be managed and maintained in accordance with the approved HMMP for 30 years from the date of first occupation of the development.

Reason: To This is to ensure that the created and enhanced habitat is maintained for 30 years from the first occupation of the development and can be monitored and

enforced by the Local Planning Authority, in accordance with 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.

C26 Monitoring Reports as agreed

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 C23).

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).

C27 External Materials

Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C28 Green Roof Details

Prior to the installation of the green roof, a full landscaping schedule specifying the proposed planting of the Green Roof, along with a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation and maintenance. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the visual amenities of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C29 Plant and Machinery Details

Prior to the first use of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and measures to enclose these for noise mitigation purposes shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

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

C30 Air Source Heat Pump

Prior to the first use of the development, full details shall of the siting, size, appearance and specification for the ASHP shall be submitted and approved in writing by the Local Planning Authority, along with any measures that may be required to mitigate impacts

of noise from the equipment on the amenities of neighbours. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM4 and DM9 of the Development Management Policies document (adopted July 2013).

**C31 External Lighting Details.**

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

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

**C32 Boundary Treatment**

Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard 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).

**C33 Refuse Store**

The development shall not be occupied until a scheme for the separate storage and collection of waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

**C34 Cycle Store**

Prior to the first occupation of the development, full details of the size and appearance of the cycle store shall be submitted to and approved in writing by the Local Planning

Authority. The cycle store shall be installed prior to the first use of the building hereby permitted in accordance with the details approved by this condition and permanently retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C35 Energy Statement

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

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

C36 Use Class

The premises shall be used for Use Class E(g(iii)) only and for no other purpose (including any other purpose in Class E of Schedule 2, Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision 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 special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

C37 Hours of Use

The use shall not take place other than between the hours of 07:30 and 18:30 each weekday, between 08:00 and 13:00 on Saturdays and not at all on Sundays and Bank 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).

C38 Doors and windows to remain closed (Environmental Health)

During the hours of use, all windows and doors shall remain shut with the exception of immediate ingress and egress to and from the building.

Reason: To prevent harm to residential amenity caused by noise pollution in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C39 Hours of delivery

No deliveries shall be taken into or dispatched from the site otherwise than between the hours of 09:00 – 18:30 Mondays to Friday and 09:00-13:00 on Saturdays and not at all on Sundays and Bank Holidays. HGV vehicles shall only access the site between the hours of 09:30-18:30 Mondays to Fridays.

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).

C40 Hardstanding use

The hardstanding located to the north of the building and identified as a turning area shall only be used as a turning area for deliveries and collections and not for the parking of vehicles.

Reason: To prevent obstruction to the safety of the highway and to prevent harm to residential amenity in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD (adopted July 2013)

9.1 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto: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](http://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. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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



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

- 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 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 website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 15 Being within a water stressed area, Affinity Water 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 Affinity Water's 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 Affinity Water's 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](mailto: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 Affinity Water's Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto: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](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

- 16 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>
- 17 As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.
- Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR.
- The local planning authority (LPA) are not responsible for the safe operation of the railway or Network Rail assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.
- All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal
- From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.
- No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.
- 18 Please be advised that the construction of this project may be subject to a number of activities regulated through Environmental Permits (EPR), including (but not limited to):
- dewatering;
  - Deposit for Recovery (DfR);
  - Flood Risk Activity Permit (FRAP);
  - use of drilling fluids;
  - abstraction license;
  - surface and groundwater discharge consent(s).
- The applicant is advised to contact the Environment Agency's National Permitting Team for permitting matters and any issues likely to be raised as early as possible as the processing times vary depending on the type of permit and can be long in some cases.
- 19 A bat licence, either an EPSL from Natural England or BMCL is required to deliver this development. It will be a criminal offence if works proceed without a bat license. It will also be a criminal offence if the terms of conditions of the bat license, including

in particular the mitigation and compensation requirements under the license (which may require certain measures to be delivered before the development works start) are not adhered to.