

PLANNING COMMITTEE – Thursday 19 June 2025

25/0153/FUL – Change of use from builders merchant (Sui Generis) to Class B8 (Storage and Distribution) use with ancillary trade counter at UNITS A & B, VALLEY PARK, OLDS APPROACH, RICKMANSWORTH, WATFORD, HERTFORDSHIRE, WD18 9TL

Parish: Batchworth Community Council
Expiry of Statutory Period: 03.04.2025
(Extension agreed to 26.06.2025)

Ward: Rickmansworth Town
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three members of the planning committee unless officers are minded to refuse, due to concerns regarding the noise impact on surrounding residential properties.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQU7FWQFMTS00>

1 Relevant Planning History

- 1.1 17/2266/FUL - Change of use from Use Class B8 to Builders' Merchant (sui generis) for display, sale and storage of building, timber and plumbing supplies, plant and tool hire including outside display and external storage, and associated works including construction of covered canopy to north elevation, alterations to windows, doors and roller shutters in building elevations, re-painting of building, and construction of fencing to eastern forecourt area - 05.01.2018 – Permitted.
 - 1.1.1 18/0808/NMA – Non-material amendment to planning permission 17/2266/FUL: Installation of six high heat recovery units, relocation of four louvers from the western facade to the northern façade, installation of six square grills (two on the southern facade and four on the eastern façade), alterations to landscape and fence location to the front and provision of two addition LED lights to the south elevation - 26.04.2018 – Permitted
 - 1.1.2 18/1117/NMA – Non-material amendment to planning permission 17/2266/FUL: Alterations to fencing to tool hire compound - 06.06.2018 – Permitted
 - 1.1.3 18/1753/NMA – Non-material amendment to planning permission 17/2266/FUL: Alterations to parking layout and provision - 13.09.2018 – Permitted

2 Description of Application Site

- 2.1 The application site is located within the Valley Park industrial estate, on the northern side of Olds Approach.
- 2.2 The site contains a two-storey, flat roofed commercial building, which is presently occupied by Travis Perkins builders merchants, and Benchmark Kitchens & Joinery. The building has a green, metal clad exterior and facing brick at ground level.
- 2.3 The site includes hardstanding to its frontage, including areas for parking and turning, and areas for loading and storage.
- 2.4 The wider context consists of similar industrial and commercial uses, within the estate. Further to the east, along Tolpits Lane is a business park consisting mainly of office uses, and some residential. There are some nearby residential dwellings on Moor Lane Crossing

and further to the east within the business park (Ved House and 1 Century Court). Beyond the commercial estates is open land, such as Croxley Common Moor (SSSI).

3 Description of Proposed Development

- 3.1 Planning permission is sought for the change of use of Units A & B from a builders merchant (sui generis) to Use Class B8 (Storage and Distribution) use with ancillary trade counter.
- 3.2 No alterations are proposed to the building, including internal or external changes. Permission is only sought for the new use and operating hours. Any new signage or external building alterations would require either planning or advertising consent.
- 3.3 In terms of the operating hours for the trade counter/customer facing element, these are proposed as follows:
- Monday to Friday – 07:30 to 18:00
 - Saturday – 07:30 to 13:00
 - Sundays & Bank Holidays – Closed
- 3.4 It is proposed that the storage and distribution use would operate 24 hours a day, 7 days a week. This would involve staff picking and preparing orders ahead of the customer trading hours. The use would also involve the acceptance of a small volume of deliveries outside of the customer trading hours. Following discussions with the applicant, it is proposed that a condition is included on any prospective permission for such deliveries to be limited to a maximum of 10 per day, outside of trading hours, which equates to less than one per hour.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Made the following comments on 17.02.2025

BCC strongly object to this application for twenty-four-hour, seven day a week working operational hours. This will have a severely detrimental effect on the 12 residential dwellings on Moor Lane Crossing.

Made the following comments on 01.04.2025

BCC strongly objects to this application for the following reasons:

- *The amended noise impact assessment maintains that noise levels will be no different to the current usage as a builder's merchants.*
- *There is no evidence that the noise levels will be any different despite the fact the change of use proposed will result in twenty-four/ seven usage.*
- *The light pollution and hours of use will have a serious impact on neighbouring and nearby residential properties.*

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

4.1.2 Environmental Health Officer: [No objection]

After reviewing the revised report and taking the comments from the applicant into consideration, the proposal is acceptable.

The report did not contain all necessary calculations and to expediate this application I did my own using the data available and arrived at a similar level mentioned within the report.

As stated, the proposed use is likely to have a similar noise level to the proposed change. Ideally, it would have been beneficial if the acoustic consultant had obtained measurements to validate the estimated level of 77dB(A).

If it were possible, it would be beneficial to include a condition that requires night-time deliveries not to cause an adverse impact on nearby residential receptors.

4.1.3 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 41

4.2.2 Responses received: 2 (Objections)

4.2.3 Site notice posted 12.02.2025, expired 05.03.2025.

4.2.4 Press notice not required

4.2.5 Neighbours were re-consulted for 21 days following receipt of an amended Noise Impact Assessment.

4.2.6 Summary of responses:

- Query over Noise Impact Assessment (omission of Moor Lane Crossing dwellings)
- Adverse noise impact of proposal
- Existing light impact of industrial estate

4.2.7 **Officer comment:** An amended noise report was submitted during the application. This assessment included all nearby dwellings (including those at Moor Lane Crossing which were not included in the original assessment). All neighbours and consultees were renotified for 21 days on the amended information.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.1.4 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policy CP1, CP6, CP10 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policy DM4, DM6, DM10 and DM13, and Appendix 4 and 5.
- 6.2.6 The Site Allocations LDD was adopted in November 2014. Policy SA2 and site E(b) are relevant.
- 6.2.7 The Batchworth Neighbourhood Plan (2023). Policy BW CO7 and BW CO8 are relevant.

6.3 Other

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

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The National Planning Policy Framework sets out that the Government is committed to securing economic growth to create jobs and prosperity and advises that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 7.1.2 Policy CP1 of the Core Strategy seeks to ensure that development contributes to the sustainability of the district and sets out provisions including that development should consider the need to maintain high levels of employment by attracting jobs and training opportunities for local people
- 7.1.3 Policy CP6 of the Core Strategy further states that the Council will support development that sustains parts of the district as attractive areas for business locations and that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the district including Tolpits Lane which would include the application site.
- 7.1.4 Policy SA2 of the Site Allocations LDD sets out that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. It goes on to state that

sites allocated as having potential for mixed use development may provide for mixed use development including but not limited to business, industrial and storage or distribution; residential or community uses.

7.1.5 Policies BW CO7 and BW CO8 relate to employment and design principles for B2-B8 employment uses.

7.1.6 The change of use subject of this application would change the use from Sui Generis to a B8 (Storage & Distribution) use with an ancillary customer trade counter. The proposed use would be classified as a use which is appropriate to the area and the designation of the site and would not conflict with the purposes of retaining the site for employment purposes. The site was previously in a lawful B8 use prior to the 2017 permission, set out within the Planning History section of this report. The proposals would support and enhance the employment use of the site and would therefore be acceptable in this regard in accordance with Policy CP6 of the Core Strategy (adopted October 2011).

7.2 Design & Character Impact

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. The site is also adjacent to the Croxley Common Moor, designated Site of Special Scientific Interest (SSSI).

7.2.2 This application seeks permission only for the use of the building. No external or internal changes to the building are proposed. As noted above, any such changes to the external aspect of the building or signage would require its own consent. The proposed use would be in keeping with the industrial nature and employment allocation of the area as detailed above. The use of the proposed site would also not have a detrimental impact upon the adjacent SSSI through its use or associated noise.

7.3 Neighbour Impact

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies document sets out that planning permission will not be given for development which would or could give rise to polluting emissions to land, air or water including by reason of noise, light or vibration.

7.3.2 Given that no changes to the building are proposed, other than the use, the main consideration would be any neighbour impact caused by noise or disturbance from the use. The application was accompanied by a Noise Impact Assessment, an amended version of which submitted during the application given that it did not originally include an acknowledgement of nearby residential properties. The LPA are satisfied that the amended NIA is thorough.

7.3.3 The application proposes a customer trade counter which would assume regular operating hours (07:30 to 18:00 on Mondays to Fridays (inclusive) and 07:30 to 13:00 on Saturdays and shall not operate at all on Sundays or Bank or Public Holidays). The application also proposes a 24-hour, 7-day a week use of the building for picking and preparing orders and the acceptance of a small volume of deliveries.

7.3.4 The application site is within an established industrial estate, approximately 200m from its nearest residential neighbours at Moor Lane Crossing. There are residential neighbours further afield including at Ved House and 1 Century Court (both within the business park)

and at Woodland Chase (to the north across the Moor). The entrance road (Olds Approach) is 100m away at its closest point to the dwellings at Moor Lane Crossing. There are industrial buildings, including Units C & D Valley Park and Aspect Gate which are between the application site and the dwellings on Moor Lane Crossing.

- 7.3.5 Given the nature of the internal use, it is not considered that this would result in harm to neighbours in terms of any noise or disturbance, for example it would not include the use of loud machinery. The NIA concludes that the noise levels at the nearest residential properties, including Moor Lane Crossing, are predicted to be 22dB, 12dB below the daytime background sound level (34dB) and 13dB below the night-time background sound level (35dB).
- 7.3.6 In terms of further noise and disturbance considerations, the proposed use would have associated overnight vehicle deliveries. There is not an in-principle concern that the proposed use would generate excess noise level. The overnight use would be internal stock picking with infrequent deliveries and collections to the site. Following discussions with the Environmental Health Officer, it is recommended that a condition be included on any permission granted for the out of hours sound level (dB) not to harmfully exceed the background noise level. Given the location and route to the application site, off Tolpits Lane, it is not considered that the proposal would cause harm to the nearest residential properties at Moor Lane Crossing. It is considered that there would be a negligible difference between such vehicles passing the Olds Approach junction with Tolpits Lane. The NIA states that an indicative estimate of delivery noise suggests that it is likely to be no greater than the existing background sound levels at the nearest residential properties. This is based on Carterhatch Architectural Acoustics library data for delivery noise, considering shielding by existing buildings, and distance.
- 7.3.7 In summary, subject to conditions, including limiting the quantity of out of hours deliveries, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies document.

7.4 Parking, Access & Highways

- 7.4.1 No changes to the site access are proposed. In respect of parking, the existing site in a similar use, but permitted as sui generis. The site, prior to the 2017 permission, was in a B8 use with the same parking arrangement. As a primarily B8 storage and warehousing use, the proposal has a requirement to provide parking spaces for approximately 39 cars plus approximately 13 lorries. The site would provide approximately 41 parking spaces, including dedicated loading bays for customers of a size to accommodate vans. This provision includes disabled parking bays.
- 7.4.2 It is considered that this level of car parking provision would be sufficient and is therefore acceptable in accordance with Policy DM13 of the Development Management Policies document.

7.5 Biodiversity & Ecology

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for

applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected because of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.6 Biodiversity Net Gain

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

7.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application is subject to the de minimis exemption under 25 square meters. The LPA agree that this exemption applies in this case.

8 **Recommendation**

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

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

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

C2 The development hereby permitted shall be maintained in accordance with the following approved plans: TPWFD2A REV 03, 300 REV 03, VALLEY PARK_PFP REV 0

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP6, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, and DM9 of the Development Management Policies LDD (adopted July 2013) and Policy SA2 of the Site Allocations LDD (adopted November 2014).

C3 The parking and turning spaces shown on drawing Valley Park_PFP 0 shall be kept permanently available for the use of employees and visitors to the site (Units A & B, Valley Park, Olds Approach).

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 The customer trade counter use, hereby permitted, shall not be open to the public other than between the hours of 07:30 to 18:00 on Mondays to Fridays (inclusive) and 07:30 to 13:00 on Saturdays and shall not operate at all on Sundays or Bank or Public Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C5 The level of noise emitted from the site shall not exceed 55dB between the hours of 18:00 to 07:30 on Monday to Friday (inclusive), 13:00 to 07:30 on Saturdays and at any time on Sundays and Bank Holidays.

The rated noise level from the commercial activity, including all noise associated with deliveries and vehicle movements including parking within the car parking areas and

service yards, hereby permitted shall not at any time exceed 10dB above the background sound level (45dB) representative of any period being assessed applying the methodology within BS4142:2014+A1:2019 at Moor Lane Crossing using a suitably calibrated noise meter for the purpose. The 'rated' noise level shall be determined as in accordance with BS4142:2014+A1:2019.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Officer Note: The above condition is being reviewed by the Environmental Health Officer and any alterations to the wording will be circulated.

Informatives

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

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

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

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

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

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised

to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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

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

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

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

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

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