

PLANNING COMMITTEE – THURSDAY 16TH NOVEMBER 2023

22/1764/FUL - Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities at World Of Water, Hempstead Road, Watford, Hertfordshire, WD4 8QG

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 11.01.2023
Extension of time: TBC

Ward: Gade Valley
Case Officer: David Heighton

Recommendation: That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement in respect of a monitoring and evaluation fee covering a 5 year period relating to the travel plan, that permission be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions and any additional conditions as requested by the LLFA.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee to discuss the effect on traffic and highway safety.

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=RILMTTQFL3900>

1 Relevant planning history of the application site

- 1.1 8/319/81: Redevelopment of garden centre
- 1.2 8/29/93: Change of use of building to use as A1 Use (Certificate Of Lawful Proposed Use)
- 1.3 03/00005/ADV: Advert application: Erection of two pole mounted signs illuminated by downlighters – Refused 28.02.2003.
- 1.4 04/0127/FUL: Change of use of land to landscaping/show gardens in association with the adjacent commercial use and landscaping proposals – Permitted 17.03.2004.
- 1.5 04/1039/FUL: Retention of plant display and sales beds without compliance with the condition one of 04/0127/FUL – Permitted 23.09.2004.
- 1.6 09/0667/CLED: Certificate of Lawfulness Existing Use: Use of site for Class A1 (Retail) use – Withdrawn.
- 1.7 10/0286/FUL: Rear extension – Refused 24.04.2010.
- 1.8 18/0981/CLED: Certificate of Existing Use: Use of site for Class A1 (Retail) use – Certificate issued as use lawful.

2 Description of Application Site

- 2.1 The application site is a 1.7hectare area occupying a triangular parcel of land between the Grand Union Canal and the A41 (known as both Hempstead Road and Watford Road). The site is located within the Metropolitan Green Belt and a Canal Buffer Zone and part of the site directly adjacent to the river is designated as a Flood Zone 3b (a functional flood plain of the River Gade). Beyond the site to the north, beyond the bridge, which carries the A41 over the Grand Union Canal, the Canal is designated as an identified Local Wildlife Site. Land to the south of the site, around and including the M25 J19 roundabout, is also designated as a Wildlife Site.

- 2.2 An L-shaped building occupies the site, currently used for an aquatic related retail business. The building has a tiled roof and is partially brick built but otherwise predominantly glazed with the entrance sited on the double gable ended southern elevation. The western gabled section of the building extends to a depth of 25.8m with the gabled section to the east extending further beyond to a total depth of 67.4m. The unenclosed area formed by the L-shaped building is hard surfaced and used for the public display and sale of goods.
- 2.3 The area to the north of the building is used as a landscaped outdoor display area with the area to the south of the building consisting of hardstanding, which is used as a car park for 75 cars. The area to the west of the building comprises of an area of soft landscaping with an area of woodland adjacent to the River Gade.
- 2.4 The existing access to the site is via a junction off the A41/Watford Road. That junction and the access track which runs south from the junction is approximately 25m wide and ends in a turning head approximately 75m from the access. The access road serves the application site, a retail premises to the south of the site, and a residential dwelling.

3 **Description of Proposed Development**

- 3.1 This application seeks planning permission for the demolition of the existing building and the erection of a retail food store ((Use Class E(a)), with associated access, parking and amenities.
- 3.2 The proposed building would be a single storey retail store approximately 4.8m metres high with a predominant flat roof, located approximately 5.5m further north than the existing building and ancillary buildings on site. It would have a footprint of 1,457 square metres. Solar panels would be installed to the roof, which would also be a green roof.
- 3.3 A landscaped buffer area (mix native woodland planting) would be introduced between the highway (Watford Road A41) and the proposed building for screening purposes. Soft landscaping is also proposed to the west of the building, with new trees and wildflower seeding to open areas and woodland edges. To the store frontage would be mixed native hedgerows and ornamental planting beds.
- 3.4 A total of 98 car parking spaces would be provided to serve customers and employees.
- 3.5 The proposed access and highway arrangements from the A41 would be altered. These alterations would include the clearance of trees and alterations to the road layout.
- 3.6 Amended plans and documents have been received during the course of the application, these include a revised swept path analysis demonstrating that no damage would occur to kerbs and would not conflict with other vehicles; updated pedestrian and cyclist crossing. The revisions also include the consideration of the Warner Bros Studios planning permission and the requirement to implement a Toucan crossing.

4 **Consultation**

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Made the following comments]

Members appreciate the existing site is a retail site with visiting traffic, however, they feel access to this site is a serious concern. At present there are already queueing issues along a major road and this proposal would increase visitor traffic to the site further aggravating the risk to drivers, cyclists, and pedestrians. Furthermore, heavy demand for the motorway frequently results in queueing at this point. Delivery lorries exiting the site would aggravate the situation as they would be required to cross over on-coming traffic to access the motorway. Additionally, members object to the proposed removal of the cycle crossing point

to accommodate access for cars and lorries as this would remove essential access to the canal. With respect to the proposed increase in car parking on the west side of the site and the deliveries area on the north side of the site, members have concerns the site's proximity to the River Gade may result in toxic substances seeping into the ground / river resulting in potential pollution of the river. Members also feel the overall scale of the proposed building is excessive in comparison to the existing property. If officers are minded to approve this application, Members request that it be brought to Council.

4.1.2 Hertfordshire County Council (HCC) Local Lead Flood Authority (LLFA): [Objection]

We have reviewed the Drainage Strategy prepared by Ardent Consulting Engineers reference 187011-02_C dated September 2022, and would make the following comments.

It is proposed to discharge to Thames Water combined sewer (300mm) at a maximum rate of 9.5 l/s. This is 50% of the existing brownfield rate and higher than the greenfield runoff rates would be for this site. Permeable paving is proposed for parking areas and no other SuDS are proposed on site. The majority of attenuation will be provided in an attenuation tank comprising 304m³ of attenuation storage.

The site is entirely within groundwater Source Protection Zone 1 so we would support excluding infiltration discharge as a viable option.

However, at present we would recommend objection for the reasons indicated in the attached Technical Response, summarised below.

- 1. Agreement in principle for the discharge to Thames Water combined sewer is required.*
- 2. Updated calculations including the following are required.*
 - a. FEH2022 or FEH2013 rainfall data*
 - b. An appropriate climate change allowance for the 1 in 30-year storm*
 - c. Calculations for the 1 in 2-year event (note that no surcharging should occur during this event)*
 - d. Half drain down times for attenuation features*
- 3. Provision of biodiversity and amenity benefits using SuDS*
- 4. Exploration of above-ground SuDS, further restriction of discharge rates and discharge to the River Gade.*

4.1.3 HCC Highway Authority: Latest revised comments following submission of Transport Assessment Addendum [No objection, subject to Conditions and Section 106 Agreement securing travel plan and associated financial contributions]

Recommendation

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

COMMENTS:

The applicant seeks planning permission for the following development: Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities | World Of Water Aquatic Centres Ltd Hempstead Road Watford Hertfordshire WD4 8QG

Introduction

The Highway Authority note the submission of materials in support of the planning application, including the Transport Assessment (Interim) dated September 2022, the Transport Assessment dated January 2023 and the final Transport Assessment Addendum, dated July 2023.

The Highway Authority note the extensive engagement with the applicant's transport consultant subsequent to the first submission in late 2022. The document dated July 2023 contains details of these discussions and may be referred to for additional commentary on the discussions surrounding the proposed site access. Given that the technical detail surrounding the access design is contained within this document, including comments made by the Highway Authority, these comments are not repeated in full in this response.

The review has comprised comments on the Transport Assessment and more specifically, the reconfiguration of the existing access which serves the World of Water site and the adjoining businesses/dwellings.

The Highway Authority has supplied technical comments on the applicant's proposed design, including a review of the Road Safety Audit materials, the latter which has compromised two iterations.

Sustainability

The development site is positioned adjoining a number of key roads.

The site is accessed from the A41 Watford Road which is a primary distributor road in the Hertfordshire roads hierarchy.

Immediately to the south of the site on the road network, the North Western Avenue Hempstead Road (Hunton Bridge), roundabout may be joined, which provides access to the M25 link/A41/A411.

The site is therefore well positioned to access the local and strategic highway network.

In terms of access to residential areas, the site is accessible to the residential areas of Abbots Langley, Leavesden and North Watford.

Right of Way ABBOTS LANGLEY 040 (Bridleway from footpath near Railway Bridge south to Hempstead Road) (A41) known as Gypsy Lane may be accessed on the opposite side of Watford Road to the site. Gypsy Lane provides a useful connection for pedestrians and cyclists to the residential areas in Abbots Langley.

The Highway Authority is content that notwithstanding the site's position relative to key distributor roads and the Strategic Road Network that the site does offer the potential to be accessed by walking and cycling trips.

Access

The site is presently accessed from a large priority junction which provides access to the World of Water aquatic centre, an adjoining café and military goods store and dwellings.

The above access presents a number of engineering challenges with the proposed foodstore usage to which the applicant's transport consultant has responded to, subsequent to comments made by the Highway Authority. This has included comments on visibility (both horizontal and vertical), vehicular access for large vehicles, geometry and turning into the site from both directions.

The Highway Authority has noted that safe and suitable access will need to be provided for goods vehicles servicing the proposed foodstore, that satisfactory visibility is ensured (in particular towards Hunton Bridge) and active travel is promoted.

Satisfactory access will also need to be maintained to the businesses/dwellings that are currently served from the service road.

The Highway Authority has also issued comments relating to ensuring that active travel is achieved, with a shared pedestrian/cycle route running through the junction.

The layout as proposed is considered acceptable in terms of highways safety and also seeks to enhance active travel.

As the above drawing illustrates, the side road (to the south) has been reconfigured to form a service road with a give way at its junction with the proposed foodstore access road. The Highway Authority has reviewed and commented on the swept path analysis supplied by the transport consultant in order to ensure that safe access may be ensured into the site.

The pedestrian/cycleway has been reconfigured to allow cyclists to join the shared section which is continuous to the north of the access road. To the south of the access road, cyclists may use the carriageway of the service road, before joining again a shared footway/cycleway which may be picked up underneath the roundabout going south.

It is also noted that the current uncontrolled crossing across Watford Road is to be moved a short distance to the north. This will facilitate an increased length of right turning lane into the proposed development site. The cycleway on both sides of Watford Road will be widened to tie into the proposed crossing. On the eastern side of Watford Road the existing footway/cycleway will be widened to 3m between the proposed uncontrolled crossing and Gypsy Lane.

The uncontrolled crossing has also been positioned (further to Highway Authority comments), so as to allow an upgrade to a Toucan crossing which will be facilitated by the Warner Bros. development. The uncontrolled crossing is illustrated on drawing number 187011-SK07B and should be provided as part of the off-site highways works.

Site Layout

The Highway Authority note the submission of the Proposed Site Plan, drawing number 2 0 1 2 - P 1 0 1 - S 2 - P 4.

The Highway Authority is content with the layout as proposed, although note that further detail should be supplied relating to the internal circulation for pedestrians from the car parking areas.

Parking

The location of the car parking provision within the site is broadly being retained from the existing use, however the car park will be reconfigured to provide 98 spaces in total. This is to include seven disabled bays, eight parents and child spaces, seven staff spaces and two electric vehicle charging bays. There are currently 82 spaces on the site and therefore the development will provide an uplift in parking across the site.

Cycle Parking

A total 10 bicycles spaces are provided in the form Sheffield cycle stands and therefore exceeds the minimum parking requirements. According to the Transport Assessment, "At

this stage it is unknown on the number of staff on site at a given time, however it will be ensured that suitable internal space is provided to accommodate cycle storage.”

The Highway Authority recommend the inclusion of a planning condition to detail the cycle parking. For staff cycle parking, this should be by way of a secure location.

Public Transport

The closest bus stops to the site are located on Hempstead Road (named the “Russell Lane” pair). This pair of bus stops provides access to service numbers 501/508 with a route between Hemel Hempstead and Northwood/Watford available to passengers.

A further bus stop pair is located on Hunton Bridge Hill (named “Hamilton Road”). This pair of bus stops provides access to service numbers H19/R9 although it is noted that the service pattern is very limited.

Kings Langley railway station is the closest train station, located at a distance of approximately 2.5km.

Given the site’s location on the periphery of the urban area, it is considered that the site is reasonably accessible by public transport which will afford in particular staff the opportunity to travel by modes other than the private car.

Travel Plan

This site is located close to a large roundabout and busy main roads which could encourage car use and discourage use of active and sustainable modes to access the site. Notwithstanding the walking/cycling infrastructure available, bus services from stops nearby, and proximity of residential areas where customers and staff may come from, a robust Travel Plan will be required to seek to promote as many trips by sustainable modes as possible.

The Travel Plan does require some amendment and development before it is acceptable for this stage. Particular attention should be given to providing clarity on the interim mode shift target and inclusion of either Census data or data from another similar store to give indication of potential mode split. We also need a commitment to annual review of both measures and targets and we expect monitoring to continue even if targets are met in 2 surveys – we require monitoring for min 5 year period and attainment of agreed targets for this period. If targets are met this could indicate potential for further mode shift which could be discussed by between the Co-Ordinator and HCC.

Detailed comments are as follows:

- The Travel Plan has been called a Framework Plan but as the site will have a single land use, it is more appropriately called an Interim Travel Plan.*
- There is only very limited reference to the national and local policy background – we do not require extensive coverage, but brief outline of the main documents and how they relate to Travel Planning is expected as these give a rationale for the plan and the form it takes. Reference should be made to our guidance and in the further development of the plan – please see www.hertfordshire.gov.uk/travelplans.*
- Contact details are given for the developers, but details of the Travel Plan Ordinator will need to be provided on appointment along with those of a secondary contact in case of personnel changes. Details of time allocated to role and frequency on site will need to be provided once known.*
- We also ask for a statement of commitment from a suitable member of company management towards the effective implementation of the Travel Plan – this gives us assurance that the plan will be given adequate support within the company.*

- There is a good range of suggested measures to encourage use of sustainable modes. We would encourage promotion of the Intalink website which gives information re bus services in Hertfordshire (www.intalink.org.uk) and HCC website pages on walking and cycling within the county (Walking and cycling routes | Hertfordshire County Council, Hertfordshire Cycling | Hertfordshire County Council).
- Paragraph 4.6 p17 states that a realistic target is to reduce vehicular trips to 5% - I am assuming this means a reduction by 5% rather than to 5% but needs clarifying. If it is by 5% then this is at the lower end of potential mode shift mentioned as generally possible in paragraph 4.5. TRICS data included is only for vehicular trips so there is no indication of possible existing mode split. Whilst exact nos will not be known prior to baseline survey, an indication can be made through use of Census data and this can help guide relevant interim targets, or potentially data from another similar store.
- Paragraph 4.10 appears to suggest review of targets in alternate years, whilst paragraph 6.6 talks about annual monitoring report and consideration of remedial measures post-monitoring. We would expect annual review of both measures and targets post-monitoring to ensure plan remains appropriate and relevant.
- P27 paragraph 6.5 states monitoring will end if 2 consecutive surveys show targets have been met – we would expect surveys to continue to 5 years post store opening to ensure targets remain met and for consideration to be given as to whether further mode shift is achievable. • Monitoring and evaluation fee of £1200 per year (for a 5 year plan) should be sought – so total of £6000.

The Highway Authority recommend the inclusion of a Travel Plan condition which will facilitate an updated version, in accordance with Hertfordshire County Council guidance and taking in the above comments to be prepared. Engagement may be made with HCC's Travel Plan team to this effect.

Trip Generation/Distribution

The trip generation and distribution exercise are satisfactory. It is noted that there will be an uplift in trips from the existing World of Water site to the proposed foodstore, as set out below in terms of the net increase.

As set out within the above extract from the TA, the access onto Watford Road will be intensified from the present usage. This notwithstanding, given the existing commercial usage of the site the Highway Authority is content (in the context of the necessary improvements to the access with Watford Road), that the traffic generation from the proposed foodstore will not have a significant impact on the adjoining local highway network.

Assessment

The Transport Assessment provides a capacity assessment of selected junctions on the adjoining local highway network. Analysis using the County's strategic transport model, COMET, has also been undertaken in terms of examining the net increase in trips on the adjoining local highway network and key junctions.

The Highway Authority is satisfied that the development may be accommodated on the local highway network and that levels of capacity are not materially affected on the tested junctions.

Off Site Infrastructure Works

As shown on the proposed site access plan, a number of off-site highways works will be necessary in order to make the development acceptable in planning terms and facilitate a safe and suitable access into the site. Aside from the reconfiguration works to the public

highway in order to facilitate access into the proposed foodstore, the drawing also illustrates widening to the existing shared footway/cycleway.

The works also include the relocation of the existing uncontrolled crossing which is located in the near vicinity of the reconfigured site access. All such works will need to be undertaken via a Section 278 agreement.

Construction

The Highway Authority will require the preparation of a detailed Construction Traffic Management Plan (see planning condition). The plan should also detail how access to the existing businesses/dwellings will be maintained throughout this process and present a phasing plan for the execution of these works.

Contributions

As noted on the Three Rivers District Council website, the Local Planning Authority adopted a Community Infrastructure Levy (CIL).

As noted by TRDC, "The Community Infrastructure Levy (CIL) is a charge which allows the Council to raise funds from new developments for use on infrastructure to support the growth in the district. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended). The money collected from the levy will be used to support development by funding infrastructure that the Council local community and neighbourhood need."

Given that TRDC has an adopted CIL, contributions to provide infrastructure to support the development more generally will be sought via this mechanism. However, wherever possible, the Highway Authority will seek to secure highway works via planning Condition and s278 agreement.

First strand (works to be undertaken under s278):

- Access works to access road junction with Watford Road and adjoining service road;
- Widening of shared pedestrian/cycle route on both sides of Watford Road
- Changes to highway layout on Watford Road in the vicinity of the access junction;
- Relocation of uncontrolled crossing point on Watford Road.

Given that TRDC is a CIL Authority, contributions that would have previously been requested under a second strand (S106) framework will come under the auspices of the approved CIL charging schedule.

The only Section 106 contributions that the Highway Authority seeks relates to the Travel Plan (£6k per Travel Plan).

The Highway Authority note the adopted Guide to Developer Infrastructure Contributions. In accordance with Technical Appendix 1 of the toolkit, a Strand 2 contribution of £422 per job is required. The application form for the development sets out that the development will employ 40 persons which would equate to a required contribution of £16,880.

The South West Herts Growth and Transport Plan was developed in partnership with Three Rivers District Council, Watford Borough Council and Hertsmere Borough Council. It was endorsed by the Highways and Transport Panel in January 2020.

It is considered that a contribution towards the scheme as identified below could be fitting. Such a contribution would also be consistent with the emerging LCWIP.

Notwithstanding the above, it is considered that the off-site highways works and improvement to cycling infrastructure in the immediate vicinity of the site are not of sufficient value for the Highway Authority to request a Strand 2 contribution. The principal on and off-site highways works should be delivered via planning condition and Section 278 agreement.

Conclusion

The Highway Authority notes the submission of materials in support of a planning application for a proposed Lidl foodstore.

The Transport Assessment documentation is considered to satisfactorily present that the development may be accommodated on the local highway network in vehicle capacity terms.

The Highway Authority note the substantial change to the existing access arrangement to the World of Water site and adjoining service road which will require a Section 278 and completion prior to the first use of the development. The Highway Authority note also the relocation of the existing uncontrolled pedestrian crossing and improvements to the walking and cycling routes in the immediate vicinity of the site.

In summary, the Highway Authority does not wish to restrict the grant of planning permission subject to the aforementioned planning conditions and Advisory Notes.

4.1.3.1 Previous Highways comments are attached at **Appendix A**.

4.1.4 Herts Ecology: [No Objection]

Protected Species: Other than nesting birds no protected species were identified on site, bat surveys did not confirm the presence of a roost within any of the structures. I have no reason to disputer this finding and bats do not need to be considered a constraint to the development.

The adjoining riverbank was identified as having moderate potential for water voles A check for water voles, as outline in the ecological report, should also be undertaken prior to construction of the moorings.

The removal of areas of woodland and demolition of the existing buildings risks an offence relating to the legal protection of nesting birds. Sensible precautions are recommended in the ecological report, and these should be incorporated into a Construction Environmental Management Plan (biodiversity).

Habitats and Biodiversity net gain: The river Gade: adjoins the site but is set back from the development, however the proposals include the establishment of shopping moorings. Measures to ensure the protection of this habitat of principle importance should be outlined in a method statement within the CEMP (biodiversity). (Moorings Not proposed)

The majority of the affected site is composed of buildings and hard surfaces, but the proposed application will result in a loss of areas of deciduous woodland and grassland. This will need to be compensated for to ensure a net gain in biodiversity. Soft landscaping proposals include areas of new planting of value to biodiversity, such as native mixed hedging, tree planting and areas of wildflower meadow, and the planning statement outlines that the application will generate a net gain in biodiversity. How this will be delivered and sustained over the long term should be set out in a Landscape and Ecological Management Plan.

Applications of this nature are not yet subject to a legal requirement to deliver at least 10% Biodiversity Net Gain (BNG) but the provision of a 'biodiversity metric' would provide a

quantified assessment of the biodiversity losses and gains and allow any Net gain delivered by the proposal to be demonstrated.

The Preliminary Ecological Appraisal outlines a list of recommendations for biodiversity enhancement. Given the scale of the structures proposed and the nature of the surrounding habitat I advise that as a minimum those adopted in the development should include integrated bat and bird boxes, measures for hedgehogs and improvements to the waterside habitats.

A seed mix of WFG4 for Neutral Soils has been proposed for the areas of meadow grass, however for places adjoining woodland or tree cover and subject to shading an alternative mix such as Emorsgate EW1 (recommended with in the ecological report) should be utilised.

I advise all measures for the enhancement of biodiversity and ecology are combined into a Landscape and Ecological Management Plan and secured by Condition.

Schedule 9 plant cotoneaster was found on site and a method statement to ensure an offence under section 14 of the wildlife and countryside act should form part of the CEMP (biodiversity).

Recommended condition wording is given below:

• No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. This should outline how nearby Local Wildlife Site, the adjacent river Gade and protected species such as birds and bats and water voles will be safeguarded during construction It should include also include measures to prevent the spread of species listed on Schedule 9 of the wildlife and Countryside Act. The CEMP (Biodiversity) shall include the following

A) Risk assessment of potentially damaging construction activity

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 including nesting birds.

E) The times during which 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) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance.

No development shall take place (including ground works, site clearance etc) until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including those within the soft planting plan as well as habitat improvements taken from the recommendations within the biodiversity enhancement section of the Preliminary Ecological Appraisal by Greengage (report date September 2022). Including as a minimum following specific information should be provided:

1. Purpose and conservation objectives for the proposed works;

2. Details of the number type and location of native-species planting, and/or fruit/nut tree planting;

3. The areas to be sown or planted with specific seed mixes or specific species for biodiversity value;

4. location and type of integrated bat and bird boxes enhancement measures for hedgehogs and any other enhancement measures.

5. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure their sustained value to biodiversity for a minimum of 30 years;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

If the LPA seeks a biodiversity net gain to be demonstrated through the use of a biodiversity metric further wording can be recommended.

4.1.5 TRDC Local Plans Section: [Made the following comments]

The site is located within the Green Belt. The NPPF finds the principle of redevelopment on previously developed land within the Green Belt as acceptable as set out in paragraph 149 of the NPPF and states '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 re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The application site comprises of previously developed land and proposes to demolish and rebuild the existing building which would mean there is no additional impact or harm to the openness of the Green Belt.

Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements. It also seeks to support economic development in rural areas where this would contribute to sustainable development objective and is consistent in scale with and does not cause harmful effects on the local area and environment. The proposal seeks to redevelop the building to create a new retail store which will provide additional jobs to that of the existing use of the site, therefore the application complies with Policy CP6.

Policy CP7 of the Core Strategy states that where there is an identified need for new town centre development, Town and District centres will be the focus for this development; the application site is not located in any Town or District retail centre and therefore fails to comply with Policy CP7 in this regard. The proposal site is outside of the nearest retail centre of Abbots Langley. As the application site is not located in a town centre/retail centre and the Core Strategy is out-of-date, the National Planning Policy Framework (NPPF) requires that a sequential test is applied; main town centre uses (including retail) should be located in town centres and then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. For retail purposes, an edge of centre site is one which is well connected to, and up to 300 metres from, the primary shopping area. Whilst neither are 'Town Centres', the application site is still not within 300m of the Abbots Langley. The site is therefore an out of centre site and should be considered only if the applicant is able to demonstrate compliance with the sequential test. Where an application fails to satisfy the sequential test, it should be refused.

The NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. In regard to new retail development, Policy CP7 similarly states that proposals will be considered taking into account:

- a) *The location of the proposed development with preference given to centrally located and accessible areas, served by a range of transport modes including public transport*
- b) *The impact of development on the viability and vitality of existing centres and local shops*
- c) *The appropriateness of the type and scale of development in relation to the centre and its role, function, character and catchment area.*

The site is located outside the nearest key centre of Abbots Langley and is not within close proximity to a train station (approximately a 32-minute walk to Kings Langley station) however, the application supporting documents state there are nearby bus services within a 6 and 13-minute walk from the proposed site.

In considering identified needs for retail development, the South West Herts Retail and Leisure Study (2018) identifies the following additional convenience floorspace needs up until 2036:

Year	Convenience Goods
2026	1,000 – 1,300sqm
2031	1,700 – 2,100sqm
2036	2,400 – 3,100sqm

The South West Herts Retail and Leisure Study recommends that unless any large-scale housing sites come forward which either singularly, or cumulatively, require specific retail provision, that the floorspace needs identified are set aside for meeting the day-to-day needs of the residents of Three Rivers. In addition to this, Policy CP7(k) further states that proposals for any major convenience (food) floorspace (over 1,000sqm) over the Plan period will generally be resisted. The application proposes a total of 1,457sqm convenience floorspace which would contribute to approximately 47% of total convenience floorspace needs until 2036, as identified in the South West Herts Retail and Leisure Study however, the proposal conflicts with Policy CP7(k) of the Core Strategy.

4.1.6 TRDC Tree and Landscape Officer: [No objection, subject to conditions]

A condition should be applied which requires compliance with the submitted tree protection methods statement and implementation of the proposed remedial landscaping scheme.

4.1.7 Hertfordshire Constabulary: [No objection, advisory comments provided]

It is good to see that security has been considered for this application as detailed in the planning statement (1.37, 1.38 SECURED BY DESIGN AND DISABILITY DISCRIMINATION ACT).

4.1.8 TRDC Environmental Protection: [No objection, advisory comments provided]

Air Quality

I have reviewed the Air Quality Technical Note prepared by Ardent Consulting Engineers (Report ref. 187011-03_B).

The Technical Note concludes that the potential for significant air quality effects as a result of the potential impacts identified and recommendation of suitable mitigation measure as necessary, should be considered as part of a full Air Quality Assessment.

It would be preferable for the potential impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

Further comments: Following revised Air Quality Assessment

I have reviewed the Air Quality Assessment prepared by Ardent Consulting Engineers (Report ref. 187011-07).

The assessment of demolition and construction dust impacts has been carried out, there is potential for dust and PM impacts during the demolition and construction phase, however with mitigation measures in place, the overall residual effect is expected to be not significant.

The potential impacts on existing sensitive locations as a result of demolition and construction traffic have been qualitatively assessed, the overall effect of emissions from construction and demolition traffic on existing sensitive human and ecological receptors is likely to be not significant.

The impacts of operational traffic on nearby existing sensitive properties has been considered, with dispersion modelling of pollutant concentrations having been undertaken. Predicted changes in concentrations as a result of operational traffic are negligible at all receptors and do not result in any exceedances of the relevant national air quality objectives. The overall effect of operational traffic on sensitive properties can be screened out as being not significant.

The impact of pollutant concentrations within the site on future users of the proposed development has been qualitatively assessed. Based on the information considered, it is judged that annual mean NO₂ concentrations within the site will be well below the relevant objective, that new users of the proposed development will experience good air quality, and that the site is, therefore, suitable for its proposed end-use.

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 Section 6.0 of the Air Quality Assessment

Land Contamination

Historical mapping shows that there was a Mill to the west of the site between 1871 and 1876, the River Gade is also shown to the west, the Grand Junction Canal is shown to the north, some watercress beds and a pumping house are shown to the west of the site between 1913 and 1924, a wharf and a Sewage Pumping Station (Watford B.D. Council) are shown to the north, the site remained undeveloped until the mid-20th century, Gade Valley Nurseries are shown onsite between 1958 and 1964, a garage is shown to the north east.

The site is not recorded as having had a previous potentially contaminative use. There are a number of sites within 250m of the site that have had a previous potentially contaminative use. Activities undertaken at these sites could have given rise to contamination area. These include the following:

- Road vehicles: Garages and filling stations;*
- Waste: Landfills and other waste treatment and disposal facilities;*
- Transport support & cargo handling;*
- Sewage works and sewage farms.*

The proposed development will not have a sensitive end use. However, the previous commercial uses of the site may have given rise to contamination. There is a large building and a significant area of hardstanding on site. It is likely materials would have been imported to allow the formation of foundations, to be placed below hardstanding etc. It is possible that

there may be materials beneath the structures and the hardstanding that are contaminated and may be inappropriate for reuse. Coal tar tarmac may also be present on site.

Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.

1. *Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority.*
 - i) *A preliminary risk assessment which has identified:*
 - *all previous uses*
 - *potential contaminants associated with those uses*
 - *a conceptual model of the site including sources, pathways and receptors*
 - *potentially unacceptable risks to arising from contamination at the site.*
 - ii) *A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.*
 - iii) *The site investigation results and the detailed risk assessment (ii) 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.*
 - iv) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.*

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. *Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.*

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring areas land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' available online at <http://www.gov.uk/government/publications/lan-contamination-risk-management-lcrm>.

3. *Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.*

Reason: To ensure 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 risk to workers, neighbours and other offsite receptors.

4.1.9 Environment Agency: [No objection]

Thank you for consulting us on the above application. We have no objections to the proposed development.

Informative – Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- *on or within 8 metres of a main river (16 metres if tidal)*
- *on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)*
- *on or within 16 metres of a sea defence*
- *involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.*
- *In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.*

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

4.1.10 Environmental Health:

No response received.

4.1.11 National Highways: [No objection]

We have 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. We are interested in the potential impacts that the development might have on the SRN, in this case M25 J19 and J20. We are interested as to whether there would be any adverse safety implications for the SRN as a result of this proposal.

We have undertaken a review of the documents accompanying the outline planning application, particularly the Interim Transport Assessment (ITA) dated September 2022 as prepared on behalf of the applicant by Ardent Consulting Engineers.

The development proposals comprise the replacement of the existing 1,283sqm World of Water Aquatics Centre buildings with a new 1,457 sqm Lidl foodstore. The proposed trip generation uses TRICS data to provide overall vehicle trip rates (by GFA) for Retail – Garden Centre as no direct comparison for an aquatic centre is available. We are in agreement with this methodology and the TRICS data detailed in Section 4.5 appears robust and reliable.

Overall forecasts for the development indicate a total net vehicle trip generation of 45 two-way trips in the AM peak and 117 trips in the PM peak. Vehicle trip generation does however include an element of pass-by, transfer and diverted trips, which has the effect of reducing the proportion of trips that travel externally onto the SRN. With trip reductions, we estimated that the proposals will place 6 two-way trips through M25 J20 in the AM peak and 15 in the PM peak. No new development trips will travel via the M25 off-slips.

Given the numbers of vehicle trips impacting on the SRN, we are satisfied that the proposals would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

As such, our formal recommendation of no objection is set out in the NHPR attached.

4.1.12 Canal and River Trust: [No objection, informative recommended]

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The impact on the character, appearance, heritage, and users of the waterway

The site is located to the east of the Grand Union canal which retains a landscaped character and appearance, and the Grade II listed Sparrows Herne Bridge is located to the north of the site. The proposed development would retain a substantial landscaped buffer to the canal and therefore the current bucolic feel of the waterway in this location would be maintained. The protection of existing landscaping and details of any new landscaping proposed should be required by conditions.

The submission does however indicate services access and turning areas to the western elevation of the proposed building and these elements have the potential to result in increased noise and disturbance. There is no detail on proposed boundary treatment to these areas, which may aid in mitigating any noise impacts, and this detail should be submitted for consideration. This matter could be dealt with by condition and the Trust wish to be consulted on this information when available.

The impact on the structural integrity of the canal due to the proximity of the proposed works and drainage proposals

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The proposed building would be set back from the canal boundary though the service access and yard would be closer to the waterway and the canal is also carried on an embankment to the south of the site. It is therefore important to ensure that the proposed works, vibrations etc do not adversely affect the stability of the canal infrastructure at this location and accordingly we ask that a Construction Methodology is required by condition.

The submission states that surface and foul water are to be discharged to the existing mains system. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is therefore important

to ensure that the drainage system is installed and maintained as indicated. This matter should be addressed by condition.

The impact on the biodiversity of the waterway corridor

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any external lighting should be angled downwards, and light directed into the site, and it should not provide flood lighting to the canal corridor to show consideration for bats and other nocturnal species. The details of any external lighting proposed could be addressed by condition.

Should planning permission be granted we request that the following informative is appended to the decision notice:

- 1) The applicant/developer is advised to contact the Works Engineering Team on 03030404040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

4.1.13 National Grid:

No response received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 26.

4.2.2 No of responses received: 24.

4.2.3 23 Objections. 1 Support.

4.2.4 Site Notice: Posted: 06.12.2022 Expired 29.12.2022.

4.2.5 Press Notice: N/A

4.2.6 Summary of Responses:

Objections:

- Extra traffic concern.
- Unsafe access & impact on highway traffic.
- Not enough parking spaces.
- 2 Supermarkets less than a mile away.
- Lack of bus routes.
- Car reliant.
- Loss of pedestrian/cycle crossing.
- Contrary to protect the environment and tackle climate change.
- Local employment minimal.

Support:

- Hertfordshire County Council have dropped their objection.
- Not green land development.
- Employment Opportunities.

- Good road links.

Officer comment: The above material planning considerations will be discussed within the following planning analysis sections.

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

- 5.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 5.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 5.1.3 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.

5.2 Policy / Guidance

5.2.1 National Planning Policy Framework and National Planning Practice Guidance

In September 2023 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”.

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). Relevant chapters include: Chapter 2; Chapter 4; Chapter 7, Chapter 8, Chapter 9; Chapter 11; Chapter 12, Chapter 13, Chapter 14 and Chapter 15.

5.2.2 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 CP1, CP6, CP7, CP8, 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, DM4, DM6, DM7, DM8, DM9, DM10, DM13 and Appendix 5.

5.3 Other

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

6 Reason for Delay

6.1 Time given to overcome technical highways objections.

7 **Planning Analysis**

7.1 Principle of development

7.1.1 The proposed development would not result in a change of use. The site is considered as one planning unit, with the existing building and site used for selling pond, water features and aquarium equipment including garden furniture, fishing and pet accessories. The site is considered to fall within Use Class E(a) retail. The application proposes the redevelopment of the site and the construction of a building to be used for Use Class E(a) retail use. On that basis, there is no material change of use on the site. Retail use is the lawful use of the site and currently provides 1,313sqm. The net increase in floorspace would be 144sqm, considered to be a very small increase.

7.1.2 The site is not allocated for any specific development proposal in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.3 Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements. It also seeks to support economic development that provides a range of small, medium and large business premises. The proposed development seeks to redevelop the building to create a new retail food store, which will provide additional jobs to that of the existing use of the site, therefore complying with Policy CP6.

7.1.4 Policy CP7 of the Core Strategy states that with regard to convenience (food) shopping, there is likely to be an over supply in the order of 450 square metres to 2021.

7.1.5 In the supporting text for Policy CP7, it highlights that there is a) likely to be an oversupply in relation to convenience goods (food shopping) in the order of 450 square metres to 2021 within Three Rivers District and b) 'Whilst this means that no further largescale supermarkets are needed in the District over the next 10 years or so, it does not prevent smaller-scale local convenience stores being considered within the key settlements where there is a particular local need and where such provision will reduce journeys to centres further away.

7.1.6 In response to Policy CP7, it must be recognised that as existing the building is over 1,000sqm and thus it is considered that the additional resultant impact from a further 144sqm on site would be negligible, also noting that the building's conversion would not require planning permission to convert to a food shopping use. In this regard, the principle of development is acceptable, subject to other material considerations.

7.1.7 Further, the application site does partially represent previously developed land and development on previously developed sites is encouraged, however, any proposal would need to be assessed against all other relevant planning criteria, for example, the application site is also with the Green Belt and other Development Plan Policies and the NPPF are material considerations.

7.2 Sequential Assessment

7.2.1 Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 88 of the NPPF states when considering edge of centre and out of centre proposals, preference

should be given to accessible sites which are well connected to the town centre. Paragraph 90 also sets out that local authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

- 7.2.2 For retail purposes, an edge of centre location is one which is well connected to, and up to 300 metres from, the primary shopping area. Whilst not a 'Town Centre', the application site is still not within 300m of the Abbots Langley. The site is therefore an out of centre location and should be considered acceptable only if the applicant is able to demonstrate compliance with the sequential test. However, it is noted that the site has an existing lawful retail use.
- 7.2.3 In assessing proposals for out of centre locations, the NPPF and NPPG provide two considerations in determining whether a proposal complies with the sequential test; to A) the impact on existing, committed and planned public and private investment in a centre/catchment and B) impact on town centre vitality and viability. This assessment includes the suitability, availability and viability of sites. The consideration with regards the suitability of more central sites to accommodate the proposal. Where the proposal is located in an out of centre location, preference should be given to accessible sites that are well connected to the town centre and with regards to scope, this would be in the form and/or scale of the proposal. The guidance states that it is not necessary to demonstrate that an edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contributions more central sites are able to make individually to accommodate the proposal. Should there be no suitable sequentially preferable locations then the sequential test is passed.
- 7.2.4 It should be noted that the NPPG states that viability of a site should be considered in the plan making process whilst in the decision making section it states that local planning authorities need to be realistic and flexible in terms of their expectations of promoting new development on town centre locations, which can be more expensive and complicated than building elsewhere.
- 7.2.5 The impact of the proposed redevelopment of the site on existing food shopping retailers, the displacement of the existing retailer and shoppers not visiting Watford, Kings Langley and Abbots Langley town centres to access the shops they have been used to has been assessed.
- 7.2.6 The submitted Sequential Test, which reviews potential retail sites within designated Town/District Centres (Rickmansworth, South Oxhey, Abbots Langley, Chorleywood) within the District of Three Rivers and includes Watford Town Centre clearly demonstrates that there are not any sites that are suitable, available and viable for the retail occupier. Following review, in conclusion there are not any available and suitable sites for the size of the proposal.
- 7.2.7 Notwithstanding this, it is also acknowledged that the existing site is within Use Class E retail use and as such in this case, there is a fallback that has substantial weight. All considered, given the results of the Sequential Test, existing use of the site in terms of a retail function and the proposed limited increase of 144sqm in floorspace, it is considered that the parameters set out within the Sequential Test are satisfactory and given the material planning considerations the proposed redevelopment of the site to provide a food retail use is considered acceptable and would not adversely affect existing centres.

7.3 Impact on Green Belt

- 7.3.1 The application site is partially previously developed land located within the Green Belt. In respect of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not

exist unless harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

7.3.2 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt or which would conflict with the purposes of including land within it. Policy CP11 is supported by Policy DM2 of the Development Management Policies LDD and states that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance and are given sufficient weight. Both policies should still be given weight as they are on the whole reflective of national policy which has remain unchanged in respect of Green Belt from the initial adoption of the NPPF in 2012.

7.3.3 The National Planning Policy Framework (NPPF 2023) finds the principle of redevelopment on previously developed land within the Green Belt as acceptable as set out in paragraph 149 of the NPPF and states '**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 re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

7.3.4 The PPG states that openness is capable of having both spatial and visual aspects whilst the duration of the development and degree of activity likely to be generated, such a traffic generation are factors to consider.

7.3.5 The application site contains a sizable single storey building car park, external retail areas and a large area of open land and pockets of woodland, the latter of which is more open in character and portrays a sense of openness, one of the essential characteristics of Green Belts. However, parts of the site do result in on-site activity, traffic and noise and disturbance, which collectively do impact upon the openness of the Green Belt.

7.3.6 Green Belt Calculations:

Footprint of original buildings including ancillary structures = 1313sqm
Proposed building footprint = 1536sqm
Increase = 223sqm
17% increase in footprint.

Existing internal retail floorspace = 1050sqm
Proposed internal = 1,074sqm
Increase internal retail floorspace = 24sqm
2% increase in floorspace.

Volume of original buildings = 5,267m³
Proposed building volume = 6,752m³
Increase in volume = 1,485sqm
28% increase in volume

<u>Existing Building</u>	<u>Proposed Building</u>	<u>Differences</u>
Depth: 67.3m	Depth: 61.6m	- 5.7m

Width: (Rear) 12.2m (Front) 24.5m	Width: (Rear) 26.4m Front (20.8m)	Overall + 1.9m
Eaves height: 3.1m	Eaves: 4.3m	+ 1.2m
Ridge height: 5.2m	Parapet height 4.8m	- 0.4m

- 7.3.7 Having regard to the above, the proposed development would represent a 17% increase in footprint over the existing building, an 28% increase in volume over the existing building and a 2% increase in retail floor area. As such there is a spatial impact resulting from the development through its enlargement. Nevertheless, other factors must also be taken into account. The additional proposed floorspace/volume is sited towards the west of the building as the width at this point is greater than the existing, which would be considered as similar to infilling the existing building. This additional aspect would be to the rear, screened from public vantage points and as such the apparent increase would not be readily visible given that the building height would be lowered.
- 7.3.8 The existing single storey building has a low profile and is therefore not particularly prominent in views with low eaves and pitched roof. However, it is clear from the submitted elevations and visual impact assessments that there would not be significant above-ground change to the scale or massing between the existing buildings and the proposed replacement building. Whilst the eaves height of the proposed building would be 1.2m higher at 4.2m, the proposed ridge height would be 0.4m lower than the existing building. It is also noted that the width of the proposed building is 2.6m less than the maximum width of the existing building and the proposed depth of the building would be 6.2m less than the existing. A comparison table to the existing and proposed building details is above.
- 7.3.9 The consolidation of the footprint would mean that the bulk and massing of the proposed building would be more likely to be perceived as one structure. However, in respect of the visual impacts on the Green Belt, the proposal would not appear prominent in longer distance views, but it would be visible from several points along the adjacent highway and parts of the public realm. As such, the building would not result in any greater impact on the openness of the Green Belt than the existing development. This aspect of the development proposal would therefore fall within the relevant NPPF exception as highlighted above.
- 7.3.10 The extension to the existing hardstanding would also fall within being considered as redevelopment of previously developed land. Whilst the increase in hardstanding to the north to form a turning circle at the site is regrettable, it would be a limited addition to the existing hardstanding. This proposed area would replace an existing area of paraphernalia, timber structures (selling products) and areas of path for customers. Further with the proposed soft landscaping and planting around the site, it is considered to minimise the urbanising impact of the development, would preserve the openness of the site and thus no objections are raised in this regard. It is therefore considered that this aspect of the proposal would not have a greater impact on the openness of the Green Belt
- 7.3.11 The potential effectiveness of a proposed landscaping screen in further limiting any proposed visible bulk of the building from the adjacent highway is also recognised, but cannot be solely relied upon in isolation as a permanent feature. Therefore, having regard to this any proposed planting is not considered to negate the visual impact the proposed development would have on the openness of the Green Belt.
- 7.3.12 The provision of a food retailer would result in the provision of further increased on-site activity, noise, vehicles and traffic. It is however acknowledged that there is already a

degree of this given the existing use of the site which does not have any existing restrictions in terms of comings and goings. Given the proposal and acknowledged increase in activity it is considered appropriate to limit the hours of activity and external lighting, given the Green Belt location of the proposed development.

7.3.13 In summary, it is considered that the proposal would comprise of the redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development or conflict with the purposes of the Green Belt. The development is acceptable and in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the paragraphs 149 (g) of the NPPF 2023.

7.4 Design, impact on the character of the area

7.4.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness.

7.4.2 Policy CP12 of the of the Core Strategy (adopted October 2011) states that development should, '...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.' The proposed development would only be allowed where proposals are of a scale, density and design that would not cause material harm to the qualities, character and amenity of the area in which it is situated.

7.4.3 The proposed retail building would be relocated slightly to the northwest of the existing building and therefore further away from the highway, which would be separated by an area of proposed landscaping. The application site is also located along a stretch of the A41. It is considered that the re-siting of built form to the northwest, away from the A41 and prominently infilling the existing 'L' shaped footprint would not result in a visually prominent form of proposed development. It is also noted, that given the relocation of the building to the north west and the site topography, that the land is on a lower land level than the adjacent highway and that land levels fall towards the north of the site, the proposed building would be sited lower than the existing pitched roofed building. This would further reduce the building visual impact and would result in the building being less apparent in the street scene.

7.4.4 The proposal would lead to the removal of ancillary buildings, the erection of a single building would amalgamate all of the built form on site, apart from the substation and plant slab to the north of the building. The design and appearance of the proposal would be single storey in nature and would comprise of one flat roofed building. It is noted that there would be an increase in the both the footprint and volume. However, the erection of a single building would largely amalgamate all of the built form on site and given the infill nature away from the highway would not appear to increase the sense of bulk and massing on site from the street scene.

7.4.5 The appearance of the proposed building would be of a retail/light industrial unit and appear of a more modern appearance than the existing building with aluminium panels and glazing and would also include mock timber cladding and green roof. Given the existing character of the area, which includes a petrol station and various building to the south, there is no distinct character within the surroundings. The proposed built form would be re-sited to the northwest away from the narrower northern section of the site, built at a lower land level than the existing building, the proposed building would not detract from the overall appearance of the site. Further, given the splayed nature of the site, the size and position of the proposed building further away from the highway including proposed soft landscape screening, it would not result in the building being more apparent in the street scene.

7.4.6 Specific details regarding materials would be secured by planning condition.

7.4.7 It is considered that the building has been designed sensitively as there is enough variety within the design to ensure it would integrate within the street scene and compliment the area's existing character. For these reasons, the development is considered acceptable and complies with Policies CP1 and CP12 of the Core Strategy.

7.5 Impact on neighbouring amenity

7.5.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect all development proposals to protect residential amenities whilst making efficient use of land respecting the distinctiveness of the surrounding area. Policy DM9 of the Development Management Policies LDD (adopted July 2013) states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing and planned development.

7.5.2 The site is positioned in a relatively open location within the landscape. There are two immediate neighbouring premises to the south of the site; The Quartermaster military store and Bean Here, a coffee shop. Further south is a single residential property; Glenthorn, sited to the south of the coffee shop, but at a distance of 105m from the proposed building, which would be constructed approximately 16m further north from the existing building.

7.5.3 It is not considered that any direct or detrimental impact to the residential amenities of this residential property will arise as a result of the proposed development and its use.

7.5.4 Whilst it is accepted that on-site vehicular movements will occur throughout the day it is not considered that the level of movements would arise in any unacceptable harm through noise and disturbance. However, a Parking and Delivery Management Plan is recommended and secured by condition to ensure deliveries occur at acceptable times.

7.5.5 It is accepted that given the scale of the development that the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further details concerning timing of construction activities and deliveries to avoid unacceptable impacts.

7.5.6 To summarise, given the siting and layout of the proposed building and site, it is considered that no other harm would arise to neighbouring amenity. The development is therefore considered to comply with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

7.6 Impact on highway safety

7.6.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.6.2 During the course of the application further surveys, modelling and revised information following consultation with Hertfordshire Highways was requested with alterations proposed to the original proposed access and highway arrangement. All previous comments from the Local Highway Authority are attached in Appendix 1.

7.6.3 This included within the Transport Assessment addendum, updated visibility splays subject to clearance of trees, a revised swept path analysis demonstrating that no damage would occur to kerbs and would not conflict with other vehicles; updated pedestrian and cyclist visibility splays measured from crossings; a road safety audit.

7.6.4 *Visibility*

7.6.4.1 Visibility splays in accordance with the 40mph speed limit would be able to be achieved without obscurities along the site frontage, with an improvement over the existing arrangement. The visibility splays were revised to demonstrate that a maximum visibility splay of 79m could be achieved to the south from the site access, subject to the clearance of overgrown trees, including for pedestrians and cyclists. It was also demonstrated that a 120m visibility splay could be achieved for southbound travelling vehicles from the north. Both of which are considered acceptable and raised no objection for Hertfordshire Highways (See **Appendix B**).

7.6.5 *Access alterations*

7.6.5.1 The proposed access was updated during the course of the application to include a revised Swept Path Analysis to ensure no damage to the kerb with realistic manoeuvres and to not conflict with other vehicles. The revised access road would measure a minimum of 7.3m in width in accordance with Highway guidelines. The application site is currently served by a single vehicular access point which enables two way traffic accessed via a service road off the A41 Watford Road.

7.6.5.2 Additionally, the existing refuge for the stopping of vehicles would also be relocated to the south of the existing roundabout to ensure for turning manoeuvres of larger delivery vehicles. As part of the submission swept path analysis plans have been submitted which confirms that the maximum legal articulated vehicle will be able to access the site from the north and from the south and egress the site in forward gear.

7.6.5.3 It is acknowledged that proposed alterations would widen the existing access to accommodate articulated vehicles in both directions, which would tie-in with the existing highway arrangement and markings.

7.6.5.4 A 1m grassed verge is also proposed to the northern side of the highway, to prevent the visually impaired users from stepping straight onto the highway; all of which would be subject to a condition and a section 278 agreement.

7.6.6 *Pedestrian/Cycle Crossing*

7.6.6.1 A dedicated pedestrian and cycle crossing would be provided approximately 58m north of the proposed site access. The existing foot/cycle way to the eastern side of the A41 would also be extended to the relocated staggered crossing. This would include the extension of the shared use facility to ensure cyclists can re-join the carriage safely to the south of the proposed access. Consideration of the Warner Bros Studios planning permission and the requirement to implement a Toucan crossing. (Paragraph 2.20 of the Transport Assessment Addendum) The revisions also included consideration of the Warner Bros Studios planning permission and the requirement to implement a Toucan crossing. (Paragraph 2.20 of the Transport Assessment Addendum) (See **Appendix C**).

7.6.7 *Trip Generation*

7.6.7.1 Whilst recognising that the proposed development falls within the same use, the level of vehicular activity would likely be more given the increase in visits from members of staff, deliveries and customers.

7.6.7.2 The submitted trip generation assessment which forms part of the Transport Assessment states that there will be an estimated +117 weekday and +140 weekend peak hour trips generated (08:00-09:00 and 17:00-18:00 weekday) and (11:00-12:00 weekend). Based on the existing lawful use of the site as an aquatic/garden centre, the proposed development is highly likely to result in higher trips than the existing use. The Highway Authority states that the trip generation and distribution exercise is sufficient and whilst an upload in trips is

noted and the access onto Watford Road would be intensified from the present usage. However, given the existing use commercial use of the site the Highways Authority do not consider that the traffic generation from the proposed foodstore would be significant enough to have a safety or severe impact on the surrounding highway network. Furthermore, National Highways do not object to the proposed development, who have commented that the scheme would not materially affect the safety, reliability and operation of the strategic road network.

- 7.6.8 The Highway Authority have recommended various conditions associated with the new access, visibility splays, parking and servicing areas, pedestrian access, electric car parking, cycle parking and highway offsite improvements. It is recommended that a Travel Plan is secured by condition so as to promote and encourage further sustainable modes of travel to and from the site. Furthermore, specific details of the proposed boundary treatment with regards to fencing and planting and including final levels will be subject to a condition for any approval.
- 7.6.9 A Construction Management Plan would be secured by condition and will require further details concerning construction vehicle numbers, routing, access arrangements, traffic management requirements, storage of materials, contractor parking, timing of construction activities, cleaning of site entrances, and the adjacent public highway.
- 7.6.10 There would also be no significant impact on highway safety as a result of access and trip generation. Hertfordshire Highways have been consulted and have no objection to the revised scheme, subject to conditions. The obligations will include a financial contribution to the Travel Plan (£6k per Travel Plan). There are no road safety concerns and it has been demonstrated that safe and suitable access can be provided.

7.7 Parking

- 7.7.1 With regards to parking, Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the car parking requirements for the District. The existing site currently has parking for 75 vehicles. Access arrangements would utilise the existing access to the south entrance. The principal method of arriving by car would be accommodated by the existing car park, which would be reconfigured.
- 7.7.2 As noted, parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). The requirements are 1 space per 18sqm gross floor area for food superstores up to 2,500sqm retail floor area. When applied to the development (1457sqm), this results in a requirement to provide 81 spaces. In this case, 98 car parking spaces would be provided to serve customers and employees including 8 parent and child spaces, 7 staff spaces and two electric charging bays. The level of parking proposed would be considered acceptable.
- 7.7.3 In respect of cycling parking, Appendix 2 sets out that the requirements are 1 space per 150sqm gross floor area plus 1 long-term space per 10 maximum staff on site at any one time for food superstores up to 2,500sqm retail floor area. When applied to the development 9.7 plus 4 (40 staff) cycle spaces (14) should be provided. Externally, there would be a 5 cycle stands for 10 cycles, while none are currently provided internally. Whilst the external storage is lower than required, it is recognised that the development can be flexible to increase storage if demand requires. Therefore, no objection is held in this regard.
- 7.7.4 In light of the above, whilst recognising the shortfall in cycle provision against standards, for reasons discussed the level provided would be acceptable subject to the legal agreement and conditions.

7.8 Waste Management

7.8.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.8.2 The proposed development would result in the production of additional waste, arising from the demolition, ground works and construction stages and proposed use. As a result, waste matters will need to be considered as part of the proposed development and waste prevention, re-use, recycling and recovery options employed to minimise waste requiring disposal, in line with the waste hierarchy.

7.8.3 Due to the current and proposed commercial use of the application site, refuse and recycling is collected by a private contractor. As a result, it is considered that waste and recycling would continue to be collected by a private contractor. The details of which would be secured by a Waste Management Scheme.

7.8.4 In light of the above, subject to a condition regarding waste management the application would be in accordance with Policy DM10 of the Development Management Policies LDD.

7.9 Flooding and Drainage

7.9.1 The NPPF at paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.9.2 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 also requires development to include Sustainable Drainage Systems (SuDs).

7.9.3 The application site lies within Flood Zone 1 and is at very low risk from surface water flooding (via the Environment Agency mapping). Whilst the banks and course of the River Gade is in Flood Zone 3, the proposed development area lies outside of this. As part of the application a flood risk assessment was undertaken, which also had regard to surface and ground water flow. The Environment Agency were consulted as part of the application and hold no objection to the proposal.

7.9.4 The Lead Local Flood Authority were also consulted as part of the application, and the application sets out that sustainable drainage measures would be implemented in the form of attenuation storage, which will ensure a significant reduction in surface water runoff rates when compared to the current situation with improved permeability across the site when compared to the current impermeable nature of the site. The canal and river trust were also

consulted on the application, what noted that the drainage system is installed and maintained as indicated, which would be subject to a condition.

7.9.5 The Lead Local Flood Authority, however, have raised concerns subject to further details. Further comments regarding the acceptability of the sustainable drainage measures are awaited from the LLFA. If the LLFA are to maintain their objection, planning permission should not be approved until their objection has been removed, and would be subject conditions.

7.10 Contamination

7.10.1 The application site falls within the Source Protection Zone 2 and a Zone 1 Inner Protection Zone lies approximately 150 metres to the south. The is not recorded as having had potentially contaminative use.

7.10.2 Policy DM9 of the Development Management Policies LLD states that the Council will only grant planning permission for development, on, or near to, on land suspected to be contaminated, where the Council is satisfied that:

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

7.10.3 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution health, living conditions and the natural environment.

7.10.4 The application was supported by a site investigation reports to identify possible constraints to the development relating to the ground conditions.

7.10.5 Environment Protection have been consulted and have commented that whilst there are a number of sites within 250m of the site that have had a previously contaminative use. Given this, number of conditions as requested and would be applied to any approval.

7.10.6 In light of the above, it is not considered the risk posed from contamination would be a barrier to restricting development, subject to conditions.

7.11 Impact on trees / landscaping

7.11.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.11.2 Due to the built-up nature of the application site the majority of trees and landscape features can be found along the perimeter of the site. The proposal would result in a loss some trees and an area of grassland. However, replacement trees are proposed as part of a landscaping plan.

7.11.3 A large number of new trees and soft landscaping areas will be introduced to compensate any loss including a green roof to the building. This has been shown indicatively via the submitted Soft Landscape Strategy Proposal and includes new trees along the eastern boundary with Watford Road (A41) comprising native trees and hedgerows, new mixed native hedgerows including ornamental planting beds and tree avenue to the store frontage. Areas of landscaping to the west of the building would retain areas of existing woodland blocks with additional infill tree planting with the inclusion of wildflower seeding to open areas and woodland edges.

7.11.4 The Landscape Officer has commented on the proposal and holds no objection, subject to compliance with the submitted tree protection methods statement and implementation of the proposed remedial landscaping scheme. In order to existing safeguard trees, it is considered important to recommend such conditions relating to tree protection and the request further details with regards to the submitted detailed soft landscaping proposed.

7.12 Wildlife & Biodiversity

7.12.1 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.

7.12.2 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. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.12.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application along with a Preliminary Ecological Appraisal. The appraisal concludes with a list of recommendations for biodiversity enhancements. Whilst the majority of the affected site is composed of buildings and hard surfaces, the proposal would also result in a loss of areas of deciduous woodland and grassland. Given the nature of the surrounding habitat the proposed development would include integrated bat and bird boxes, measures for hedgehogs and improvements to the waterside habitat. Herts Ecology had no objection to the findings subject to the incorporation of the mitigation measures to enable a biodiversity net gain, secured by a Landscape and Ecological Management Plan condition.

7.12.4 No lighting details have been proposed, which would be subject to a condition, in order to minimise light spill and direct light away from boundary vegetation in respect to the impact on wildlife.

7.13 Sustainability

7.13.1 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.

7.13.2 The application has been supported by an Energy Usage & Sustainability Statement which confirms that the following design measures will be incorporated into the build; natural daylighting, energy efficient building fabric, low energy lighting, heat recovery ventilation, high efficient heating systems, sub-metering, building energy management system and solar panels (located on the roof) which combined will exceed the policy standard (carbon dioxide reduction 296.57%) and a (330.16% energy reduction). A condition will be attached to require that these measures are implemented in accordance with the submitted Energy Usage & Sustainability Statement.

7.14 Planning Balance

- 7.14.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)).
- 7.14.2 The development has been considered acceptable in accordance with the development plan meaning there is no requirement to consider any further balance. Planning permission should therefore be granted subject to the conditions and the S106 agreement. The obligations will include a financial contribution to the Travel Plan (£6k per Travel Plan). These are all considered to necessary to make the development acceptable in planning terms, are all directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 7.14.3 By granting planning permission there will be economic benefits from the creation of construction jobs including the provision of 40 jobs for the store for 144sqm of additional floorspace to an existing retail use. Additionally, a development on this scale will provide a number of indirect economic benefits to the local economy and other environmental factors across the site will be enhanced, from improving on-site drainage, providing greater soft landscaping and biodiversity opportunities. These factors should also weigh in favour of granting planning permission.
- 7.14.4 The above factors are all material considerations in their own right and would weigh in favour of the development. Clearly, significant benefits in favour of the development would arise from the scheme.
- 7.14.5 Further, it is recognised the economic benefit along with employment opportunity the proposed development would bring including the enhanced landscape and biodiversity opportunity. The proposal would provide a wider sustainable community benefit.

7.15 Recommendation

- 7.15.1 That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing a financial contribution towards the on-going monitoring of the Travel Plan), that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA (or appointed consultant):

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 Plan numbers

The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P100, P101 Rev P4, P102 Rev P2, P103, P200, P201, P301, 187011-001I, 22-089-P-02, 22-089-SK-01 A, 187011-SK002 C, 187011-SK003 C, 187011-SK07 A, 187011-002 C.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard neighbouring amenity and preserve the character and appearance of the surrounding area in accordance with Policies CP1, CP6, CP7, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM7, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

C3 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 / Statement shall include details of:

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

Reason: This condition is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C4 Construction Ecological Management Plan (CEMP)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This should outline how nearby Local Wildlife Site, the adjacent river Gade and protected species such as birds and water voles will be safeguarded during construction. It should include measures to prevent the spread of species listed on Schedule 9 of the Wildlife and Countryside Act. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. The CEMP shall include the following:

- A) Risk assessment of potentially damaging construction activity
- 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 including nesting birds.
- E) The times during which 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) Use of protective fences, exclusion barriers and warning signs if applicable.

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to biodiversity during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 Landscape and Ecological Management Plan (LEMP)

No development shall take place (including ground works, site clearance etc) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. This should give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including those within the soft planting plan as well as habitat improvements taken from the recommendations within the biodiversity enhancement section of the Preliminary Ecological Appraisal by Greengage (report date September 2022). Including as a minimum following specific information should be provided:

1. Purpose and conservation objectives for the proposed works;
2. Details of the number type and location of native-species planting, and/or fruit/nut tree planting;
3. The areas to be sown or planted with specific seed mixes or specific species for biodiversity value;
4. location and type of integrated bat and bird boxes enhancement measures for hedgehogs and any other enhancement measures.
5. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure their sustained value to biodiversity for a minimum of 30 years;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to deliver biodiversity net gain and landscape enhancements 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).

C6 Dust Management Plan

Prior to the commencement of the development hereby permitted, a Dust Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by the permitted operations and to prevent the emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plans.

Reason: This is a pre-commencement condition in the interests of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2019).

C7 Universal condition for development on land affected by contamination

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

contamination of the site shall be submitted to and approved, in writing, by the local planning authority.

- i) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site including sources, pathways and receptors
 - o potentially unacceptable risks to arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- iii) The site investigation results and the detailed risk assessment (ii) 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.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

The scheme shall be implemented as approved.

Reason: This condition is a pre commencement condition 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 in line with paragraph 174 of the NPPF (2023) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Verification report and monitoring and maintenance programme

Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' available online at <http://www.gov.uk/government/publications/lan-contamination-risk-management-lcrm>.

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 174 of the NPPF (2023) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C9 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 in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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 paragraph 174 of the NPPF (2023) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Materials

Before above ground works commence, samples and details of the types, colour and finish of all external materials, shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Only the materials as approved shall be used in the construction.

Reason: To ensure that the external appearance of the building and site in general is acceptable and preserves the character and appearance of the surrounding area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C11 Arboricultural Method statement & Tree Protection

No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the Appendix One (Tree Plan) and Appendix Two (Tree Protection) within the Arboricultural Method Statement Drawing Number LALW/MS/01 Rev C.

The protective measures, including fencing, shall be undertaken in full accordance with Appendix One (Tree Plan) Drawing Number LALW/MS/01 Rev C and Appendix Two (Tree Protection Fencing) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

C12 Highway Improvements – Offsite (Design Approval) Part A

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 187011-001 Rev I have been submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C13 Highway Improvements – Offsite (Implementation / Construction) Part B

Prior to the first use the development hereby permitted, the offsite highway improvement works referred to in Condition 12 Part A of this condition shall be completed in accordance with the approved details.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C14 Travel Plan Statement

At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C15 New Access

Prior to the first use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan drawing number 187011-001 Rev I. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C16 Visibility Splays

Prior to the commencement of the use hereby permitted, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number 187011-001 Rev I. The splay(s) shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C17 Provision of Parking and Servicing Areas

Prior to the first use of the development hereby permitted the proposed access /onsite car and cycle parking / servicing / loading, unloading / turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C18 Pedestrian Access

Prior to the commencement of the development hereby permitted, a scheme for pedestrian access from the proposed supermarket to all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to first use of the development, the scheme shall be completed in accordance with the approved details.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C19 Cycle Parking

Prior to the first use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting (including location of future provision) of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The external Sheffield cycle stands shall be erected and permanently retained thereafter. The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C20 Hours

The site shall not be open to the public otherwise than between the hours of 7.00am to 23.00pm; Mondays to Saturdays and 10.00am to 18.00pm; on Sundays or National Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to preserve the openness of the Green Belt in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Parking and Delivery Management Plan

Prior to the commencement of the use hereby permitted, a Parking and Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking and Delivery Management Plan shall incorporate the delivery hours, servicing arrangements for the use and adequate provision for the parking of delivery vehicles within the site and shall be adhered to at all times.

Reason: In order to protect highway safety and the amenity of other users in accordance with Policy CP10 of the Core Strategy (October 2011).

C22 Energy measures

Prior to the first use of the development hereby permitted, the approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented and permanently maintained thereafter.

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

C23 Hard and Soft Landscaping Scheme

Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping (including green roof), which shall also include details of all new trees including species type and initial planting height and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme shall follow the details approved as shown on drawings 22-089-P-02 and 22-089-SK-01 REV A.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area 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).

C24 External Lighting

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

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

7.15.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:
All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 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 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town

and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

15 Highways: Storage of Materials

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

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

16 Highways: Obstruction of public highway land

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

17 Highways: Road Deposits

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. 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>

18 Highways: S106 Agreement.

A Section 106 agreement will be required for the following: Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel Plan Guidance for Business and Residential Development: • Travel Plan The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2008) for schemes in the local area that accord with the three CIL tests.

19 Highways: Construction standards for works within the highway

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>

Appendix A – Highways Comments



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

Director of Planning
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 22/1764/FUL
HCC ref: TR/14218/2022
HCC received: 14 October 2022
Area manager: James Dale
Case officer: Oliver Sowerby

Location

World Of Water Aquatic Centres Ltd Hempstead Road Watford WD4 8QG

Application type

Full Application

Proposal

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety, access and pedestrian and cyclist safety.

COMMENTS:

The applicant seeks planning permission for the following development:

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

The Highway Authority note the submission of documents, including an Interim Transport Assessment.

The Interim Transport Assessment contains a number of instances stating that a future Full Transport Assessment will be provided. However, these aspects cover key aspects which are essential to the Highway Authority reaching a view on the highways and transportation aspects of the proposals.

However, this notwithstanding, the Highway Authority has a number of concerns with respect to key aspects set out within the Interim Transport Assessment.

The Highway Authority note the submission of site layout plans as contained within Appendix B of the Interim Transport Assessment.

Access

The Highway Authority wishes to raise the below concerns with respect to the access drawing as presently shown:

- It is unclear how the proposed highway layout will tie-in to the existing layout for Hunton Bridge Roundabout and the existing pedestrian and cycle routes affected by the proposals;
- The uncontrolled (staggered) refuge crossing of the A41 for pedestrians and cyclists would be relocated further north to accommodate a longer right turn lane for the access T-Junction. No corresponding changes have been made to maintain the connecting (signed) pedestrian and cycle routes between the Grand Union Canal and Gypsy Lane;
- No crossing facility has been shown for the existing pedestrian and cycle route in the western verge, where it is crossed by the new access road alignment;
- No route for footway users has been clearly identified into the store.
- Lack of adequate facilities for footway users will increase the risk of conflict between footway users and road users;
- It is not known what boundary treatment is proposed for the development site. Inappropriate fencing/planting/level differences may increase the risk of conflict with other highway users and/or injury to footway users;
- No clear tie-in has been shown between the existing and proposed highway layouts. The central island at the southern end of the right turn lane for the development has not been shown, and no existing road markings have been indicated to the south of this T-junction.
- The existing road signs and markings approaching Hunton Bridge roundabout have not been shown on the drawings. It is not known what changes are proposed to accommodate the new markings that are indicated on the drawings. Inappropriate changes to the existing road destination markings may increase the risk of collisions occurring between road users;
- The access road junction with the A41 is on an uphill gradient at the give way line. No visibility splays (horizontal/vertical plane) have been shown for the junction. Delivery HGVs emerging from the access will take significantly longer to clear the junction area than customer vehicles;
- It is not known if adequate inter-visibility will be provided to and from the access junction, especially for larger vehicles. This will need to be tested in both the horizontal and vertical planes. Inadequate visibility may increase the risk of vehicle pull out type collisions at the junction;
- Two traffic lanes are shown in the access road at the give way line. A vehicle waiting next to another is likely to obstruct the visibility splay of the other driver (and vice versa);
- It is not known if the swept paths of HGVs turning at the junction can be accommodated such that the vehicles do not over-run the verge, central island or adjacent traffic lane;
- Improved information on a more accurate base plan, covering such design elements as; pedestrian and cycle routes, crossing points, site boundary treatments, proposed levels, visibility splays, road signs and markings; should be reviewed; and
- The Highway Authority would prefer an access road alignment to be shown as more perpendicular to the main carriageway.

As the above points illustrate, the Highway Authority has a number of concerns with respect to the technical information submitted. Engineering drawings should be supplied which satisfy the above concerns.

The Highway Authority also has plans as per the Local Cycling and Walking Infrastructure Plan, Watford Borough Council & Three Rivers District Council (December 2021) for a Toucan crossing in the immediate vicinity of the site which may be discussed in more detail with the Highway Authority and Local Planning Authority. The applicant should seek a solution to the pedestrian and cyclist arrangements that can take into account these plans.

However, this notwithstanding, the arrangement as shown on the supporting plans does not satisfactorily tie into the existing pedestrian and cyclist network to give the Highway Authority the confidence that proposed foodstore may be accommodated safely. Both pedestrians and cyclists will be disadvantaged with the applicant's plans to increase the access road width by which it will be necessary to cross three lanes of traffic.

The proposed changes to the junction layout and minor road access should be supported by the submission of a Stage 1 Road Safety Audit.

Layout

The document notes the following:

"It is noted that the current World of Water Aquatics site accommodates servicing and delivery movements via the existing access on the A41, therefore it is considered appropriate that movements for the Lidl foodstore would continue through this access. Full swept-path analysis will be provided in the full Transport Assessment to confirm that the required manoeuvres can occur."

The Highway Authority therefore await this revised information.

Further detail should also be provided with respect to cycle parking, including provision for cargo bikes as per LTN 1/20.

For internal pedestrian routes, the Highway Authority would seek that safe routes are marked out within the site to avoid pedestrian/vehicle conflicts.

Likewise, the plans should make the pedestrian routes to and from the adjoining footway on Watford Road clear. The Highway Authority has concerns that both within the site and across the amended access that pedestrians and cyclists have not been considered satisfactorily and this leads to concerns with respect to safety.

Modelling

The Highway Authority has concerns that the impact of the development has not been satisfactorily considered on the local highway network.

A number of instances are found in the Interim Transport Assessment that point to further work being required, as illustrated below:

"It should be noted that an initial capacity assessment was included within the Transport Scoping Note for the existing A41 / Watford Road junction. As part of the proposals at the time of writing the TSN, it was envisaged the existing junction would be retained in its current alignment for the proposed development. However, the updated proposals now show that the junction will be realigned

so that the approach to the bell mouth is of straighter alignment with marked left/right lanes on the carriageway. This is anticipated to be beneficial in terms of capacity compared to the previous alignment, however in order to provide a robust assessment an updated capacity model of this junction will be undertaken as part of the full Transport Assessment.”

The Highway Authority would expect that a linked junction assessment is undertaken which includes the site access and the A41/Watford Road junction.

“As summarised above, at the time of writing this report it has not been possible to undertake traffic surveys to determine the percentage increases at the offsite junctions listed in Table 5.2. However, using information obtained from DfT Traffic Count 36465 it has been possible to determine the percentage increases at the site access junction. During the AM Peak an increase of 38 vehicles equates to a percentage increase of 3.4% and in the PM Peak an increase of 106 vehicles equates to a percentage increase of 4.9%. Therefore, based on the above, this does not warrant a capacity model, however to be consistent with the scoping note and to provide a robust assessment of the junction, an updated model will be presented as part of the full Transport Assessment. Given the traffic will disperse from the site access and noting that the site surrounds the strategic road network, it is anticipated that the percentage increases will be minimal further afield and would not warrant any off-site modelling.”

“Due to the UK Summer Holidays, it has not been possible to undertake any traffic counts within the surrounding highway network. The Traffic Data Team at HCC were contacted to determine if traffic counts could be obtained. It was confirmed that an updated traffic count has been undertaken at ‘site 155’ in June 2022. Therefore, for the purpose of the full Transport Assessment this data will be obtained to undertake modelling at the site access.”

As noted above and within this response, the access junction (when the design has been reconsidered), should be assessed in accordance with the proposed changes and also consistent with the wider local highway network layout. Given the operation with the roundabout to the south, this should form part of a linked model in Junctions 9.

Summary

This response has identified fundamental issues with the access layout and insufficient supporting information to demonstrate that the development may be accommodated on the highway network.

As such, this leads to concerns with respect to highway safety, sustainability and how pedestrians and cyclists may be safely accommodated given the proposed changes to the access layout.

Given the aforementioned concerns, the Highway Authority does not recommend that planning permission be granted.

Signed
Oliver Sowerby

4 November 2022



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

Director of Planning
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 22/1764/FUL
HCC ref: TR/14218/2022
HCC received: 1 March 2023
Area manager: James Dale
Case officer: Oliver Sowerby

Location

World Of Water Aquatic Centres Ltd Hempstead Road Watford WD4 8QG

Application type

Full Application

Proposal

AMENDED PROPOSAL

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

COMMENTS:

The Highway Authority note the submission of a revised access drawing, 187011-001 Rev E SITE ACCESS ARRANGEMENT, vertical alignment review drawing and an updated Transport Assessment.

The Highway Authority has previously provided comments on both the access design and Transport Assessment.

Detailed comments between the first submission and this revised submission were also supplied to the transport consultant and TRDC in February 2023.

However, with respect to drawing number 187011-001 Rev E, the following issues should still be addressed.

Visibility from the Site Access



Visibility from and to the amended access from the roundabout has not been maximised. The parapet for the subway under the A41 is the only practical limitation on improving this. **The roundabout is within a 50mph speed limit, reducing to 40 mph on the exit into the A41, so DMRB visibility does apply especially as this route is a primary distributor.** In notes provided by the applicant it is suggested that Manual for Streets is appropriate. The Highway Authority does not concur with this point.

The need for a Departure from Standards for visibility, to and from the access, is for HCC to consider and progress, provided suitable mitigation measures are incorporated into the proposals for the revised highway layout (e.g., ensure vegetation and signage does not obstruct the visibility that can be provided). It is still considered by the Highway Authority that a slight adjustment to the access and service road to be more perpendicular to the main carriageway, or moving the junction slightly to the north would assist both movements in/out of the site and visibility.

Swept path analysis for larger vehicles turning at the junction shows unrealistic manoeuvres which will have to be undertaken at very low speeds. Even then an articulated HGV turning left into the access over-runs the centre hatching. The swept paths shown for the other manoeuvres are equally unrealistic. Restrictions to inter-visibility at the junction means there is less time to decide when to start the turn. It is more likely that a large vehicle will over-run verge areas and/or tactile paving at the footway crossing point. A HGV should not be required to over-articulate itself to enter a site when it is on a busy road. The access geometry should be amended to ensure more realistic turning manoeuvres for large vehicles can be fully accommodated at realistic manoeuvring speeds.

Maximum achievable visibility splays to and from the access should be clearly shown with suitable works identified to ensure these visibilities can be provided and maintained.

Visibility for both pedestrians and cyclists should be shown where they cross the access road. The Highway Authority has some concern that the retaining wall as presently shown would restrict visibility.

The Highway Authority is not content with the alignment of the cycle route where it approaches the junction. On the northern side of the junction, the cycle route has a sharp bend which causes concern with respect to safety. All radius curves and visibility requirements should be in accordance with guidance contained within LTN 1/20.

An external Stage 1 Road Safety Audit appears to have been undertaken on behalf of the developer. The only document seen was a designer's response to this report (on an older design) The original report should be assessed for compliance with GG119. If compliant, HCC will review the report and provide the response as Overseeing Organisation for the public highway. If not, the Highway Authority would be obliged to reject the report as inappropriate and request that a GG119 compliant Stage 1 Road Safety Audit is provided from an appropriate organisation. However, this notwithstanding, it is recommended that a further Stage 1 RSA is undertaken when the comments supplied within this response are considered by the applicant in the junction design/highway layout.

Committed Development

The Highway Authority wishes to note the consented development for the Warner Bros. studios (22/0491/FUL).

Condition 11 of the decision notice sets out the following requirements:

Highway Improvements - A41 Toucan to the Hempstead Road underpass (HCC Highways)

A) Design Approval No on-site works above slab level for the new buildings shall commence until a detailed scheme for the provision of a toucan crossing of the A41 connecting the local cycle network improvements shown in the drawing 21134-MA-XX-XX-DR-C-1100 P02 to the A41 pedestrian/ cycle subway below the A41/ Hempstead Road roundabout have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction No new buildings shall be occupied until the improvement works referred to in part A of this condition have been 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 Policies CP10 and CP12 of the Core Strategy (adopted October 2011). Separately, there is also the application submitted to TRDC for the Langleybury Studios (22/1945/FUL) which is yet to go to planning committee.

However, for Warner Bros site, the Highway Authority note the requirement for a Toucan crossing (to tie into the proposed cycle improvements), see below which is an approved drawing.



The Highway Authority would seek that the proposed Lidl development considers the requirement for a Toucan crossing at the point shown on the proposed plans.

Given the position of the access into the Lidl foodstore, it will be important to ensure that the committed Toucan crossing is fully considered in the design. The Highway Authority note also the sensitivity of the site's location to the junction to the south (in particular in terms of queuing) and have requested that a capacity analysis is undertaken.

Furthermore, and notwithstanding the Lidl proposals, the Highway Authority consider that the provision of a Toucan crossing at this location will ensure sustainable access to/from the proposed foodstore and the residential areas to the north-west, namely Abbots Langley and Leavesden. The inclusion of a Toucan crossing at this location would ensure that both pedestrians and cyclists may access the foodstore sustainably and safely and therefore encourage travel by sustainable modes. The applicant may wish to consider joint working on this matter with Warner Bros., although equally a solution that responds to the committed development scheme and the need to promote sustainable travel to the Lidl site may also be considered.

Summary

The Highway Authority has identified a number of issues with the access design leading to doubts with respect to highways safety.

This response has also set out that a key committed development should be taken into account when designing the proposed highway layout in order to ensure pedestrians/cyclists can cross Watford Road.

In summary, the Highway Authority recommends refusal owing to doubts with respect to highways safety and access layout.

Signed
Oliver Sowerby

22 March 2023



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

Director of Planning

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

District ref: 22/1764/FUL
HCC ref: TR/14218/2022
HCC received: 18 July 2023
Area manager: James Dale
Case officer: Oliver Sowerby

Location

World Of Water Aquatic Centres Ltd Hempstead Road Watford WD4 8QG

Application type

Full Application

Proposal

AMENDED PROPOSAL

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

Recommendation

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

CONDITIONS:

New Access

Prior to the first use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan drawing number 187011-001 Rev I. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Visibility Splays

Prior to the commencement of the use hereby permitted, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number 187011-001 Rev I. The splay(s) shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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).

Provision of Parking and Servicing Areas

Prior to the first use of the development hereby permitted the proposed access /onsite car and cycle parking / servicing / loading, unloading / turning shall be laid out, demarcated, levelled, 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).

Pedestrian Access

Prior to the commencement of the development hereby permitted, a scheme for pedestrian access from the proposed supermarket to all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to first use of the development, the scheme shall be completed in accordance with the approved details.

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).

Electric Car Parking

Prior to the use of the development hereby permitted, the development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points.

Reason:

To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Cycle Parking

Prior to the first use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority
The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.

Reason:

To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

Travel Plan

At least 3 months prior to the first use of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

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 / Statement shall include details of*:

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

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 Improvements – Offsite (Design Approval) Part A

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 187011-001 Rev I and have been submitted to and approved in writing by the Local Planning Authority.

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).

Highway Improvements – Offsite (Implementation / Construction) Part B

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).

HIGHWAY INFORMATIVES:

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

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

Further information is available via the website:

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

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

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

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the

highway. 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>

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel Plan Guidance for Business and Residential Development:

- **Travel Plan**

The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2008) for schemes in the local area that accord with the three CIL tests.

AN5) Construction standards for works within the highway: 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:

The applicant seeks planning permission for the following development:

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities | World Of Water Aquatic Centres Ltd Hempstead Road Watford Hertfordshire WD4 8QG

Introduction

The Highway Authority note the submission of materials in support of the planning application, including the Transport Assessment (Interim) dated September 2022, the Transport Assessment dated January 2023 and the final Transport Assessment Addendum, dated July 2023.

The Highway Authority note the extensive engagement with the applicant's transport consultant subsequent to the first submission in late 2022. The document dated July 2023 contains details of these discussions and may be referred to for additional commentary on the discussions surrounding the proposed site access. Given that the technical detail surrounding the access design is contained within this document, including comments made by the Highway Authority, these comments are not repeated in full in this response.

The review has comprised comments on the Transport Assessment and more specifically, the reconfiguration of the existing access which serves the World of Water site and the adjoining businesses/dwellings.

The Highway Authority has supplied technical comments on the applicant's proposed design, including a review of the Road Safety Audit materials, the latter which has compromised two iterations.

Sustainability

The development site is positioned adjoining a number of key roads.

The site is accessed from the A41 Watford Road which is a primary distributor road in the Hertfordshire roads hierarchy.

Immediately to the south of the site on the road network, the North Western Avenue Hempstead Road (Hunton Bridge), roundabout may be joined, which provides access to the M25 link/A41/A411.

The site is therefore well positioned to access the local and strategic highway network.

In terms of access to residential areas, the site is accessible to the residential areas of Abbots Langley, Leavesden and North Watford.

Right of Way ABBOTS LANGLEY 040 (Bridleway from footpath near Railway Bridge south to Hempstead Road) (A41) known as Gypsy Lane may be accessed on the opposite side of Watford Road to the site. Gypsy Lane provides a useful connection for pedestrians and cyclists to the residential areas in Abbots Langley.

The Highway Authority is content that notwithstanding the site's position relative to key distributor roads and the Strategic Road Network that the site does offer the potential to be accessed by walking and cycling trips.

Access

The site is presently accessed from a large priority junction which provides access to the World of Water aquatic centre, an adjoining café and military goods store and dwellings.



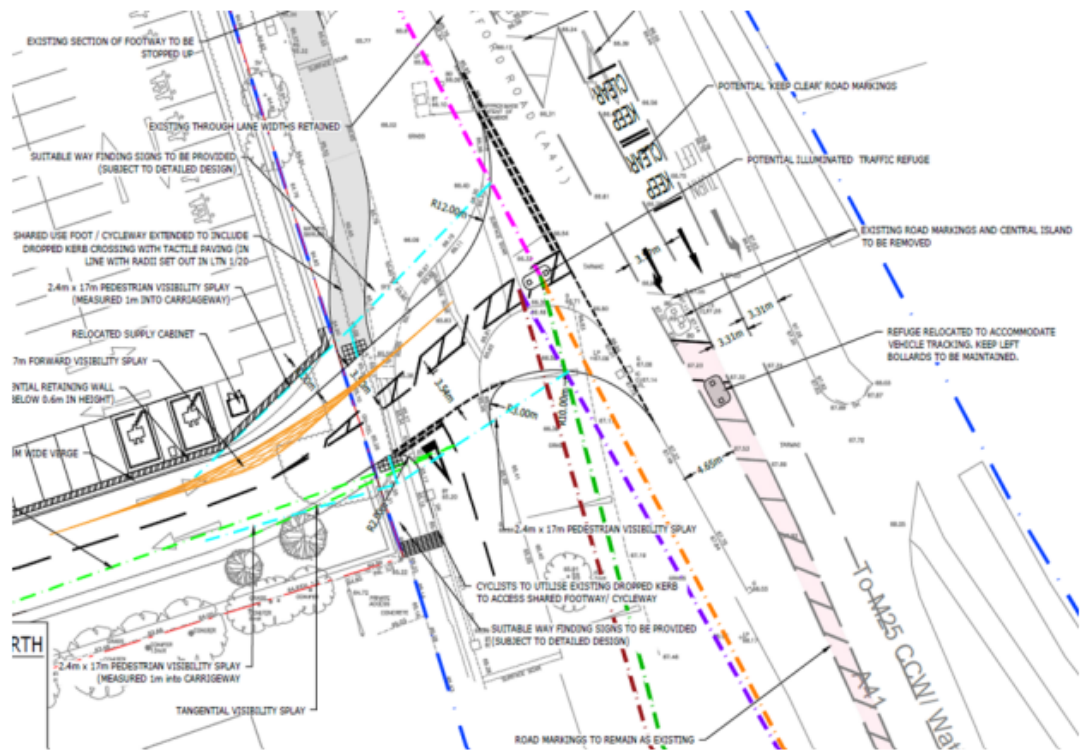
The above access presents a number of engineering challenges with the proposed foodstore usage to which the applicant's transport consultant has responded to, subsequent to comments made by the Highway Authority. This has included comments on visibility (both horizontal and vertical), vehicular access for large vehicles, geometry and turning into the site from both directions.

The Highway Authority has noted that safe and suitable access will need to be provided for goods vehicles servicing the proposed foodstore, that satisfactory visibility is ensured (in particular towards Hunton Bridge) and active travel is promoted.

Satisfactory access will also need to be maintained to the businesses/dwellings that are currently served from the service road.

The Highway Authority has also issued comments relating to ensuring that active travel is achieved, with a shared pedestrian/cycle route running through the junction.

The layout as proposed is considered acceptable in terms of highways safety and also seeks to enhance active travel.



As the above drawing illustrates, the side road (to the south) has been reconfigured to form a service road with a give way at its junction with the proposed foodstore access road. The Highway Authority has reviewed and commented on the swept path analysis supplied by the transport consultant in order to ensure that safe access may be ensured into the site.

The pedestrian/cycleway has been reconfigured to allow cyclists to join the shared section which is continuous to the north of the access road. To the south of the access road, cyclists may use the carriageway of the service road, before joining again a shared footway/cycleway which may be picked up underneath the roundabout going south.

It is also noted that the current uncontrolled crossing across Watford Road is to be moved a short distance to the north. This will facilitate an increased length of right turning lane into the proposed development site. The cycleway on both sides of Watford Road will be widened to tie into the proposed crossing. On the eastern side of Watford Road the existing footway/cycleway will be widened to 3m between the proposed uncontrolled crossing and Gypsy Lane.

The uncontrolled crossing has also been positioned (further to Highway Authority comments), so as to allow an upgrade to a Toucan crossing which will be facilitated by the Warner Bros. development. The uncontrolled crossing is illustrated on drawing number 187011-SK07B and should be provided as part of the off-site highways works.

Site Layout

The Highway Authority note the submission of the Proposed Site Plan, drawing number 2012 - P101 - S2 - P4.

The Highway Authority is content with the layout as proposed, although note that further detail should be supplied relating to the internal circulation for pedestrians from the car parking areas.

Parking

The location of the car parking provision within the site is broadly being retained from the existing use, however the car park will be reconfigured to provide 98 spaces in total. This is to include seven disabled bays, eight parents and child spaces, seven staff spaces and two electric vehicle charging bays. There are currently 82 spaces on the site and therefore the development will provide an uplift in parking across the site.

Cycle Parking

A total 10 bicycles spaces are provided in the form Sheffield cycle stands and therefore exceeds the minimum parking requirements. According to the Transport Assessment, "At this stage it is unknown on the number of staff on site at a given time, however it will be ensured that suitable internal space is provided to accommodate cycle storage."

The Highway Authority recommend the inclusion of a planning condition to detail the cycle parking. For staff cycle parking, this should be by way of a secure location.

Public Transport

The closest bus stops to the site are located on Hempstead Road (named the "Russell Lane" pair). This pair of bus stops provides access to service numbers 501/508 with a route between Hemel Hempstead and Northwood/Watford available to passengers.

A further bus stop pair is located on Hunton Bridge Hill (named "Hamilton Road"). This pair of bus stops provides access to service numbers H19/R9 although it is noted that the service pattern is very limited.

Kings Langley railway station is the closest train station, located at a distance of approximately 2.5km.

Given the site's location on the periphery of the urban area, it is considered that the site is reasonably accessible by public transport which will afford in particular staff the opportunity to travel by modes other than the private car.

Travel Plan

This site is located close to a large roundabout and busy main roads which could encourage car use and discourage use of active and sustainable modes to access the site. Notwithstanding the walking/cycling infrastructure available, bus services from stops nearby, and proximity of residential areas where customers and staff may come from, a robust Travel Plan will be required to seek to promote as many trips by sustainable modes as possible.

The Travel Plan does require some amendment and development before it is acceptable for this stage. Particular attention should be given to providing clarity on the interim mode shift target and inclusion of either Census data or data from another similar store to give indication of potential mode split. We also need a commitment to annual review of both measures and targets and we expect monitoring to continue even if targets are met in 2 surveys – we require monitoring for min 5 year period and attainment of agreed targets for this period. If targets are met this could indicate potential for further mode shift which could be discussed by between the Co-Ordinator and HCC.

Detailed comments are as follows:

- The Travel Plan has been called a Framework Plan but as the site will have a single land use, it is more appropriately called an Interim Travel Plan.
- There is only very limited reference to the national and local policy background – we do not require extensive coverage, but brief outline of the main documents and how they relate to Travel Planning is expected as these give a rationale for the plan and the form it takes. Reference should be made to our guidance and in the further development of the plan – please see www.hertfordshire.gov.uk/travelplans.
- Contact details are given for the developers, but details of the Travel Plan Ordinator will need to be provided on appointment along with those of a secondary contact in case of personnel changes. Details of time allocated to role and frequency on site will need to be provided once known.
- We also ask for a statement of commitment from a suitable member of company management towards the effective implementation of the Travel Plan – this gives us assurance that the plan will be given adequate support within the company.
- There is a good range of suggested measures to encourage use of sustainable modes. We would encourage promotion of the Intalink website which gives information re bus services in Hertfordshire (www.intalink.org.uk) and HCC website pages on walking and cycling within the county (Walking and cycling routes | Hertfordshire County Council, Hertfordshire Cycling | Hertfordshire County Council).
- Paragraph 4.6 p17 states that a realistic target is to reduce vehicular trips to 5% - I am assuming this means a reduction by 5% rather than to 5% but needs clarifying. If it is by 5% then this is at the lower end of potential mode shift mentioned as generally possible in paragraph 4.5. TRICS data included is only for vehicular trips so there is no indication of possible existing mode split. Whilst exact nos will not be known prior to baseline survey, an indication can be made through use of Census data and this can help guide relevant interim targets, or potentially data from another similar store.
- Paragraph 4.10 appears to suggest review of targets in alternate years, whilst paragraph 6.6 talks about annual monitoring report and consideration of remedial measures post-monitoring. We would expect annual review of both measures and targets post-monitoring to ensure plan remains appropriate and relevant.
- P27 paragraph 6.5 states monitoring will end if 2 consecutive surveys show targets have been met – we would expect surveys to continue to 5 years post store opening to ensure targets remain met and for consideration to be given as to whether further mode shift is achievable.
- Monitoring and evaluation fee of £1200 per year (for a 5 year plan) should be sought – so total of £6000.

The Highway Authority recommend the inclusion of a Travel Plan condition which will facilitate an updated version, in accordance with Hertfordshire County Council guidance and taking in the above comments to be prepared. Engagement may be made with HCC's Travel Plan team to this effect.

Trip Generation/Distribution

The trip generation and distribution exercise are satisfactory.

Based on trip rates set out above, a comparison of the overall net change in vehicle trip generation between the existing use and the proposed development is shown below in **Table 6.5** for weekday trip rates and **Table 6.6** for weekend trip rates.

Site	Weekday AM Peak (08:00-09:00)			Weekday PM Peak (17:00-18:00)		
	Arr	Dep	Total	Arr	Dep	Total
Vehicle Trip Generation (Net Change)	+25	+20	+45	+60	+57	+117

Table 6.5 – Net Change Weekday Peak Hour Vehicle Trip Generation

Site	Weekend Peak (11:00-12:00)		
	Arr	Dep	Total
Vehicle Trip Generation (Net Change)	+71	+68	+140

Table 6.6 – Net Change Weekend Peak Hour Vehicle Trip Generation

As set out within the above extract from the TA, the access onto Watford Road will be intensified from the present usage. This notwithstanding, given the existing commercial usage of the site the Highway Authority is content (in the context of the necessary improvements to the access with Watford Road), that the traffic generation from the proposed foodstore will not have a significant impact on the adjoining local highway network.

Assessment

The Transport Assessment provides a capacity assessment of selected junctions on the adjoining local highway network. Analysis using the County's strategic transport model, COMET, has also been undertaken in terms of examining the net increase in trips on the adjoining local highway network and key junctions.

The Highway Authority is satisfied that the development may be accommodated on the local highway network and that levels of capacity are not materially affected on the tested junctions.

Off Site Infrastructure Works

As shown on the proposed site access plan, a number of off-site highways works will be necessary in order to make the development acceptable in planning terms and facilitate a safe and suitable access into the site. Aside from the reconfiguration works to the public highway in order to facilitate access into the proposed foodstore, the drawing also illustrates widening to the existing shared footway/cycleway.

The works also include the relocation of the existing uncontrolled crossing which is located in the near vicinity of the reconfigured site access. All such works will need to be undertaken via a Section 278 agreement.

Construction

The Highway Authority will require the preparation of a detailed Construction Traffic Management Plan (see planning condition). The plan should also detail how access to the existing businesses/dwellings will be maintained throughout this process and present a phasing plan for the execution of these works.

Contributions

As noted on the Three Rivers District Council website, the Local Planning Authority adopted a Community Infrastructure Levy (CIL).

As noted by TRDC, "The Community Infrastructure Levy (CIL) is a charge which allows the Council to raise funds from new developments for use on infrastructure to support the growth in the district. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended). The money collected from the levy will be used to support development by funding infrastructure that the Council local community and neighbourhood need."

Given that TRDC has an adopted CIL, contributions to provide infrastructure to support the development more generally will be sought via this mechanism.

However, wherever possible, the Highway Authority will seek to secure highway works via planning Condition and s278 agreement.

First strand (works to be undertaken under s278):

- Access works to access road junction with Watford Road and adjoining service road;
- Widening of shared pedestrian/cycle route on both sides of Watford Road
- Changes to highway layout on Watford Road in the vicinity of the access junction;
- Relocation of uncontrolled crossing point on Watford Road.

Given that TRDC is a CIL Authority, contributions that would have previously been requested under a second strand (S106) framework will come under the auspices of the approved CIL charging schedule.

The only Section 106 contributions that the Highway Authority seeks relates to the Travel Plan (£6k per Travel Plan).

The Highway Authority note the adopted Guide to Developer Infrastructure Contributions. In accordance with Technical Appendix 1 of the toolkit, a Strand 2 contribution of £422 per job is required. The application form for the development sets out that the development will employ 40 persons which would equate to a required contribution of £16,880.

The South West Herts Growth and Transport Plan was developed in partnership with Three Rivers District Council, Watford Borough Council and Hertsmere Borough Council. It was endorsed by the Highways and Transport Panel in January 2020.

It is considered that a contribution towards the scheme as identified below could be fitting. Such a contribution would also be consistent with the emerging LCWIP.

SM17	-	A411 Hempstead Road and Grand Union Canal Corridor Cycleway Improvements	Cycle Lane (on or off road) along A411 Hempstead Road (Watford) plus enhance the section in front of West Herts College between A411 and High Street. Additional general improvements along the Grand Union Canal corridor and transfer improvements at Grove Mill Ln are to improve connectivity to the Towpath from the A411.
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Notwithstanding the above, it is considered that the off-site highways works and improvement to cycling infrastructure in the immediate vicinity of the site are not of sufficient value for the Highway Authority to request a Strand 2 contribution. The principal on and off-site highways works should be delivered via planning condition and Section 278 agreement.

Conclusion

The Highway Authority notes the submission of materials in support of a planning application for a proposed Lidl foodstore.

The Transport Assessment documentation is considered to satisfactorily present that the development may be accommodated on the local highway network in vehicle capacity terms.

The Highway Authority note the substantial change to the existing access arrangement to the World of Water site and adjoining service road which will require a Section 278 and completion prior to the first use of the development. The Highway Authority note also the relocation of the existing uncontrolled pedestrian crossing and improvements to the walking and cycling routes in the immediate vicinity of the site.

In summary, the Highway Authority does not wish to restrict the grant of planning permission subject to the aforementioned planning conditions and Advisory Notes.

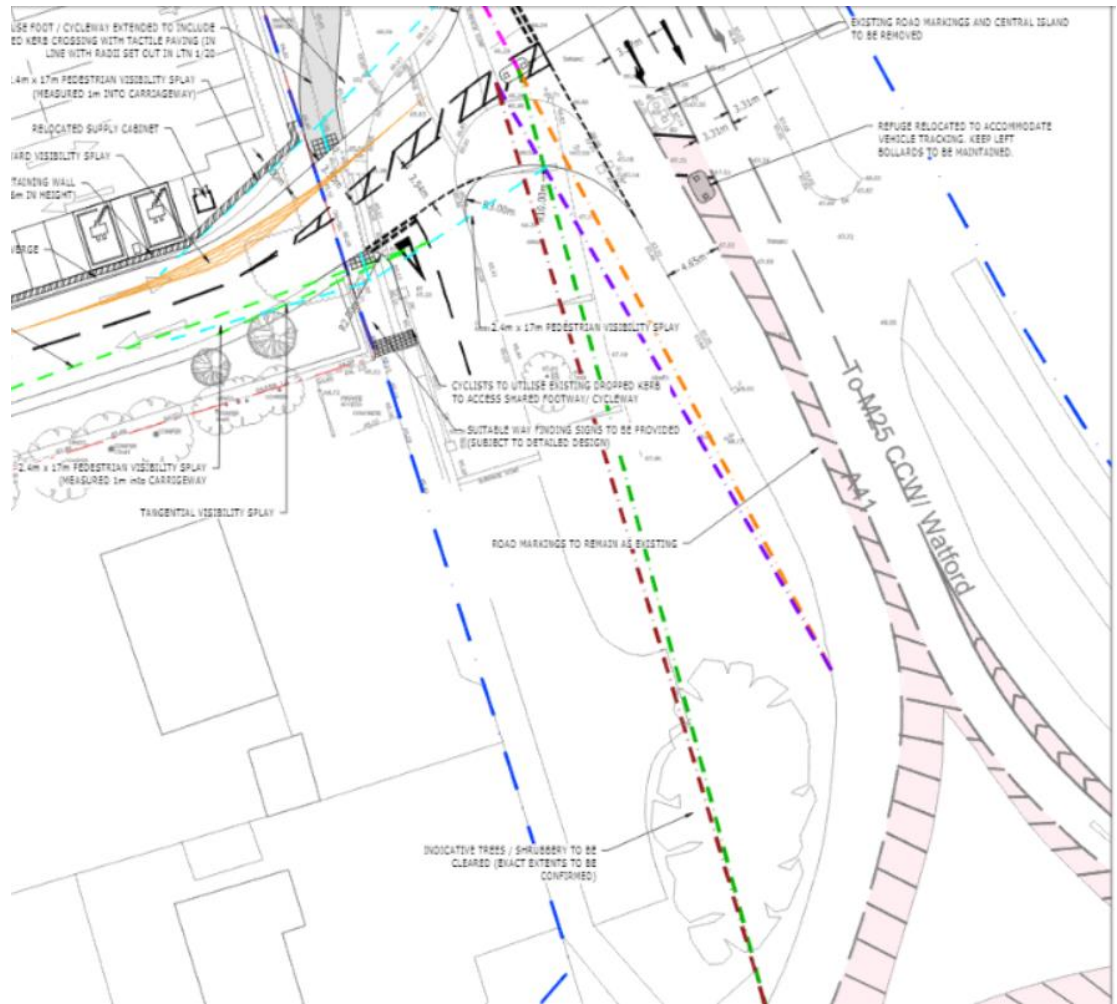
Signed

Oliver Sowerby

28 July 2023

Appendix B – Visibility Splays

South of Access



Appendix C

Pedestrian/Cycle Crossing

