

Employment Land to the north of Maple Cross Lodge

Planning Statement

March 2021

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Date: March 2021

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1. Introduction

1.1. This Planning Statement has been prepared by Avison Young and is submitted in support of a full planning application (the 'Application') for the development of Employment Land to the north of Maple Lodge Close, Maple Cross, Rickmansworth (the 'site') for the comprehensive redevelopment of the site to provide two single storey warehouse units.

1.2. The site is located within the administrative boundary of Three Rivers District Council (TRDC) which is the Local Planning Authority (LPA). The Application is submitted by BCL (Maple Cross) LLP & Impact Property Development Ltd (the 'Applicant').

1.3. This Application seeks full planning permission for the following:

"Comprehensive redevelopment to provide 2 no. warehouse Class E(giii)/B2/B8 units comprising a total of 16,115 sqm including 1,882 sqm ancillary E(gi) office space, access, landscaping and associated works."

1.4. This Statement sets out the planning rationale that underpins the proposed development and demonstrates its acceptability in planning terms.

1.5. The Statement is structured as follows:

- **Section 2** sets out the background to the application;
- **Section 3** provides an overview of the site and surrounding context;
- **Section 4** sets out the specification of the planning application and the proposed development;
- **Section 5** sets out the pre-application consultation undertaken;
- **Section 6** outlines the planning policy framework relevant to the determination of the application;
- **Section 7** assesses the application against the framework;
- **Section 8** outlines the draft heads of terms for the required planning obligations and applicable Community Infrastructure Levy; and
- **Section 9** summarises the planning case for the proposed development.

2. Background

2.1. This Application follows the refusal of a full application (ref: 19/1179/FUL) (the 'refused application') made by the Applicant on the site for the following:

"Comprehensive redevelopment to provide 2 no. warehouse Class B1c/B2/B8 units comprising a total of 16,140 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works."

2.2. The refused application was taken to the 14th November 2019 planning committee with a recommendation for refusal on the basis of five reasons as identified by the Committee Report and Addendum. Members resolved to refuse planning permission citing two additional reasons for refusal on design and heritage grounds.

2.3. The LPA's decision notice, enclosed at **Appendix I**, was issued on the 19th November 2019.

2.4. An appeal (ref. APP/P1940/W/19/3243565) was submitted by the Applicant to the Planning Inspectorate following the LPA's refusal of planning permission. The appeal proceeded by way of a Hearing, with the event held between 30th June – 3rd July 2020.

2.5. The following changes were made to the proposal during the appeal process. These included:

- A reduction in floorspace to 16,140 square metres including 1,986 square metres of ancillary B1a office floor space;
- A reduction in height of unit 2 from 12.5m at the eaves and 16m at the highest point to 10m and 12.5m respectively;
- Alterations to the access and parking arrangements;
- The retention of additional trees adjacent to the access road; and
- Alterations to the proposed drainage arrangements.

2.6. The Inspector concluded that these changes would not be prejudicial to any party and would accord with the Wheatcroft principles. The appeal was therefore determined on this basis ('the appeal scheme').

2.7. Prior to the Hearing, the LPA confirmed their intention not to defend the third reason for refusal in relation to flood risk on the basis that this been addressed through the additional information provided. The Applicant submitted a Unilateral Undertaking which covenanted to make a payment of £17,725 to

offset the loss of biodiversity and a contribution of £6,000 towards the implementation and monitoring of the travel plan. It was also agreed between the parties that these contributions addressed the second and fifth reasons for refusal.

- 2.8. The Planning Inspectorate determined the appeal on 21st September 2020. A copy of the appeal decision is enclosed at **Appendix II**.

Why was the Appeal Scheme Dismissed?

- 2.9. The appeal was dismissed on a single ground on the basis that the Inspector found that there was **insufficient evidence at that time** to be certain that the potential effect on the public water supply could be satisfactorily addressed by way of conditions. The Inspector was concerned about possible contamination, turbidity and disruption to groundwater flows. The Inspector felt it was important to have assessments to understand these impacts and the appropriate mitigation before the grant of planning permission, rather than use planning conditions to require that assessment and mitigation strategy to be agreed after the grant of planning permission.
- 2.10. It is this single reason for dismissal which must be addressed by this application

The Appeal Scheme Established the Acceptability of the Development Proposal in All Other Respects

- 2.11. The Inspector identified 8 main issues and concluded that the appeal scheme was acceptable in respect of 7 of those main issues. The determination of this application must be informed by the inspector's detailed conclusions on the following matters. The appeal scheme:
- Provided an appropriate use and the principle of development for employment is supported by planning policies CP6 of the Core Strategy and SA2 of the Site Allocations Local Development Document.
 - Would not harm the living conditions of surrounding residents in terms of:
 - noise in accordance with planning policies DM9 of the Development Management Policies Document, the Noise Policy Statement for England, the NPPF and NPPG;
 - air quality in accordance with planning policy DM9 of the Development Management Policies Document; and
 - traffic, parking and highway safety in accordance with planning policies DM9 and DM13 of the Development Management Policies Document and the NPPF.
 - Would not harm the living conditions of the occupants of 19 Longmore Close and would be of a high standard of design in accordance with planning policy CP12 of the Core Strategy.

- Would not result in an unacceptable effect on trees in accordance with planning policies DM6 of the Development Management Policies Document and CP12(b) of the Core Strategy.
- Would not have a significant effect on the lakes either in terms of de-watering or the introduction of contaminants and would provide a net biodiversity gain in accordance with planning policies DM6 of the Development Management Policies Document, CP9 of the Core Strategy and the NPPF.
- Would not be at risk from flooding or increase the risk of flooding elsewhere in accordance with planning policies DM8 of the Development Management Policies Document and CP12 of the Core Strategy.
- Would not give rise to any harm to the neighbouring heritage assets in accordance with planning policies DM3 of the Development Management Policies Document, CP10 of the Core Strategy and the NPPF.

2.12. In addition, the Inspector concluded the appeal scheme would result in the following planning benefits:

- The provision of warehousing to meet an identified need;
- The quantum of employment floorspace will make a specific contribution to the need identified by the South West Herts Economic Study (2018) and the development plan;
- It would also create about 292 full-time jobs and 108 jobs during construction;
- In addition, there would be about 179 indirect full-time jobs and 98 indirect construction jobs;
- These jobs would benefit the local economy due to those employed at the site making use of local businesses. This is identified as a priority for sustainable development by the Core Strategy (2011). Considerable weight should be applied, particularly in the current economic climate;
- Improvements to drainage to make the site less susceptible to flooding;
- Improvements to the local highway network, including the provision of a Toucan crossing.

What has changed since the Appeal was Dismissed?

2.13. It is recognised that the appeal scheme was dismissed on the basis that the Inspector did not have sufficient information at that time to be satisfied that the potential effect on the public water supply could be satisfactorily addressed by way of conditions.

2.14. The LPA's original reason for refusal on this matter was substantiated by the third-party objection raised by Affinity Water.

2.15. The Applicant has engaged with Affinity Water and liaised with the LPA prior to the submission of this planning application, following the principles set out in Section 4 of the NPPF. Further detailed technical

assessment has been undertaken prior to submission, as recommended by the inspector. This has been prepared in consultation with Affinity Water and is submitted in support of this application, as detailed within Section 6 below. These steps have ensured that sufficient information has now been provided to Affinity Water to inform a construction method statement (to be secured by way of a suitable condition) to overcome concerns regarding protection of the public water supply.

- 2.16. This Planning Application comprises a similar development to that which was refused with the exception of some minor amendments which are set out in detail in **Section 3** below.
- 2.17. At the time of the appeal decision in September 2020 the economic impacts of the Covid 19 pandemic were as yet unclear to the Inspector. It is submitted that very significant weight should now be given to the fact that this proposal would assist local economic recovery and provide jobs in a strong performing market sector, especially where there have been such significant local job losses in other sectors.
- 2.18. The only issue to be resolved at appeal stage was insufficient information in respect of groundwater impacts. This has been comprehensively addressed. Meanwhile the weight to be attributed to the economic benefits of this proposal has increased as further discussed in **Section 7**.

3. Site Description

Site Location

- 3.1. The site is located immediately to the east of the existing employment uses of the Maple Cross/Maple Lodge Employment area in the secondary centre of Maple Cross. A Site Location Plan, which outlines the planning application boundary, is enclosed at **Appendix III**.
- 3.2. The site is bound to the north/northwest by the Rivers Office Park and Hertford Place (subject to an implemented planning permission for redevelopment as a hotel); to the south by open space (cricket pitch); to the east by the private access road leading to the Thames Water site to the south; and west by the multi-storey car park of Maple Cross House (offices) and residential properties of Longmore Close.

The Site

- 3.3. The site comprises an irregular shaped parcel of undeveloped land of approximately 3.4 hectares. It is currently unoccupied in nil use. It is primarily grass land with no areas of hardstanding other than an access road to / from Maple Lodge Water Treatment and Sewage Works which is located to the south-east of the Site.
- 3.4. The access road comprises the northern and eastern border of the Site. Due to the undeveloped nature of the Site, there are numerous mature trees and areas of vegetation primarily around the perimeter the site.
- 3.5. A small section along the east boundary of the site is designated as Green Belt land.

Surrounding Context

- 3.6. The wider surrounding area comprises a mix of employment (office and industrial and storage), residential uses, open space and agricultural land.
- 3.7. Beyond the access road to the north is a large area occupied as industrial storage. To the east of the access road is an area of land which comprises former landfill (sludge beds)/storage area which is bound by the River Colne/Springwell Lake. These areas are both currently designated as Green Belt. Beyond this to the south is the Thames Water Treatment Works which occupies significant land holding.
- 3.8. Adjacent to the north west of the site is a cluster of employment uses which form the principal employment area for Maple Cross.

- 3.9. The residential area to the west of the site comprises low density two/three storey terrace houses. This residential area is accessed from the south of Maple Lodge Close. This area is separate from the main area of residential development within Maple Cross which is west of Denham Way (A412).

Accessibility

- 3.10. The site benefits from informal pedestrian access, but no formal vehicular crossover. However, vehicle access is feasible from the existing access road via Denham Way (A412) to the north which serves the Thames Water site to the south. This access road runs north/south along the eastern boundary of the site. An existing pedestrian footpath runs along the north of the access road but does not currently serve the site.
- 3.11. Denham Way (A412) runs north to south through Maple Cross connecting Rickmansworth to the north and West Hyde to the south. It also provides access via Denham Way to Junction 17 of the M25 (circa 1.5km).
- 3.12. It is not proposed to access the site via Maple Lodge Close or the estate road beyond the access to the site to the east of the cricket pitch. Maple Lodge Close is a private road and the Applicant has no legal right of access via this route.
- 3.13. The nearest bus stops are located approximately 500 and 550 metres to the northwest of the site for northbound and southbound traffic direction respectively. The stops are both sheltered and are served by the 520, 951, E21, E21B, R1, R2 & W1 services. There is an additional bus stop located approximately 800 metres to the south west of the site access, which is served by services 724 & 951. The closest rail station is Rickmansworth (circa 3km) to the north which provides London Underground (Metropolitan Line) and national rail (Chiltern Railways) services to London Marylebone.

Site Planning History

- 3.14. A desktop planning history review of the site via TRDC's online records has identified no historic planning applications of relevance to this application other than the refused application detailed in **Section 1**.

Surrounding Site History

- 3.15. To provide further context we have also reviewed the relevant planning history associated with the land immediately adjacent to the site. A review of the Council's online planning register has identified the following applications of relevance as set out in **Table 2.1**.

- 3.16. The land adjoining the site is subject to a planning permission (ref. 07/1401/FUL) for a four-storey hotel building has been implemented and that this has been confirmed by CLOPUD (ref. 18/0401/CLPD) and CLOPUD (ref. 18/1424/CLPD).
- 3.17. Planning permission (ref. 07/1401/FUL) for the erection of a four storey hotel building incorporating a foyer, lobby bar and lounge, restaurant, health club, office and staff area at ground floor level, with 207 bedrooms in the three floors above, was granted in March 2008. A Lawful Development Certificate (ref. 18/0401/CLPD) established that a lawful material commencement of development occurred prior to 19 March 2011, which included the laying of foundations and highway works. A further Lawful Development Certificate Application (ref. 18/1424/CLPD) confirmed that, as a result of 18/0401/CLPD, the site can continue to be lawfully developed to completion.
- 3.18. We understand that the site has recently been purchased by a hotel operator who intends to build out the implemented planning permission. Therefore, this planning permission forms a material consideration in respect of the surrounding site context.

Table 3.1 Surrounding Site History

Ref.	Address	Description	Status/Comments
01/01721/OUT	Land part of Maple Lodge Sewage Treatment Works, Rear of Hertford Place and Maple Lodge.	Outline application for a mixed-use scheme comprising 150 bedroom hotel, 18,580sq m office development, environment centre, park/land/meadows and landscaping.	Refused 2 November 2004. Appeal withdrawn. We understand that this application relates to the adjacent site. However, there are no documents available online to confirm this. It is also noted that given the historic nature of this application the framework against which it was determined has evolved.
01/00321/FUL	Witney Place Denham Way Maple Cross Rickmansworth	Office development with multi storey car park.	Granted 17 March 2005

	Hertfordshire WD3 9XD		
06/1217/FUL	Witney Place, Denham Way, WD3 9XD	Renewal of planning permission 01/00321/FUL-office development with multi storey car park.	Granted 23 October 2006 We understand this permission was not implemented and has since lapsed.
07/2601/FUL	Witney Place, Denham Way, WD3 9XD	Erection of a four storey office building with roof top plant room, detached reception building, multi-storey car park and associated access and landscaping.	Granted 19 March 2008 (Alternative development to the simultaneously approved office and hotel application ref: 07/1401/FUL)
07/1401/FUL	Witney Place, Denham Way, WD3 9XD	Erection of four storey building with plant room above for use as a hotel containing 207 bedrooms, function/meeting rooms, restaurant, health club, administrative and service areas.	Granted 19 March 2008 We understand that this planning permission has been implemented, as per the lawful development certificates identified below, but not built out. The planning permission consented a hotel building comprising 12,902 sqm (maximum of 15m depth / 156m width) with an overall height of 20.5m (incorporating a 'wave roof').
13/1483/FUL	Witney Place Denham Way Maple Cross Hertfordshire	of Conditions 16 and 22 of planning permission 07/1401/FUL for a four storey hotel building to	Granted 07 November 2013 The permission allowed relocation of the plant on the

		allow: Changes to internal layout including provision of 15 additional bedrooms, changes to function and meeting rooms, health club, restaurant and bar areas and new mezzanine level; minor change to footprint of building; relocation of plant on roof; minor alterations to car park, landscaping and external areas.	roof resulting in minor differences in elevations.
18/0401/CLPD	Witney Place Denham Way Maple Cross Hertfordshire	Certificate of Lawfulness to establish that a lawful material commencement of development as approved by planning permission ref 07/1401/FUL occurred prior to 19 March 2011.	Granted 15 March 2018 This included the laying of foundations of the building and highway works.
18/1424/CLPD	Crowne Plaza Witney Place Denham Way Maple Cross Hertfordshire	Certificate of Lawfulness of Proposed Development: To confirm that as a result of planning permission reference 07/1401/FUL dated 19 March 2008 having been validly and lawfully implemented, the land at Witney Place Denham Way Maple Cross can continue to be	Granted 03 September 2018

		lawfully developed to completion under that planning permission.	
19/1179/FUL	Development Site Maple Lodge Maple Lodge Close Maple Cross Hertfordshire	Comprehensive redevelopment to provide 2 no. warehouse Class B1c/B2/B8 units comprising a total of 16,140 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works.	Refused 19 November 2019 Seven reasons were given for refusal, including loss of protected trees, lack of travel plan contribution, flooding, impacts to public water supply, no net gain of biodiversity, impact on residential amenities and impacts on landscape and heritage assets. An Appeal (ref. APP/P1940/W/19/3243565) against the refusal of the application was dismissed on 21 September 2020 due to the effect of the proposal on the public water supply. However, all other reasons for refusal were discounted by the Inspector.
19/2106/EIA	Development Site Maple Lodge Maple Lodge Close Maple Cross Hertfordshire	EIA screening request: Development of two Warehouse Units (Class B1C / B2 / B8), comprising a total Gross Internal Area (GIA) of 16,140 m ² (including 1,986m ² ancillary B1c office space), access, landscaping and associated works	EIA Not Required 04 November 2019

4. Planning Application Specification

- 4.1. The purpose of this section is to describe the proposed development for which planning permission is sought and to set out the specification of the planning application.

Description of Development

- 4.2. Planning permission is sought for:

“Comprehensive redevelopment to provide 2 no. warehouse Class E(giii)/B2/B8 units comprising a total of 16,115 sqm including 1,882 sqm ancillary E(gi) office space, access, landscaping and associated works.”

- 4.3. In summary, the proposed development comprises:

- Erection of 2 no. warehouse units for flexible Class E(giii)/B2/B8 use comprising:
 - Unit 1 totalling 8,827sqm (GIA) including 1,004 ancillary office space
 - Unit 2 totalling 7,289 sqm (GIA) including 878 ancillary office space
- 142 car parking spaces, including 29 active space and 43 Electric Vehicle Charging Point provision;
- 38 HGV (lorry) parking spaces;
- Up to 57 long-term cycle parking spaces (subject to future use);
- Integrated landscaping works; and
- Associated technical works including provision of relevant accesses.

Type/Form of the Application

- 4.4. The application is submitted in detail (full planning permission).

Planning Application Package

- 4.5. The planning application package comprises the relevant forms and certificates and fee, alongside plans/documents for approval and other supporting information as explained below.
- 4.6. An Environmental Impact Assessment (EIA) Screening Opinion request (ref. 19/2106/EIA) was submitted on 15th October 2019. The Council's Screening Opinion was received on 4th November 2019 and concluded that the development was neither unusually complex nor likely to have potentially hazardous environmental effects and therefore an Environmental Impact Assessment was not required.

Primary Control Documents / Plans

- 4.7. The primary control documents/plans submitted for approval comprise the following:
- The amount of development is set out in the Accommodation Schedule included on the proposed Site Plan (see plan ref. 17019-C4P-AV-00-DR-A-0500_P16); and
 - Proposed Plans.
- 4.8. It is anticipated that these details will be secured via a condition to include an itemised list of each plan/document.

Secondary Control Documents / Plans

- 4.9. A comprehensive package of supporting plans and documentation is submitted with the planning application. The purpose of this documentation is to assist in the understanding/evaluation of the plans/details submitted for approval and to establish commitments to control implementation (where appropriate).
- **Other Drawings for Information:** Site Plan as Existing, Site Location Plan and Illustrative Plans.
 - **Design and Access Statement:** This document sets out the design rational underpinning the proposed development.
 - **Planning Statement:** This document sets out the planning justification for the proposed development.
 - **Transport Assessment:** This Assessment justifies the proposed development in transport terms and includes proposals/commitments necessary to ensure acceptability in terms of access, parking and highway capacity as appropriate. This is supported by a Framework Travel Plan which provides the management tools required to enable future employees/users to make informed decisions regarding their travel in order to try and minimise the adverse impacts on the environment. It is also supported by a Framework Construction Logistics Management Plan.
 - **Energy Statement:** This sets out energy credentials of the proposed development. It includes details of mitigations measures to support the development in energy terms. It also sets out sustainability credentials of the proposed development and includes details of commitments to support the development in sustainability terms.

- **Ecology Assessment:** This assesses the acceptability of the proposed development and includes proposals/commitments necessary to ensure the development is acceptable in ecological terms. It is accompanied by the TRDC Biodiversity Checklist.
- **Noise Impact Assessment:** This Assessment presents the findings of the noise assessment and demonstrates that the development is acceptable in acoustic terms.
- **Air Quality Assessment:** This Assessment presents the findings of air quality assessment demonstrates that the development is acceptable in air quality terms.
- **Flood Risk Assessment and Drainage Strategy:** This sets out an assessment of the flood risk impact of the proposed development and provides details of the proposed surface water drainage strategy.
- **Landscape and Visual Impact Assessment:** This provides an assessment of the proposed development in terms of the wider landscape. It also includes the details regarding the proposed landscaping scheme.
- **Land Contamination Assessment:** This assessment identifies the existing conditions and potential environmental risks and includes proposals/commitments necessary to ensure the proposed development is acceptable in geo-environmental/technical terms.
- **Utilities Statement:** This provides an outline strategy for the delivery of power, gas, water, telecommunications, and other utility services
- **Tree Survey and Arboriculture Impact Assessment:** This presents the findings of the arboricultural survey; and assesses the impact of the proposed development on trees.
- **Heritage Statement:** This assesses the impacts of the development on the surrounding heritage assets.
- **Construction Management Plan:** This outlines the approaches to be taken for managing the construction works.
- **Detailed Qualitative Risk Assessment:** A confidential Detailed Qualitative Risk Assessment (DQRA) has been undertaken to inform the Piling Method Statement. The assessment contains confidential information which cannot be submitted as part of the application and made publicly available. However, it has been provided directly to Affinity Water and will be issued directly to the Environment

Agency in due course. A **Summary DQRA** is provided as part of the submission, which summarises the technical work which has been undertaken in response to comments on the refused application and the Inspector's decision.

- **Piling Method Statement and Risk Assessment:** This sets out the approach to select a suitable piling / foundation solution and describes the methodology that will be employed to install the piles taking into consideration the results of the Contaminated Land Assessment and the Detailed Quantitative Risk Assessment outlined above.
- **Method Statement for the Decommissioning of Monitoring Well Installations:** This provides a method statement for the decommissioning of monitoring well installations.

5. Stakeholder Engagement

Refused Application Consultation

Three Rivers District Council Pre-Application Stage

- 5.1. The Applicant's team worked with officers at Three Rivers District Council prior to the submission of the refused planning application.
- 5.2. The Applicant met officers in February 2019 for a pre-application meeting. A summary of the comments raised is as follows:
- Principle – It was acknowledged that the site is an undeveloped greenfield site located within an allocated employment area as set out in the Site Allocations LDD (adopted November 2014). Therefore, the principle of development of the site for Class B1c/B2/B8 Use is acceptable in planning terms.
 - Character, Appearance and Street Scene – Officers acknowledged that the site is a greenfield site on the edge of the employment area which includes office buildings and associated car parks. Whilst officers confirmed the principle of the development is supported, it was noted that proposals should have regard to the visibility of the building from neighbouring sites and properties and the adjacent Green Belt.
 - From a character and visual amenity perspective, the proposed heights were appropriate given the context of the wider employment area. Retention of vegetation as far as possible along the boundaries was supported and should be considered alongside the proposed landscape scheme, boundary treatment and materials.
 - Impact on the Amenities of Neighbours – It was acknowledged that the siting of the buildings to the rear would provide a barrier between the residential properties and the parking and service areas to the Maple Lodge frontage. Officers suggested this may assist in minimising any impact in terms of noise from activity.. Officers advised that landscaping could assist in reinforcing this buffer.
 - Landscape and Trees – it was highlighted that there are a number of trees around the site perimeter, including a group Tree Preservation Order to the southern and eastern boundaries. Officers advised that up to date surveys would need to be undertaken to assess the condition of existing TPO trees. It was noted that loss of trees may be inevitable to provide access but should be minimised.

- Parking / Access / Highways – It was advised that car parking spaces should be shown on a proposed site layout plan submitted to accompany any formal planning application, with care taken to ensure that the size of any proposed car parking area is the minimum necessary to facilitate parking.
 - Standards for car parking may be adjusted according to which zone the proposed development is located in. It was noted that the site is located within zone 3 where provision of between 50-75% of the standard would be acceptable, with a preference for a higher percentage, subject to justifying otherwise.
- 5.3. The Applicant also engaged in detailed scoping with Hertfordshire County Council (HCC) and Highways England (HE) as part of the pre-application process. A Transport Assessment (TA) was prepared to inform HCC and HE of the traffic and transport related implications of the proposed development, which includes details of access arrangements, opportunities to access local amenities by sustainable modes, and off-site junction modelling. In accordance with the latest guidance, the TA was prepared following initial scoping discussions with the Spatial Planning Manager at HE, and Principal Highway Officer at HCC.

Three Rivers District Council Post-submission

- 5.4. Following submission of the application, further meetings were held with TRDC planning officers and a number of proposed amendments were made to the scheme in response to consultation responses. Further details of these changes are set out in Section 6 below.
- 5.5. The team gave due consideration to the comments received and amended the application accordingly.

Revised Application Pre-application Consultation

- 5.6. The applicant has continued discussions with key consultees following the dismissal of the refused application at appeal.
- 5.7. This has included consultation with Affinity Water to agree a scope of works necessary to provide the relevant detail to overcome issues relating to ground water protection.
- 5.8. In addition to this, the Applicant has been in consultation with the Environment Agency and contaminated land officers at HCC to confirm that the proposed approach is acceptable. Further detail on this additional assessment and the relevant results is included in **Section 6** below.
- 5.9. In addition, the Applicant has been in further consultation with Herts Ecology officers in regards to biodiversity net gain to ensure that the proposed development will achieve this target. The approach

to biodiversity net gain and an appropriate offsetting measure has been agreed and is discussed further in **Section 6** below.

6. Planning Policy Framework

National Planning Policy Framework (2019)

6.1. The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. It sets out the government's overarching planning policies for England and how they are to be applied. The core message of the NPPF is a 'presumption in favour of sustainable development'.

6.2. The following principal NPPF policies are of particular relevance:

- **Paragraph 11** establishes the 'presumption in favour of sustainable development', which for decision taking this means approving development proposals that accord with the development plan without delay.
- **Paragraph 23** sets out that LPA's should identify broad locations for development, including planning for and allocation sufficient sites to deliver the strategic priorities of the area.
- **Paragraph 38** states LPA's should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- **Paragraph 80** expects planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development
- **Paragraph 118** includes a requirement to proactively drive and support sustainable economic development to deliver homes, businesses and infrastructure and thriving places that the country needs; encourage the effective use of land by reusing land that has been previously developed (brownfield land); promote mixed use developments and encourage multiple benefits from the use of land in urban areas; and focus significant development in locations which are or can be made sustainable.
- **Paragraph 119** states that Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.
- **Paragraph 122** states that decisions should support development that makes efficient use of land.
- **Paragraph 127** expects planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

- **Paragraph 155** states that where development is necessary in areas at risk of flooding, it should be made safe for its lifetime without increasing flood risk elsewhere.
- **Paragraph 156** sets out that policies relating to flood risk should take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
- **Paragraph 163** requires applications to be supported by a site-specific flood risk assessment, where appropriate.
- **Paragraph 165** expects major developments to incorporate sustainable drainage systems which take account of advice from the lead local flood authority.
- **Paragraph 183** states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes)
- **Paragraph 170** expects the planning system to contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate
- **Paragraph 188** sets out that local planning authorities should make information about the historic environment, gathered as part of policymaking or development management, publicly accessible.
- **Paragraph 189** notes that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- **Paragraph 190** expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- **Paragraph 193** states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- **Paragraph 194** sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- **Paragraph 196** states that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits.

The Development Plan

- 6.3. Section 38(6) of the Planning and Compulsory Purchase Act (2004) outlines that planning applications should be determined in accordance with the Development Plan unless material considerations

indicate otherwise. Accordingly, national planning policy and the development plan are the starting point for establishing the planning position of the site.

6.4. The Development Plan comprises the following:

- Three Rivers Core Strategy 2011-2026 (2011);
- Development Management Policies (2013); and
- Site Allocations Local Development Document (2014).

Site/Area Specific Policies

6.5. The adopted Policies Map (2014) identifies the site as within an Employment Area (Site Allocation SA2 E(d)). Policy SA2 safeguards allocated employment sites for business, industrial and storage or distribution uses (Classes B1c/B2/B8).

Key Relevant Development Management Policies

6.6. The following Development Plan policies are also of relevance:

- PSP3: Development in Secondary Centres (Maple Cross) – States that development in secondary centres will maintain and enhance employment opportunities, extend floorspace at Maple Cross/Maple Lodge and promote development, infrastructure and services in order to meet local community and business needs.
- CP1: Overarching Policy on Sustainable Development – Sets out that all development will contribute to the sustainability of the District by taking into account the need to tackle climate change, avoid and minimise flood risk, make efficient use of land, reduce waste and maintain high levels of employment.
- CP6: Employment and Economic Development – Supports development that provides an appropriate number of jobs, promotes skills and learning and retains overall levels of industrial and warehousing floorspace. The sustainable growth of the economy will be supported by continuing to focus employment use within key employment areas (Maple Cross/Maple Lodge).
- CP8: Infrastructure and Planning Obligations – States that development must provide, or make adequate contribution towards, infrastructure and services to make a positive contribution to safeguarding or creating sustainable, linked communities; offset the loss of any infrastructure through compensatory provision; and meet on-going maintenance costs where appropriate.

- CP10: Transport and Travel – States that proposals will be expected to contribute to the delivery of transport and travel measures and should be designed to minimise the impacts of travel by motor vehicle. Major development will be expected to be located in areas highly accessible by most sustainable modes of transport.
- CP11: Green Belt – Sets out that the Council will maintain the general extent of the green belt and, where appropriate, make minor revisions to green belt boundaries to accommodate development needs. There is a general presumption against inappropriate development that would not preserve the openness of the green belt.
- CP12: Design of Development – States that the Council will expect all development proposals to seek a high standard of design, having regard to good design principles.
- DM3: The Historic Built Environment – States that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- DM4: Carbon Dioxide Emissions and On-Site Renewable Energy – Sets out that applicants are required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability.
- DM6: Biodiversity, Trees, Woodlands, Watercourses and Landscaping – States that development should result in no net loss of biodiversity value across the District as a whole. Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- DM8: Flood Risk and Water Resources – States that development will be permitted where it would not be subject to unacceptable risk of flooding. A Flood Risk Assessment will be required for proposals in Flood Zone 2. Development should include Sustainable Drainage Systems and the most vulnerable parts of the development should be located in areas of lowest risk.
- DM9: Contamination and Pollution Control – States that planning permission will be granted on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users and there will be no adverse impact on the quality of ground

or surface water. Permission will not be granted for development which has an unacceptable adverse impact on acoustic environments or would be subject to unacceptable noise levels from existing noise sources.

- DM10: Waste Management – Details that new development will be expected to contribute to reducing the amount waste generated by re-using materials, enable the sorting of waste and recycling onsite and allocating appropriate refuse and recycling storage facilities.
- DM13: Parking – Sets out that development should make provision for parking in accordance with the parking standards and the Council will encourage the delivery of infrastructure to support the use of low carbon transport. Appendix 5: Parking Standards 'Zone Type' sets out the car parking provision allowed in urban areas. This demonstrates that the areas which surround the site have been classified as 'Zone 3', therefore, the same zoning system has been used for the site.

Emerging Policy

- 6.7. TRDC is currently progressing a Local Plan which will provide the planning policies and proposals for growth in the District up to 2032. The first stage (Issues and Options and Call for Sites Consultation Document) underwent consultation ending in September 2017. This was followed by a Potential Site Consultation ending in December 2018.
- 6.8. The Site is identified within the Local Plan Potential Sites for Consultation document (October 2018) as CFS33 (Land at Maple Cross, Maple Lodge). The site forms part of a wider mixed-use development, with potential uses including business, industry/warehousing, residential, retail and hotel.
- 6.9. On 7th October 2019 the Policy and Resources Committee unanimously decided to delay the preparation of the draft Local Plan for a further six months due to the need to identify further strategic sites in order to plan for and meet the identified objectively assessed needs of the District.
- 6.10. The indicative timetable for the new local plan includes additional Regulation 18 consultation in November 2020, submission in October/November 2021 and a target adoption date of summer 2022.

7. Planning Assessment

7.1. This section assesses the proposed development on the basis of the following key planning considerations:

- Principle of Development;
- Proposed Use;
- Design (Scale, Layout, Appearance); and
- Environmental and Technical (including Landscape and Trees, Heritage, Transport, Energy and Sustainability, Noise, Air Quality, Daylight and Sunlight, Biodiversity and Ecology, Ground Investigations, and Flood Risk and Drainage).

Principle of Development

Policy Summary

7.2. At the heart of the NPPF is a 'presumption in favour of sustainable development' which requires LPAs to approve planning applications which accord with the development plan without delay (para 11). Where the development plan is absent, silent or out-of-date, the default position is for permission to be granted, unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.3. The NPPF includes a requirement to proactively drive and support sustainable economic development to deliver homes, businesses and infrastructure and thriving places that the country needs; encourage the effective use of land by reusing land that has been previously developed (brownfield land); promote mixed use developments and encourage multiple benefits from the use of land in urban areas; and focus significant development in locations which are or can be made sustainable (Para 118).

7.4. NPPF paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 of the NPPF then sets out the five purposes served by the Green Belt as follows:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

7.5. Additionally, The Three Rivers Core Strategy Policy CP1 requires development to make efficient use of land by guiding development onto previously developed brownfield land and incorporate mixed-use

development wherever possible, recognising that some previously developed land can have significant biodiversity value and improve access to jobs, skills, services and facilities particularly within areas of deprivation in the District.

Assessment

- 7.6. The proposed development is entirely consistent with the principles set out in the NPPF (2019).
- 7.7. It is recognised that the site does not fall within the NPPF definition of previously developed land. Notwithstanding this, the NPPF also requires (para 23) that Local Planning Authorities positively plan for development and infrastructure required for their area. This includes allocating sites for development. As part of the local plan process, TRDC has recognised that a release of greenfield land is required in order to meet the needs of the district and has allocated the site for future employment (B1c/B2/B8) use. The refused application's committee report concluded that there is a need for Class B1a, B1c, B2 and B8 floorspace within the district and that the proposals within an allocated employment site would contribute to meeting identified need. TRDC officers therefore concluded that the principle of development would comply with national and local policy.
- 7.8. A narrow strip of land on the eastern boundary of the site is designated as Green Belt land, however, no buildings, parking or servicing yards will be located within the Green Belt. The refused application's committee report recognised that the proposed development would not be harmful to the openness of the Green Belt.
- 7.9. The Appeal decision concluded that the proposed use of the site and the principle of development accords with the policies of the Core Strategy, the LDD and the Site Allocations LDD. Therefore, the principle of development of the site is acceptable in planning terms.
- 7.10. The proposed development continues to seek the redevelopment of an allocated site for employment use with an identified need. There are no material changes compared to the refused application or the appeal scheme and the principle of development remains acceptable in planning policy terms.

Land Use

Policy Summary

- 7.11. The NPPF sets out that policies and decisions should recognise and address specific locational requirements of different sectors (para 82). Provision should be made for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

- 7.12. At the local level, Core Strategy Policy CP6 sets out that the Council will support development that further develops knowledge based industries (including high-tech manufacturing, finance and business services, computing and Research & Development, communications and media industries) and retains overall levels of industrial and warehousing floorspace. Additionally, development will be supported where employment use is focused within the key employment areas, such as Maple Cross/Maple Lodge, skills and learning are promoted, and an appropriate number of jobs are provided to meet strategic requirements.
- 7.13. Core Strategy Policy PSP 3 requires that development in Secondary Centres, such as Maple Cross, will;
- “c) Maintain and enhance employment opportunities in Secondary Centres but redistribute some employment floorspace through mixed use development in Kings Langley employment area and an extension in floorspace at Maple Cross/Maple Lodge.”*
- 7.14. The adopted Policies Map (2014) identifies the site as within an Employment Area (Site Allocation SA2 E(d)). Policy SA2 safeguards allocated employment sites for business, industrial and storage or distribution uses (Classes B1/B2/B8).
- 7.15. We also note that the site is identified within the Local Plan Potential Sites for Consultation document (October 2018) as CFS33 (Land at Maple Cross, Maple Lodge). The site forms part of a wider mixed-use development, with potential uses including business, industry/warehousing, residential, retail and hotel.
- 7.16. The South West Herts Economic Study (2018) indicates a need for 152,000sqm of B1c/B2 floorspace between 2018 and 2036 (8,600sqm per annum) and 329,500sqm of B8 (18,300sq m per annum) across the whole of South West Herts. Of these amounts, it is estimated that in Three Rivers, there should be provision of 13,200sqm of B1c/B2 floorspace and 15,600sqm of B8 floorspace over the 2018-2036 period (or 700sqm of B1c/B2 floorspace and 900sqm of B8 floorspace per annum).
- 7.17. The proposed scheme will deliver 16,115 sqm GIA of employment floorspace which will assist in delivering on the future employment needs of the District.

Assessment

- 7.18. The existing site comprises undeveloped land (nil use in planning terms). The site is allocated (Policy SA2 E(d)) for business, industrial and storage or distribution uses (Use Classes B1c/B2/B8). Therefore, the proposed development (E(giii) (formally B1c)/B2/B8) use reflects the allocation and is supported and acceptable in land use terms.

- 7.19. The inclusion of E(gi) (formally B1a) floorspace within the proposed scheme is as ancillary only to assist the primary function of the E(giii)/B2/B8 use. This is demonstrated through the form, siting and proportionate amount of floorspace within the proposed scheme. This ancillary use is a compatible employment use and will provide flexibility to future operators of the units.
- 7.20. The refused application's committee report recognised that there is a need for Class B1a, B1c, B2 and B8 floorspace within the district and the proposed development within an existing allocated employment site would contribute to meeting the identified need. The proposal in this regard would therefore comply with Policies PSP3 and CP6 of the Core Strategy and Policy SA2 of the Site Allocations LDD.
- 7.21. The Appeal decision also confirmed that the proposed use accords with local policy. The LPA's development plan employment strategy is underpinned by the Employment Land Study (2005) and the London Arc Study (2009), and the Employment Land Study Update (2010). Together these conclude that Three Rivers District should make provision for 2,378 additional jobs between 2006 and 2026. The Inspector recognised that Core Strategy Policy CP6 supports development that provides an appropriate number of jobs to meet strategic requirements and that it seeks to focus employment in specific areas including Maple Cross.
- 7.22. The Inspector concluded that the proposed level of employment floorspace is required and there is no compelling evidence to suggest that there is no longer a need for modern, flexible warehouse/industrial space such as that proposed.
- 7.23. Since the application was originally refused and subsequently dismissal at appeal, the economic impacts of the Covid 19 pandemic have become clearer. Covid 19 and the resulting 'lockdowns' have precipitated an unprecedented economic downturn in the UK (and globally). Gross Domestic Product (GDP) is a measure of the size and health of a country's economy and is therefore one of the most important indicators. The three largest falls in monthly GDP, since records began in January 1997, have all occurred in 2020 (Coronavirus and the Impact on output in the UK Economy, ONS, November 2020):
- 18.8% April 2020
 - 7.3% March 2020
 - 2.6% November 2020
- 7.24. Whilst UK GDP rebounded to some extent in Q3 2020, growing 16.0%, this is against the backdrop of a record fall of 20.4% in Q2 2020. The level of GDP in the UK is still 8.6% below where it was at the end of 2019 (GDP Quarterly National Accounts Q3 2020, Office for National Statistics (ONS)). Final figures

for 2020 are yet to be published but with increasing levels of restrictions in place over much of the UK during the final quarter, the negative impact on GDP is likely to be significant.

7.25. This has had an impact on the labour market, with ONS labour market data for September – November 2020 (ONS Statistical Bulletin, Labour market overview, UK: January 2021) showing that:

- There were 398,000 fewer people employed compared to the same time in 2019. This was the largest annual decrease since December 2009 to February 2010.
- It is estimated that there were 793,000 fewer payrolled employees in December 2020 compared to a year earlier (a fall of 2.7%).
- An estimated 1.72 million people were unemployed, up 418,000 on the same period the previous year and up 202,000 on the previous quarter.
- The estimated UK unemployment rate was 5.0%; this is 1.2 percentage points higher than a year earlier.
- UK Claimant Count has increased by 113.2% since March 2020.
- A record 395,000 people were made redundant in the three months prior to September (280,000 more people than in the same period in 2019).
- Businesses expected to make a further 5% of their workforce redundant over the next three months with highest rates of redundancies expected in Administrative services (14%), Accommodation and food service activities (10%), and Transportation and storage (8%).

7.26. Employment in certain sectors has been disproportionately impacted by the pandemic. The industries that saw the largest percentage falls in the number of employees were Accommodation and Food Services and the Arts, Entertainment and Recreation sectors (both saw a 13% fall between March and November). (House of Commons Briefing Paper No. 8898: Coronavirus, Impact on the Labour Market, 18 December 2020).

7.27. In this context, the proposed development will provide significant economic benefits, including circa 108 direct and 98 indirect jobs during the construction phase and circa 292 direct jobs 179 indirect jobs during the operational phase. As noted by the Planning Inspector in their appeal decision, the provision of these jobs is a planning benefit that should be afforded considerable weight, particularly in the current economic climate.

7.28. In addition, the proposed development would generate further economic benefits economic benefits providing circa £884,350 - £1,149,580 in business rates per annum and circa £12.1m direct Gross Value Added (GVA) per annum and circa £9.9m indirect GVA per annum for the local economy.

- 7.29. It is submitted that very significant weight should now be given to the fact that this proposal would assist local economic recovery and provide jobs in a strong performing market sector, especially where there have been such significant local job losses in other sectors.
- 7.30. The proposed development continues to provide employment floorspace in accordance with the adopted site allocation SA2. This will provide significant economic benefits, including both direct and indirect jobs during the construction and operational phases. As noted by the Planning Inspector in their appeal decision, the provision of these jobs is a planning benefit that should be afforded considerable weight, particularly in the current economic climate.
- 7.31. Therefore, the proposed land use continues to be acceptable with policy at all levels.

Design

Policy Summary

- 7.32. NPPF paragraph 122 recognises the need to provide the best possible design solution to make efficient use of land.
- 7.33. NPPF Paragraph 124 states that 'the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve' and that good design is a key aspect of sustainable development. Paragraph 127 states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, be visually attractive as a result of good architecture, layout and landscaping, be sympathetic to local character, and create safe and accessible environments, and ensure good architecture.
- 7.34. At the local level, Policy CP1 of the Core Strategy states that all development in Three Rivers will contribute to the sustainability of the District, including the promotion buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour.

Core Strategy CP12 sets out that in seeking a high standard of design, the Council will expect proposals to have regard to local context and conserve or enhance character, make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials and Use high standards of building materials, finishes and landscaping.

Assessment

7.35. The accompanying Design and Access Statement explains the design rationale supporting the proposed development and demonstrates that a good design response has been achieved.

Scale, Massing and Layout

7.36. The proposed scale and massing of the development remains the same as the appeal scheme. It is noted that amendments were made to the refused scheme during the determination of the application in order to work proactively with the LPA and following comments received in relation to the application.

7.37. The revisions comprised amendments to the layout, footprint/siting, quantum of floorspace, height, scale and mass specifically in relation to Unit 2. This included a significant reduction to the footprint of Unit 2 towards the rear, reducing it by 450 sqm floorspace and the reduction in height of Unit 2 by 2.5m, lowering the haunch height from 12.5 to 10m, with the pitch reduced to c.13m.

7.38. The proposed design meets the requirement to make efficient use of land, in this case an allocated employment site in order to meet objectively assessed need. The design was informed by advice from market-leading property agents specialising in the employment sector, DTRE. Configuration, including eaves height and ancillary office provision, are important to ensure adequate function through design. This is achieved whilst continuing to protect residential amenities, by providing adequate levels and disposition of privacy, prospect and amenity in line with Core Strategy policy CP12(c) and (d).

7.39. As set out within the refused application's committee report, the proposed buildings reflect the scale of the various commercial buildings to the west. Therefore, buildings with large footprints would not be out of keeping with the area and the buildings heights would not be inappropriate for the proposed uses.

7.40. The refused application's committee report recognised the extant planning permission on the site adjacent to Hertford Place on the corner of the A412 (Denham Way) and the access road as a material consideration. This extant planning permission is for a four-storey hotel between 14.5 and 20.5 metres in height. Whilst this building has not been constructed a Certificate of Lawfulness has been granted to confirm that the planning permission has been implemented. Therefore, the height of the proposed development would not be out of keeping with existing buildings and would be less than the building that could be lawfully constructed on the adjacent site. It was therefore concluded that the scale, height and site coverage by buildings in addition to the hard-surfaced areas would not be demonstrably harmful to the character or pattern and form of development in the area.

7.41. To reduce potential impacts on residential properties to the west, the orientation of the buildings within the refused application was designed to avoid any direct facing windows onto the neighbouring

residential properties, with a 25m separation distance from the flank of the nearest property on Longmore Close as required by Core Strategy Policy CP12. The layout of the site ensured that the building would screen the parking areas and activity associated with the proposed use (specifically vehicle movements) providing a barrier between the neighbouring residential properties to the west.

- 7.42. The refused application's committee report confirmed that it is not disputed that the development would be clearly visible and that the outlook of residents to the west would change; however, there is no right to a view and the separation distance is such that it is not considered that the proposed buildings would result in demonstrable harm through visual impact and the buildings, particularly Unit 2, would not appear overbearing.
- 7.43. The Appeal decision reiterated this position, noting that although there would be a change in outlook for the occupants of 19 Longmore Close, the proposal would not harm their living conditions and would not conflict with Core Strategy policy CP12 which seeks a high standard of design.

The proposed development therefore continues to be designed to make efficient use of the site and provide a suitable, high quality design whilst not harming the living conditions of neighbours in line with policy requirements (CP12).

The proposed development remains the same as the refused application and the appeal scheme in terms of scale, layout and massing, with only minor amendments to car parking layouts and entrances proposed. Accordingly, the proposed development continues to comply with planning policy in regard to scale, massing and layout at all levels.

Appearance and Visual Impact

- 7.44. Core Strategy Policy CP13 requires proposals to have regard to the use of high standards of building materials, finishes and landscaping.
- 7.45. A Landscape and Visual Impact Assessment (LVIA) was provided, during the course of the refused application, to demonstrate that the proposed development would have an acceptable impact on the wider landscape context.
- 7.46. The previous LVIA considered the adjacent sensitive receptors, specifically, views from the green belt and neighbouring residential properties for the refused application.
- 7.47. The refused application committee report confirmed that there would be no adverse visual impact on the landscape or an adverse impact on the character of the wider landscape.

- 7.48. The previous LVIA has been updated in support of this application, however, on the basis that there are no amendments to the scale or massing of the building the LVIA conclusions remain the same.
- 7.49. The building frame is proposed to be finished in a mix of different insulated metal cladding, with a grey pallet. The main entrances were emphasised by full height glazing systems on both buildings, helping to break-up the main façades and making it easier for visitors to navigate the site. The roof is also to be finished with a profiled insulated metal cladding with 10% roof lights, again typical of a development of this type.
- 7.50. Doors and windows will have a polyester powder coated finish, which would highlight the access and also fire exits. The materials chosen for the external façades were typical for units of this type and ensure that the buildings are easily maintainable to ensure the long-term sustainability of the building. The materials ensure a functional but sensitive design, given the surrounding context. The use of different types of cladding to the elevations would stop the elevations looking bland and the horizontal lines give a less dominant appearance. The horizontal colour banding would help to break-up and visually reduce the impact of the building heights.
- 7.51. The approach to the appearance continues to reflect that of the refused application. The committee report for the refused application recognised that a common design approach was adopted for both units, which would produce a coherent and consistent appearance. The approach would be of a high-quality design, particularly given the materials proposed.
- 7.52. It was considered necessary and reasonable to impose a condition requiring samples of the external materials to be submitted in order to ensure that the materials were of appropriate quality and appearance and to ensure consistency of approach between the two buildings and their external areas. It was also considered necessary to impose a condition to control the installation of means of enclosure across the site so as to safeguard the ongoing external appearance of the development. These conditions were agreed through the appeal process and it is proposed to follow the same approach for this application.
- 7.53. Overall, the proposed development remains consistent in terms of appearance and visual impact with the refused application comprising the result of an extensive design process and is considered to be in compliance with the design principles set out in national, regional and local policy guidance.

Transport

- 7.54. This section assesses the key transport aspects of the proposal and should be read in conjunction with the Transport Assessment (TA) which is submitted in support of the application.

Policy Summary

- 7.55. At all levels of planning policy there is a strong presumption in favour of reducing the need to travel, particularly by private car, and encouraging more sustainable modes of transport.
- 7.56. The NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals (para 102). The planning system should actively manage patterns of growth, with significant development focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (para 103).
- 7.57. More specifically, in accordance with para 110 of the NPPF, applications for development should:
- Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 7.58. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para 109).
- 7.59. At the local level, Policy CP1 of the Core Strategy advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

- 7.60. Core Strategy CP10 sets out that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important.
- 7.61. Development will need to consider the provision of measures and facilities that encourage integration including secure cycle provision, safe network for pedestrians, a layout to enable convenient access for buses, covered waiting facilities, improvements to transport hubs and links to and from railway stations.
- 7.62. The policy also sets out that all development should be designed and located to minimise impacts of travel by motor vehicle. Major developments will be expected to be located in areas highly accessible by the most sustainable modes of transport. Development will need to demonstrate that it provides a safe and adequate means of access, it is appropriate in scale to the existing transport infrastructure, it is integrated within the wider network of transport routes, it makes adequate provisions for all users and the impact of the proposal on transport has been fully assessed.
- 7.63. Development Management Policy DM13 states that 'development should make provision for parking in accordance with the parking standards and, the zone-based reductions set out in Appendix 5 until such time as set standards are revised'. The car parking standards for B2 General Industry are 1 space per 50 sqm gross floorspace (1 lorry space per 200 sqm) and for B8 Storage and Distribution the standards are 1 space per 75 sqm gross floor area (1 lorry space per 200sqm). For B1c, the car parking standards are 1 space per 35 sqm gross floor area (1 lorry space per 200 sqm).

Assessment

Transport / Access

- 7.64. The site benefits from being situated in proximity to a range of existing walking, cycling and public transport facilities. The refused application's Transport Assessment concluded that the traffic increases resulting from the proposed development would not result in any insurmountable highway issues and the site could satisfy the overarching requirements of the NPPF, subject to signalisation of the Denham Way/Site Access Road junction.
- 7.65. The Transport Assessment demonstrated that suitable access could be provided into the site via the existing access road. The footpath along the southern side of this road would have been extended to connect the site.

- 7.66. The previous development traffic would not have an impact on the operations of the nearby junctions, with the exception of the Denham Way/Site Access Road junction. It was therefore proposed to signalise this junction. This would resolve any capacity issues on the side arm, as well as help resolve a future safety issue by providing such vehicles with the opportunity to safely exit.
- 7.67. As set out within the refused application's committee report, HCC as Highway Authority considered that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. Initially, the trip generation was calculated using the 85th percentile trip rate from survey sites selected in TRICs which was applied to the gross floor area of the proposed buildings, which was considered acceptable. Following the increase in floor area and comments from HCCHA, a Transport Assessment Addendum was provided to update the trip gen using the actual gross floor area. The estimated potential trips created by the proposed development would have resulted in an increase of traffic of 5% during peak hours, with a 3% increase for extended am peak hours and 4% increase for extended pm peak hours.
- 7.68. HCCHA advised that the signalization of the junction of Denham Way (A412) layout appeared to work operationally and was considered acceptable, subject to a detailed review and road safety audit as part of the Section 278 (Highways) Agreement.
- 7.69. It is noted that highways impacts were not a reason for refusal, but in the absence of a signed Section 106 agreement a reason for refusal in relation to maximising sustainable travel options was included as part of the refused application (reason for refusal 2). As set out in Section 8 below, a travel plan monitoring fee is proposed as a draft Head of Term that will overcome this issue.
- 7.70. During the Appeal, the Inspector agreed that the Framework Travel Plan was acceptable and was satisfied that the contribution sought by the Council towards the monitoring of the plan would comply with the statutory tests. The Inspector also concluded that the proposal would be unlikely to lead to any additional use of Maple Lodge Close, due to the improvements to the access road, and the introduction of a toucan crossing at the junction with Denham Way would represent improvements in terms of pedestrian safety.
- 7.71. The proposed development includes minor updates to the access points compared to the refused application and appeal scheme, which have been made to reduce incursions into the RPAs of the trees located on the eastern boundary of the site.
- 7.72. An updated Transport Assessment has been prepared as part of this application. The report follows the same methodology as the refused application and appeal scheme which has been found to be acceptable by HCC as the Highways Authority, LPA and the Inspector. Junction capacity assessments

have been undertaken at four off-site junctions agreed to form the study area for this TA: namely from north to south the M25 J17 and Maple Cross roundabouts, A412 Denham Way/Site Access Road junction, and Denham Way / Maple Lodge Close / Chalfont Road Signal Controlled Junction.

- 7.73. The proposed development traffic would not have an impact on the operation of these junctions, aside from the Denham Way/Site Access Road junction. It is therefore proposed to provide junction improvements by way of a planning obligation, as with the refused application and appeal scheme, to resolve the existing capacity issues at this junction.
- 7.74. The Transport Assessment also demonstrates that appropriate access to and from the site can be taken from the private Water Treatment Works road and that parking and servicing proposals comply with adopted planning policy.

Parking

- 7.75. There are currently no existing car parking spaces on site. The refused application proposed a total of 141 car parking spaces with 39 HGV parking spaces. The site is classed as Car Parking Provision Zone 3, therefore, in accordance with Development Management Policy DM13; the maximum requirement can be reduced by 25% to 50%. The proposed provision of parking was therefore acceptable in planning policy terms.
- 7.76. With regards to disabled parking, 5% of the total capacity (assumed to be the maximum entitlement) should be provided, in the absence of staff numbers. This equated to 10 spaces which was in accordance with Development Management Policy DM13.
- 7.77. With regards to cycle parking, 40 long-term spaces were proposed. This was also in accordance with Development Management Policy DM13.
- 7.78. The refused application's committee report summarised that the application would generate a requirement for between 128-192 car parking spaces and for between 36-53 HGV spaces. There was a requirement for 61 cycle spaces, however, it was noted that this could be reduced to 20 cycle spaces if the proportion of Use Class B8 was greater. It was noted that HCCHA considered the levels and layout of the proposed parking to be acceptable.
- 7.79. Within the Appeal decision, the Inspector concluded that there was no compelling evidence to suggest that the parking provision would be unable to accommodate demands arising from the proposed uses.
- 7.80. The proposed development includes minor amendments to the parking layout which results in a minor update to the car and HGV parking provision. The proposed development continues to provide dedicated space for cycle storage, with the number of spaces required subject to the future use of the

site and proposed to be secured by way of planning condition. The parking and cycle parking provision for the proposed development is set out in **Table 7.1** below.

Table 7.11

Proposed Car and Cycle Parking	
Car Parking Spaces	
Unit 1	80 including 4 Accessible spaces
Unit 2	62 including 4 Accessible spaces
Total	142 including 8 Accessible spaces
HGV Parking Spaces	
Unit 1	21
Unit 2	17
Total	38
Long Stay Cycle Spaces	
Total	Up to 57 spaces (subject to future use to be conditioned)

- 7.81. The Council has prepared a draft new Local Plan in 2020 which is publicly available to view as it has been through the Local Plan Sub Committee and the Policy and Resources Committee although it is still subject to change. The draft plan includes updated parking standards (Appendix 2) which includes requirements for Electric Vehicle Charging Points (EVCP) provision. Within the document, B1, B2 and B8 uses are required to provide 20% of all spaces as active spaces and 30% as passive.
- 7.82. The draft Local Plan is expected to undergo consultation in May 2021 and is subject to change and there is currently no requirement to provide EVCP. However, in response to the comments received as part of the refused application in relation to the Council's climate emergency, the Applicant has taken the decision to provide 29 active space and 43 passive spaces, in line with the draft policy (subject to consultation).

Environmental and Technical Considerations

- 7.83. The following section covers the key environmental impacts of the Development. The impacts are measured against relevant adopted and emerging policy.

Landscape and Trees

Policy Summary

- 7.84. NPPF paragraph 170 advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.85. Core Strategy Policy CP12 advises that development should be development adequately landscaped and designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.
- 7.86. Policy DM6 sets out that proposals for new development should be submitted with landscaping proposals which seek to retain trees. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible and proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed in accordance with the relevant British Standards.

Assessment

- 7.87. A Tree Survey was undertaken to identify and categorise the existing trees on site and to assess the impact from the proposed scheme for the refused application. The survey identified a mix of specimens of different age classes and species, primarily along the site boundaries, with minimal tree growth within the central sections of the site which is covered mainly by grass and low-lying shrubs. More specifically, the survey identified 18 Category B, 29 Category C and 23 Category U specimens. There were no Category A trees recorded at the site.
- 7.88. The refused scheme sought to incorporate the retention of existing trees along the southern, eastern and western site boundaries as far as possible in accordance with Policy DM6. However, tree removal (including a limited number of trees with TPOs) was originally proposed to facilitate the development. To mitigate this tree loss, the existing tree lined boundaries were proposed to be reinforced with additional tree planting along the eastern, western and southern boundaries, with additional ornamental planting as part the proposed landscaping scheme along the northern boundary as required by Policy DM6.
- 7.89. During the determination of the refused application, a Tree Preservation Order was made by TRDC in relation to an Ash Tree (referred to as T73). The order came into force, on a temporary basis, on 24th October 2019. T73 was not proposed to be felled as part of the refused application.
- 7.90. The Council's Landscape Officer raised an objection to the refused scheme on the basis of a disagreement on categorisation and that the Root Protection Areas (RPAs) for multi-stemmed trees had been incorrectly calculated. Whilst it was agreed that some Alders along the eastern boundary did have

decay cavities at their base, the Officer considered most were small or isolated pockets that did not compromise the structural integrity of the trees. The Officer also note that the trees along the eastern boundary held group value.

- 7.91. During the determination of the refused application, the vehicle access to Unit 1 was amended and the footprint of Unit 2 was reduced, enabling the retention of 3 trees originally proposed for removal. As such, a total of 27 trees were proposed for removal. An amended tree constraints plan and landscape strategy was also submitted that proposes additional new planting around the perimeter of the site, which would include 46 new trees to the perimeter of the site to supplement the retained vegetation.
- 7.92. The Landscape Officer maintained objection to the application due to loss of trees and likely detrimental impact on retained trees. The committee report for the refused application concluded that the development would result in the loss of protected trees and fails to demonstrate that other protected trees would not be harmed as a consequence of the proposal.
- 7.93. The refused application therefore included the following reason for refusal in relation to trees:

“The development would result in the loss of protected trees and fails to demonstrate that other protected trees would not be harmed as a consequence of the proposal. The development therefore fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted 2011), Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).”

- 7.94. During the Appeal process, the applicant team continued to work with the Council and, as a consequence, amendments were made and accepted under the Wheatcroft Principle. This included alterations to the access and parking arrangements and the retention of additional trees adjacent to the access road.
- 7.95. The appeal was determined on this basis with the Inspector concluding that the differences between the parties in relation to the categorisation of the trees no longer had implications, and that the calculation of the RPAs within the submitted tree schedule had been carried out on the correct basis. The Inspector concluded that the use of a cellular confinement system would appropriately protect the existing trees and that a detailed Arboricultural Method Statement could be secured by condition to safeguard the trees during construction. Accordingly, the Inspector concluded that the proposal would not have an unacceptable effect on the trees on the site and would comply with policies CP12 (b) and DM6.

- 7.96. The proposed development includes a number of minor amendments to the access and car park layouts to further reduce the impact on RPAs. These amendments have resulted in the requirement to remove only three category C and four category U trees and one category C and two category U groups.
- 7.97. The proposed development is therefore an improvement over the refused application and appeal scheme in terms of trees and continues to comply with policies CP12 (b) and DM6.
- 7.98. During the course of the determination of the refused application a revised landscape strategy was submitted that included additional new planting around the perimeter of the site, which would result in 46 new trees to supplement the retained vegetation. The appeal decision recognises that the landscaping scheme, alongside the existing vegetation, will help to filter views of the proposed development. It was also agreed that a landscape management plan should be secured by way of planning condition to ensure the long-term protection of the planting.
- 7.99. The proposed development is accompanied by an updated landscaping strategy which remains consistent with the principles considered by the appeal scheme, i.e. the provision of 46 new trees to the perimeter of the site. These trees have been carefully selected to provide appropriate screening of the proposed development, reflect the existing and surrounding landscaping and to ensure that they will survive in this location. Notwithstanding this, as noted above it is proposed that a landscape management plan is secured by way of planning condition. The proposed landscaping therefore complies with Core Strategy Policy CP12.

Heritage

Policy Summary

- 7.100. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.101. NPPF Paragraph 190 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 7.102. Paragraph 193 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset

(from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 7.103. Paragraph 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.104. Core Strategy policy CP10 states that the Council expects all development proposals to conserve and enhance natural and heritage assets. Policy DM3 of the LDD states that there will be a presumption in favour of the retention and enhancement of heritage assets and putting them to viable and appropriate uses.

Assessment

- 7.105. There are two Listed Buildings to the south west of the site. Maple Lodge Barn is a Grade II Listed Building located on the corner of Longmore Close and Maple Lodge Farm to the east includes a Grade II Listed detached brick built dwelling dating from the early nineteenth century.
- 7.106. A Heritage Statement was not submitted as part of the refused application having been scoped and agreed at the pre-application stage. However, following comments from the Council's Heritage Officer, a Heritage Statement was submitted post-submission in support of the refused application. The Heritage Report concluded that there would be no harm to the significance of the heritage asset as a result of the refused application.
- 7.107. The refused application's committee report recognised that the site was not historically part of the farm holding of Maple Lodge Farm. Inter-visibility between the site and Maple Lodge Farm was found to be limited due to the tall and dense vegetation belt to the south and west boundaries, and the buildings at Maple Lodge Farm are not clearly visible. However, due to the height and scale of Unit 2, it was noted that there may be views of the upper parts of the proposed building from Maple Lodge Farm and its curtilage and Maple Lodge Barn which could affect their setting.
- 7.108. The Heritage Officer, however, found that the proposals would cause less than substantial harm to the setting and significance of the Listed Buildings. Notwithstanding this, as set out in the refused application's committee report, Officers concluded in consideration of NPPF paragraph 196 that the public benefits, including the creation of a significant number of jobs, are considered to outweigh the less than substantial harm. It is noted that the proposed development provides further additional benefits, as set out in Section 8, which should also be considered in this judgement.

7.109. Notwithstanding that there was no recommended reason for refusal on heritage grounds, Members resolved to include the following reason for refusal:

“The proposed development, by reasons of scale and design with block-like appearance, would detract from the overall appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Grade UU Listed Maple Lodge Farm and Maple Lodge Barn. The harm is not considered to be outweighed by the public benefits and the proposed development is therefore considered to be contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies DPD and paragraph 196 of the NPPF (2019).”

7.110. The LPA’s Minutes from the 14th November 2019 Planning Committee identify that Members took the stance weighing the public benefits against what they considered to be in their opinion the public detriment. As identified by the Inspector, the provisions of NPPF paragraph 196 were not properly applied in coming to this decision.

7.111. The Inspector concluded that the proposal would not further diminish the rural setting of Maple Lodge Farm or detract from the way in which the listed buildings are understood and experienced. Furthermore, any noise from vehicles was not considered to detract from the historic interest or significance of Maple Lodge Farm. The Inspector concluded that the proposed development would not give rise to any harm to the heritage asset.

7.112. An updated Heritage Statement, prepared by KSA, has been submitted as part of this application. The proposed development comprises the same scale and massing as the refused application and appeal scheme, alongside the same quantum of development and use. It will therefore have the same impact on the heritage asset as the refused application, which, as confirmed by the planning Inspector, was no harm. Accordingly, NPPF paragraph 106 does not apply.

The proposed development will therefore conserve and enhance heritage assets and complies with policies CP10 and DM3.

Energy and Sustainability

Policy Summary

7.113. Chapter 2 of the NPPF underpins the Government’s priority in delivering sustainable development. In line with the NPPF, development proposals are expected to comply with the local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy.

- 7.114. Paragraph 148 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.115. At the local level, Core Strategy Policy CP1 requires all development to contribute to the sustainability of the District which includes taking into account the need to tackle climate change by reducing carbon emissions, increasing energy and water efficiency and promoting the use of renewable energy systems.
- 7.116. Development Management Policy DM4 requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability.

Assessment

- 7.117. An Energy Statement was submitted in support of the refused application. The proposals were developed in accordance with the desire to achieve an energy efficient and sustainable development.
- 7.118. The buildings would have been served by a centralised heating system. Heat to the circulation and WC would have been supplied by LTHW heating via radiators. Office areas would have been served by high efficient variable refrigerant volume system. It was not possible to serve the development from a district heating network, therefore, in line with the requirements of Core Strategy, it was proposed to provide a high efficient boiler plant to feed low temperature hot water heating and hot water production.
- 7.119. Development Management Policy DM4 requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability. The development would have achieved a reduction of 6% over Part L 2013 and was therefore acceptable in planning policy terms.
- 7.120. The refused application's committee report noted that the proposals would accord with policy as the reduction target was met. No objection on sustainability grounds was raised at the time the refused application was determined.
- 7.121. The proposed development comprises the same scale and massing as the refused application. An updated Energy Statement has been prepared as part of this application. The applicant recognised the opportunity to improve the sustainability credentials of the building through the inclusion of renewable energy technology in the form of photovoltaic (PV) panels. As a result, the development now provides

40% reduction in carbon dioxide emissions over Part L (2013) for Unit 1 and 37% for Unit 2, significantly exceeding the 5% policy requirement of DM4.

7.122. Additionally, the proposed development now includes the provision of 29 active space and 43 passive EVCP spaces which represents an improvement in terms of sustainability impacts compared to the refused application in response to Core Strategy Policy CP1.

7.123. The proposals would be an exemplar of sustainable development in the District significantly exceeding the relevant policy requirements and proactively responding to the District's wider strategic climate change policy in declaring a climate emergency.

Noise and Light Pollution

Policy Summary

7.124. The NPPF seeks to prevent new development contributing towards unacceptable noise pollution (Para 180).

7.125. Development Management Policy DM9 states that the Council will refuse planning permission for development which would or could give rise to polluting emissions to land, air and/or water by reasons of disturbance, noise and vibration. Permission will not be granted for development which has an unacceptable adverse impact on the acoustic environment, on countryside areas of tranquillity or would be subject to unacceptable noise levels of disturbance from existing noise sources. The Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property.

7.126. Policy DM9 states in relation to lighting proposals, that development proposals which include external lighting should ensure that:

- i. Proposed lighting schemes are the minimum required for public safety and security
- ii. There is no unacceptable adverse impact on neighbouring or nearby properties
- iii. There is no unacceptable adverse impact on the surrounding countryside
- iv. There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians
- v. Road and footway lighting meets the County Council's adopted standards
- vi. There is no unacceptably adverse impact on wildlife

- vii. Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting is sensitively designed to prevent negative impacts on use of these habitat features.

Assessment

- 7.127. A Noise Impact Assessment was undertaken and submitted in support of the refused application to determine the potential noise effects of the proposed development. The noise levels generated by the site were predicted at the nearest residential property based on the worst-case hourly traffic data provided.
- 7.128. Both units were oriented such that screening was provided from all vehicle loading docks and parking bays to the nearest noise sensitive premises by means of the building itself. The assessment demonstrated that operational noise from the proposed development would have been at or below the Lowest Observable Adverse Effect Level (LOAEL). The predicted noise levels at two receptors was calculated to be below noise limits at all times (i.e. 45dB during the day and 40dB at night). Therefore, the Noise Impact Assessment concluded that there would have been detrimental impacts resulting from noise and the proposed development was in accordance with both national and local planning policy.
- 7.129. The committee report for the refused application confirmed the Environmental Health Officer agreed the methodology and that the correct receptors and correct noise level criteria had been used. They agreed with the findings of the report and that there would be no adverse impact on amenity by virtue of noise. Officers confirmed that no additional mitigation was necessary, as long as conditions prevented the use of refrigerated HGVs and tug units. The committee report concluded that there would be no adverse impacts with regards to noise as a result of the development.
- 7.130. It is noted that noise did not form a reason for refusal, however, it was considered by the Inspector as part of the appeal scheme. As such, the Inspector concluded that there was no reason based on the submitted evidence to reach a different position to the Council. The Inspector was satisfied that provided the appeal scheme would not have caused any significant increase in the background noise level and would be unlikely to have caused disturbance or adverse health effects. The Inspector therefore concluded that subject to conditions to ensure that noise emanating from the scheme did not exceed specified levels, the proposals would have complied with Policy.
- 7.131. An updated Noise Assessment has been prepared as part of this submission. There are no amendments to the proposed development compared to the refused application that would affect the potential noise impact of the scheme. Therefore, the assessment has demonstrated that operational noise from the

scheme with the operational assumptions made would be considered to be at or below the Lowest Observable Adverse Effect Level (LOAEL). Therefore, noise should not be considered a reason to impede the approval of the planning application. Wording for a planning condition has been suggested which to ensure there is a requirement to control noise from its operation. A further condition is proposed to control noise and vibration levels during the construction phase.

7.132. In relation to lighting, the details of the proposed lighting scheme are proposed to be provided by way of planning condition. Lighting will be limited to areas located to the north and east of Unit 1 and east of Unit 2 and would be screened from residential properties to the west by the proposed buildings. External lighting to the rear of the development would be limited to low level emergency lighting only. The proposed lighting strategy will therefore avoid unacceptable impacts on neighbouring properties and countryside and complies with Policy DM9.

7.133. The potential noise and light impacts from the proposed development have not changed since the refused application which was considered to be acceptable as set out in the previous committee report. The proposed development therefore complies with policy DM9 and will avoid unacceptable impacts on neighbouring properties and countryside.

Air Quality

Policy Summary

7.134. The NPPF seeks to prevent new and existing development being adversely affected by unacceptable levels of air pollution (Para 180).

7.135. Core Strategy Policy CP1 requires development to manage and reduce risk of and from pollution in relation to quality of air.

7.136. Development Management Policy DM9 sets out that development will not be permitted where it would have an adverse impact on air pollution levels, particularly where it would adversely affect air quality and/or be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

Assessment

7.137. An Air Quality Assessment was undertaken and submitted in support of the refused application. The assessment considered phase dust impacts and operational phase road traffic emissions.

7.138. The highest risk category identified was 'Medium Risk' and measures were recommended for inclusion in a DMP to minimise emissions during construction activities. With the implementation of these

mitigation measures the impact of construction phase dust emissions was considered to be 'not significant' in accordance with IAQM guidance.

- 7.139. An air quality screening assessment was undertaken in accordance with IAQM and EPUK Guidance, using the Stage 1 and Stage 2 criteria, to determine the requirement for a detailed road traffic emissions impacts assessment. The refused development did not exceed any of the Stage 2 criteria on roads where existing sensitive receptors were located, therefore the impacts were considered to be 'insignificant' in accordance with IAQM and EPUK guidance. A detailed road traffic emissions impact assessment was therefore not undertaken.
- 7.140. Therefore, the Air Quality Assessment demonstrated that the site was suitable for the proposed use and complied with planning policies at all levels.
- 7.141. The committee report for the refused application confirmed the Environmental and Protection Officer agreed with the methodology and approaches to dust and traffic impacts and agreed with the findings of the report that there would be no adverse impact on air quality as a result of the development. Therefore, the committee report concluded that there would be no adverse impacts with regards to air quality and that subject to conditions the development would have complied with policy.
- 7.142. It is noted that air quality did not form a reason for refusal, however, it was considered by the Inspector as part of the appeal scheme, specifically the impacts on children walking to school.
- 7.143. The Inspector recognised that during morning peak hour, when children are likely to walk to school, the overall increase in vehicles would be low and the number of additional HGVs would be extremely low. The Inspector concluded that any additional emissions would be unlikely to adversely impact children walking to school. The Inspector also concluded that the proposal would not have an adverse effect on air quality levels within the area.
- 7.144. An updated Air Quality Assessment, prepared by BWB, has been submitted as part of this application. There are no changes included within the proposed development that would affect the potential impact in terms of air quality.
- 7.145. The updated Air Quality Assessment again confirms that in terms of construction impacts, with the proposed mitigation impact of construction phase dust emissions is considered to be 'not significant' in accordance with IAQM guidance. In terms of traffic emissions, the impact was again found to be 'insignificant' 'insignificant' in accordance with IAQM and EPUK guidance. It has therefore been confirmed that the proposed development would have no adverse impact on air quality as a result of the development and complies with Policy DM9.

Residential Amenity

Policy Summary

- 7.146. Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.147. Core Strategy Policy CP6 states that the Council will support development that sustains parts of the District as attractive areas for businesses and CP12 states that the Council will expect development proposals to protect residential amenities.

Assessment

- 7.148. The committee report for the refused application noted that Unit 2 would be approximately 25 metres away from the closest residential dwelling at No. 19 Longmore Close at the closest point. The report noted that the submitted section drawing (illustrative section showing relationship with Longmore Close) demonstrated that the development would have been lower than a 45-degree line of sight. Sunlight analysis was also submitted over the course of the application which included three views where the existing and proposed conditions were modelled at two-hour intervals from 9am to 5pm on 21st March, June, September and December. The analysis was undertaken prior to the amendments to the proposal and so the impacts shown were greater than with the amended proposal.
- 7.149. The analysis demonstrated that the impacts of the proposed development would not have been harmful, particularly when the sun is at its lowest and at its highest points during the year. The committee report concluded that the proposal would not result in levels of overshadowing or loss of light to justify the refusal of the application.
- 7.150. The application also proposed planting to supplement the existing trees along the western boundary, which was considered to provide a degree of screening by officers and would have softened the appearance of the scheme when viewed from Longmore Close.
- 7.151. The committee report accepted that the outlook for residents to the west would change, it noted that there is no right to a view and the separation distances were such that it was not considered that the buildings would result in demonstrable harm through visual impact.
- 7.152. The committee report did not include a recommendation for refusal on the grounds of design or impact on the amenity of neighbours. Members subsequently resolved to add an additional reason for refusal as follows.

“The proposed development by virtue of its mass, bulk, height and design, and proximity to the western site boundary would result in an overbearing, visually intrusive and unneighbourly form of development to the detriment of the residential amenities of occupiers of No. 19 Longmore Close. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2019)”.

- 7.153. The Inspector noted as part of the appeal decision that the submitted sunlight analysis includes 3 views where the existing and proposed conditions have been modelled at 2-hour intervals from 9am to 5pm on 21st March, June, September and December. The sunlight analysis was undertaken prior to amendments to Unit 2 and therefore the impacts shown would be greater than with the appeal scheme. The appeal site is situated to the north west of Longmore Close and as such the proposal would not add significantly to the existing overshadowing.
- 7.154. In regard to the potential impact on neighbouring residential amenity, the Inspector found that the proposed buildings would be visible and the outlook of the occupants of 19 Longmore Close would change. The existing vegetation and supplementary planting would filter views and provide screening. The Inspector confirmed that the separation distances are comparable to the existing context and relationships between the employment and residential areas. The Inspector concluded that whilst it could be visible, there would be sufficient separation to avoid an overbearing effect on outlook, the proposal would not add significantly to the existing overshadowing and therefore the proposal would not harm living conditions of neighbours and would not conflict with policy.
- 7.155. There are no design changes proposed as part of this application that would change the impacts of the proposed development in terms of overshadowing or impacts on neighbouring residential amenity. This is demonstrated by the accompanying Design and Access Statement, prepared by C4 Architects.
- 7.156. The proposed development is appropriately setback from neighbouring residential properties following an established pattern of development and, due to the orientation of the site, will not significantly add to the existing overshadowing of neighbouring residential properties. The proposed development therefore complies with Core Strategy Policies CP6 and CP12.

Biodiversity and Ecology

Policy Summary

- 7.157. The NPPF states the commitment of the UK Government to minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity. It specifies the obligations that the Local Authorities and the UK

Government have regarding statutory designated sites and protected species under UK and international legislation and how this is to be delivered in the planning system.

7.158. Core Strategy Policy CP1 advises that all development will contribute to the sustainability of the District and take into account the need to protect and enhance the natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats. Policy CP9 advises that the Council will seek a net gain in the quality and quantity of green infrastructure, through the protection and enhancement of assets and provision of new green spaces.

7.159. Development Management Policy DM6 states 'development should result in no net loss of biodiversity value across the District as a whole'. Development must conserve, enhance and where appropriate, restore biodiversity. Any development adjacent to, over or in a watercourse needs to take into account consideration of the Water Framework Directive requirements and opportunities outlined in the Thames River Basin Management Plan. All developments should seek to improve the biodiversity of the site and contribute towards the riparian corridor's ability to be used by migrating species.

Assessment

7.160. An Ecological Assessment was undertaken and submitted in support of the refused application. The site had been subject to various ecology and protected species surveys between 2009 and 2018. This report brought together historic and recent survey findings to establish the ecological value of the site and the presence/likely-absence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions.

7.161. In summary, the Ecological Assessment assessed and confirmed the following:

- Badgers (confidential)
- Foraging bats (low-moderate potential)
- Roosting bats (likely absent from buildings, with results to be confirmed from trees)
- Great Crested Newts (likely absent)
- Reptiles (low population, likely absent)
- Dormouse (likely absent)
- Water vole and otter (low potential)
- Birds (present)

- Invertebrates (low potential)
- Protected plant species (likely absent)
- Invasive/non-native species (likely absent)
- Other BAP species (high)

7.162. Information relating to badgers was submitted on a private and confidential basis. Mitigation and compensation measures were recommended within the report to ensure all residual impacts are avoided or compensated for. On site ecological enhancement recommendations were also provided to enhance the site for species of local importance.

7.163. The assessment concluded that, should the recommendations be adhered to, there would be no net loss in biodiversity and no residual impacts upon species of note in the local area. The development was therefore considered to be policy compliant in terms of ecology.

7.164. The committee report for the refused application set out that whilst the surveys confirmed the likely absence of roosting bats, HECO noted that this was contrary to comments submitted in objections to the application and HECO did not doubt that the site is used by foraging and commuting bats. As bats are light sensitive, HECO highlighted the importance of a sensitive lighting plan and suggested that should planning permission be granted, a biodiversity lighting plan should be secured by condition. Given the advice of HECO, subject to an appropriate condition regarding lighting, officers concluded that bats would not be adversely affected by the proposed development.

7.165. During the application, significant concern was raised regarding the impact of the development on water levels within the Local Wildlife Site. Amended drainage and accompanying technical data was subsequently submitted, concluding that the post-completion run off due to changes in the development site topography would be negligible and that discharge rates into the channel feeding the Local Wildlife Site from the development site would be maintained. In addition, the use of permeable surfaces and the control of discharge rates removed the need to direct water into Springwell Lake and it was proposed that water coming off hard surfaces would pass through oil interceptors to prevent contamination entering the channel. Officers therefore considered that there was likely to be a negligible change to the levels of water entering the nature reserve and HECO did not consider that this aspect would detrimentally affect the ecology of the nature reserve. The committee report stated that requiring a piling condition would be reasonable to understand the implications on groundwater levels.

7.166. HECO considered that the loss of grassland should be compensated for. Ecological enhancements were welcomed but not considered adequate to compensate for the removal of 3.4 ha of semi-improved

grassland. However, HECO did not consider that ecological requirements could be delivered onsite but could be achieved through biodiversity offsetting.

7.167. Herts and Middlesex Wildlife Trust (HMWT) raised objections as, in their opinion, the development did not achieve a measurable net gain to biodiversity and considered that the ecological report must include a 'measurable' calculation of the current ecological value of the site and how it would change. However, the committee report set out that there currently is no requirement for it in law and the NPPF does not make net gain or biodiversity offsetting a formal requirement, although there is an expectation that some level of net gain should be achieved.

7.168. HECO considered that it would be appropriate to determine a financial contribution based on the cost of creating and managing a smaller area of more species rich grassland as a comparable ecological resource and considered a sum of £17,725 would be appropriate. The Applicant confirmed agreement in principle to this sum, however, in the absence of a S106 agreement the development failed to meet the requirements of Policy. Therefore the application was refused on the basis of:

"In the absence of a signed agreement under the provision of Section 106 of Town and Country Planning Act 1990, the application does not provide net gain for biodiversity and therefore fails to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019)."

7.169. As part of the appeal the Applicant submitted a unilateral undertaking that proposed the sum of £17,725 towards off-site biodiversity enhancements.

7.170. Whilst HMWT suggested that the DEFRA metric should be used, the Inspector concluded that this is not a mandatory requirement. The Inspector concluded that the appeal scheme would provide a more coherent ecological network within the site as a consequence of the enhancements adjacent to Maple Lodge Ditch and given that the appeal site has low ecological interest overall and does not comprise any priority or protected habitats, the measures put forward, including the planning obligation, would combine to provide a net biodiversity gain. Consequently, the proposal was found to comply with policy.

7.171. An updated Ecological Assessment has been submitted as part of this application. The proposed development does not include any amendments compared to the refused application or appeal scheme that would affect the impact on biodiversity or wildlife. The updated assessment demonstrates that the proposed development will continue to have no adverse effect on wildlife and that biodiversity net gain can be achieved by way of an off-site contribution alongside the proposed on-site enhancements which are proposed to be secured by way of planning condition. The proposed development therefore complies with policies CP1 and DM6.

Ground Investigations

Policy Summary

- 7.172. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or water pollution.
- 7.173. Development Management Policy DM9 sets out that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and there will be no adverse impact on the quality of local groundwater or surface water quality.

Assessment

- 7.174. The refused application was supported by a Site Investigation Report. Based upon the findings of the site investigation, the following remediation requirements were devised in order to make the site safe and suitable for development. As an outline, it was considered that the following pollutant linkages must be addressed in order to make the Site suitable for development:
- Development of a detailed Remediation Strategy;
 - Removal and verification of areas containing heavily impacted asbestos soils for disposal as hazardous waste. Verification sampling of excavations to validate complete removal;
 - Removal and verification of any previously unidentified areas of contamination, where required;
 - Backfill of resultant excavations with suitable material;
 - Laboratory chemical testing and risk assessment of imported materials required for the clean cover system;
 - Installation of a 300mm clean cover system at the Site in the soft landscaping areas.
- 7.175. The report suggested that the above measures could have been secured by an appropriately worded planning condition. With the mitigation in place, the proposed development was believed to be acceptable and in accordance with national and local planning policy.
- 7.176. The committee report for the refused application noted that the Site Investigation identified unacceptable risks to human health due to the presence of asbestos fibres and fragments in the underlying soils. Asbestos fibres are only a risk if they are inhaled, if these are encapsulated under a

concrete foundation there is no availability of a pathway and therefore no likelihood of a receptor being exposed to fibres. The Environmental and Protection Officer agreed with the methodology and the borehole locations and potential contaminant pathways. They agreed with the findings of the report that there would be no adverse impacts with regards to land contamination as a result of the development. However, a number of conditions were recommended by the Environmental and Protection Officer, including an options appraisal and remediation strategy/verification report. A condition regarding any unsuspected contamination encountered during development was also considered necessary.

- 7.177. The committee report noted that the application site is within Source Protection Zone 1 (SPZ1) and is located upon a Secondary Aquifer in hydraulic continuity with the underlying Principal Aquifer. The Environment Agency advised that the documents submitted with the application provided it with confidence that it would have been possible to suitably manage the risk posed to controlled waters by the development; however, it was considered that further information would be required to be provided by condition. Therefore, conditions were requested to ensure that the site did not pose further risk to human health or the water environment, to prevent further deterioration of water quality and to ensure that there would be no harm to groundwater.
- 7.178. Affinity Water raised an objection due to concerns that the development had potential to adversely impact the public water supply due to the site being within SPZ1 corresponding to Springwell Pumping Station. Affinity Water's objection concerned that piling within the area posed a risk by creating pathways between shallow gravel groundwater and deep chalk groundwater potentially allowing naturally occurring magnesium present in the gravel aquifer to migrate to chalk. Affinity Water considered insufficient information had been submitted to demonstrate that there would not be an adverse impact on groundwater, particularly due to the proposed piling.
- 7.179. The committee report, concluded that, whilst the impacts the development in respect of land contamination were not adverse, it had not been fully demonstrated that there would not be an adverse impact with regards to water contamination, and the development failed to comply with policy.
- 7.180. Therefore, there was no reason for refusal in relation to contaminated land and instead the reason for refusal was worded as follows:

"It has not been demonstrated that the proposed development, particularly due to the proposed use of piling and the dewatering of the site, would not have an adverse impact on the amount and quality of groundwater, any impacts on which has the potential to adversely impact the public water supply and adjacent Local Wildlife Site. Accordingly the development fails to comply with Policies CP1 and

CP9 of the Core Strategy (adopted October 2011), Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019)."

- 7.181. Within the Appeal decision, the Inspector noted that both parties agreed that further investigation was required prior to commencement of works. The Applicant considered that this could be addressed through the suggested conditions, particularly as the risks were minimal, however, Affinity Water disagreed.
- 7.182. The Inspector was not persuaded that sufficient evidence had been provided upfront as part of the refused application or appeal scheme to demonstrate that the risk to public water supply could be adequately mitigated. It was noted that the disruption and/or contamination to the public water supply could have significant consequences for Affinity Water and the population the supply serves. Therefore, the Inspector concluded that the proposed piling would have an unacceptable effect on groundwater and the quality of the public water supply and would fail to comply with Policy DM9.
- 7.183. Following the refused application’s dismissal at appeal, the Applicant has continued to work closely with Affinity Water, the Council’s EHO and the EA to agree and collate the relevant technical work required to provide sufficient evidence that the risk to public water supply will be adequately mitigated.
- 7.184. A Piling Method Statement and Risk Assessment and a method statement for the decommissioning of monitoring well installations have been submitted as part of this application in response to this requirement. A confidential Detailed Qualitative Risk Assessment has been undertaken to inform the Piling Method Statement. The assessment contains confidential information which cannot be submitted as part of the application and made publicly available. However, it has been provided directly to Affinity Water and will be issued directly to the Environment Agency in due course.
- 7.185. Notwithstanding this, a summary DQRA has been provided as part of this submission, which outlines the further technical work that has been undertaken to provide the relevant evidence that the risk to public water supply will be adequately mitigated. This includes a schedule of responses to the key issues raised through consultation on the refused scheme, the appeal and the Inspector’s decision which is included in **Table 7.2** below.

Table 7.2 DQRA Summary

Issue	Conclusion
Understanding groundwater flow in Chalk from the site to three local	Groundwater flow in the Chalk aquifer below the site is from the north and east to the southeast/south. Responses to changes in all three PWS abstraction are observed in groundwater levels at the

<p>PWS boreholes, and how the three PWS boreholes influence each other and the site</p>	<p>site, indicating that the site is in the zone of influence of all three abstractions. Groundwater gradients do not change significantly in response to signals from abstractions, indicating that the site is not in the capture zone of PWS abstractions to the north. It is conservatively assumed that PWS abstractions to the east and south may capture groundwater from below the site.</p>
<p>Understanding the connectivity between an upper Secondary aquifer (River Terrace Deposits) overlying the Chalk, and the lower Principal (Chalk) aquifer</p>	<p>Groundwater levels in the Chalk aquifer are predominantly higher than in the overlying RTD aquifer, indicating that there is groundwater flow from the lower aquifer to the upper aquifer at a rate controlled by the permeability of the silty layer at the top of the Chalk aquifer. The available evidence suggests that this is likely to be the case throughout the historic record since c. 2010.</p>
<p>Understanding naturally occurring manganese in the upper aquifer and whether piling will draw manganese down to the Chalk aquifer</p>	<p>Manganese was detected in groundwater in the RTD aquifer at concentrations up to 630 ug/l, compared with a drinking water standard of 50 ug/l. The risk of transport of manganese to the Chalk aquifer is mitigated by:</p> <ul style="list-style-type: none"> • The piling method, which causes compression of the aquifer materials and is therefore unlikely to result in a pathway forming around the pile. • The prevailing upwards groundwater gradient from the Chalk aquifer to the RTD aquifer. • The tendency of manganese to oxidise to insoluble forms if it reaches the Chalk aquifer. • A detailed quantitative risk assessment indicates that if manganese were to enter the Chalk aquifer and be transport to a PWS, concentrations at the PWS would be negligible. Risks are considered negligible.
<p>Understanding whether there are contaminants emanating from a landfill to</p>	<p>Groundwater sampling on four occasions has shown that concentrations of potential contaminants in groundwater are not significant. Risks are considered to be negligible.</p>

<p>the north of the site that could be mobilised by piling to the Chalk aquifer</p>	
<p>Whether piling in the Chalk could create turbidity that would cause issues with water quality at the PWS boreholes</p>	<p>The piling depth is 10 m bgl, which is at least 3.7 m above the top of the structured Chalk aquifer. The unstructured Chalk in the piled zone is not likely to support the flow velocities required to transport turbidity. Piling will further mitigate against this risk by compressing aquifer materials in the piling zone and further reducing groundwater flow velocities.</p>
<p>Whether piling in the Chalk would affect flow in the Chalk aquifer to an extent that might derogate the PWS boreholes</p>	<p>An assessment of the reduction in groundwater flow in the piling zone indicates that the volumes are not a significant proportion of abstraction rates, and impacts are considered to be negligible.</p>
<p>Whether a dissolution feature identified in the Chalk aquifer at the site during previous site investigations might affect vertical transport of contaminants and piling requirements</p>	<p>The location of the dissolution feature is ell constrained by site investigation data. Piling will avoid the location of the feature, and the role of the feature in providing vertical transport of contaminants is not anticipated to change due to piling.</p>

7.186. As part of the continued consultation with Affinity Water the Applicant has agreed the following series of draft conditions:

Piling Method Statement

Any piling or other deep foundation construction methods must be undertaken in accordance with the terms of the approved Piling Risk Assessment and Piling Method Statement dated XXX, unless details (which shall include consultation with Affinity Water) are submitted to, and approved in writing by, the Local Planning Authority.

A copy of the Piling Risk Assessment and Piling Method Statement shall be included within the package of information that forms the construction documentation for the main/and piling contractors, and kept on-site, in a position accessible to all, until the post-piling monitoring period has been completed.

The Site Manager will be responsible for ensuring that the contents and intent of the Piling Risk Assessment and Piling Method Statement are known to all persons carrying out groundworks on that site.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and the source protection zone of one or more of Affinity Water's groundwater abstractions for Public Water Supply (PWS). Piling has the potential to impact on local underground sewerage utility infrastructure in addition to contaminant transport to the Chalk aquifer (including manganese), turbidity in the Chalk aquifer and potentially at the PWS abstractions, and on ground permeability, which may affect groundwater levels and flows. This condition is necessary to protect underground infrastructure and water supply in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Decommission of investigative boreholes

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

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Dewatering method statement

No dewatering shall take place. Should dewatering be necessary, no dewatering shall occur until a Dewatering Method Statement (detailing the dewatering method and predicted impact on groundwater flow and details of the consultation undertaken with Affinity Water) has been

submitted to and approved in writing with the Local Authority. Any dewatering must be undertaken in accordance with the terms of the approved dewatering method statement.

Reason: The proposed work will be within the source protection zone of one or more of Affinity Water's groundwater abstractions for Public Water Supply (PWS) and within 500 m of the Marsh Lake within Maple Lodge Nature Reserve. This condition is necessary to protect water supply and the environment in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM6 and DM8 of the Development Management Policies LDD (adopted July 2013).

Conditions to be displayed on site

A copy of all conditions addressing groundwater protection, foundation design and site drainage, and any other groundwork or surface water matters and details submitted during the discharge of conditions, and approved pursuant and subsequent to this consent, shall be displayed at the site office at all times.

The Site Manager will ensure that the contents and intent of each are known to any persons given responsibility for operational management or control of the site, or carrying out works on that site.

Reason: To ensure that any potential contamination or other activity likely to pose a risk to groundwater and public water supply, is recognised, monitored and managed by all contractors on site, in good time.

- 7.187. The reports together with the proposed draft conditions provide the level of technical detail required to demonstrate that the risk to public water can be adequately mitigated.

Flood Risk and Drainage

Policy Summary

- 7.188. The NPPF requires a Flood Risk Assessment (FRA) to be submitted with planning applications for all development sites over one hectare in area and development sites of any size within Flood Zones 2 and 3. The FRA should determine the risks of flooding at the site from all sources including rivers, the sea, sewers and groundwater.
- 7.189. Core Strategy Policy CP1 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 also acknowledges

that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

- 7.190. Development Management Policy DM8 sets out that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate risk of flooding elsewhere. A Flood Risk Assessment (FRA) will be required for proposals for all new development in Flood Zones 2. Within sites at risk of flooding, the most vulnerable parts of the proposed development should be located in areas of lowest risk. Development at risk of flooding should be flood resilient and resistant and it should be demonstrated that residual risks can be safely managed.
- 7.191. Floor levels of development in Flood Zones 2 and 3 should be situated above the 1% (1 in 100 years) plus climate change predicted maximum water levels, plus a minimum freeboard of 300mm. Development in all areas should include Sustainable Drainage Systems to reduce surface water run-off. Where appropriate, developers will be required to show that any necessary flood protection and mitigation measures will not have unacceptable impacts on nature conservation, landscape character, recreation or other important matters. Development should be set back from a main river with a minimum 8m wide buffer zone.

Assessment

- 7.192. An FRA was submitted in support of the refused application. The FRA identified and assessed the risks of all forms of flooding to and from the development and demonstrated how these flood risks would have been managed so that the development would remain safe throughout the lifetime, taking climate change into account.
- 7.193. The majority of the site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year (<0.1%), while the southern and eastern boundary of the site is partially located within Flood Zone 2 and therefore has a 'medium probability' of fluvial flooding, with between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) in any year. The proposed buildings for the refused application were wholly located within Flood Zone 1. The 1 in 1000-year event had a modelled water level of 42.38m AOD. By comparison, the ground levels at the site are generally between 42.00 and 43.00m AOD. Therefore, the risk of flooding from fluvial flooding was considered to be of low significance. A number of secondary flooding sources were also identified which may have posed a low significant risk to the site. This included groundwater flooding, surface water flooding and sewer flooding.
- 7.194. The proposed use was classified as 'less vulnerable'. 'Less vulnerable' uses are appropriate within Flood Zones 1 and 2. The flood risk at the site would have been further managed and mitigated by using a

number of risk management techniques, and mitigation strategies to manage and reduce the overall flood risk at the site.

- 7.195. Overall, the flood risk to the site was considered to be limited, with a low annual probability of flooding and from all sources. The site was unlikely to flood except in very extreme conditions.
- 7.196. The proposals included the discharge of foul water to the public foul sewer to the north of the site. There is an existing 600mm diameter foul public sewer which crosses the site, which was to be abandoned and grouted.
- 7.197. The proposed SUDS Strategy ensured that a sustainable drainage solution could be achieved to reduce the peak discharge rate to manage and reduce the flood risk posed by the surface water runoff from the site. In order to limit the rate and volume of surface water runoff that is discharged, it was believed to be necessary to include a flow control device. The FRA demonstrated that a scheme could be developed that does not increase the risk of flooding to adjacent properties and development further downstream.
- 7.198. The Drainage Strategy for the refused application was revised during the application to provide an alternative location for the discharge of surface water following the principles of NPPF paragraph 165, TRDC Core Strategy Policy CP1(c) and Development Management Policy DM8(g) in order to minimise flooding and reduce surface water runoff through the use of Sustainable Drainage Systems.
- 7.199. The committee report of the refused application noted that the Lead Local Flood Authority (LLFA) had asked the Applicant to demonstrate half drain down times for tanks, to ensure the system could drain adequately in the event of a repeat storm. The LLFA considered that the tank should be able to accommodate as a minimum a 1 in 30 year storm within 24 hours of a 1 in 100 plus climate change rainfall event. In order to preserve the development and to allow the applicant to achieve the drain down times for the tank, the LLFA advised that they would consider a second discharge from the site at 5l/s to the river on the eastern side of the site, providing all appropriate third party agreements were in place. The LLFA also considered that the total contributing area used in the MicroDrainage calculations was too low and commented that this information could not be conditioned.
- 7.200. The committee report concluded that, although clarifications had been provided, it had not been demonstrated that surface water run-off could be adequately handled within the site, and that the development would not result in flooding of adjacent properties and within the site itself.
- 7.201. Therefore, the following reason for refusal was included:

"It has not been demonstrated that surface water run-off can be adequately handled within the site, and that the development will not result in flooding of adjacent properties and within the site itself. Accordingly the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019)."

- 7.202. Notwithstanding this, the LPA agreed following the decision that the reason for refusal relating to flood risk had been overcome following further correspondence with the LLFA and submitted to the LPA which took place prior to the decision being made but that the LPA chose not to consider as a matter of timing when taking the decision to refuse the application on this ground.
- 7.203. During the course of the Appeal process, the LLFA confirmed it was satisfied that the proposal would not be at risk from flooding and would be unlikely to give rise to an increased risk of flooding elsewhere. It was satisfied that the detailed management in respect of surface water management could be achieved through the use of suitable conditions. It was confirmed that details of the future management and maintenance of the SUDS would be secured by way of a condition. It was also confirmed that water from the site would be discharged at a controlled rate into Maple Lodge Ditch, and vegetation within the ditch adjacent to the site would be cleared, to ensure the ditch had the required capacity to accept the excess water from the site.
- 7.204. The Inspector concluded that subject to compliance with conditions in relation to the detailed design of the drainage system, and satisfactory safeguards in relation to the management and maintenance of the SUDS the proposal would not be at risk of flooding or increase the risk of flooding elsewhere. The Inspector also noted that the improvements to drainage and the access road would make it less susceptible to flooding.
- 7.205. An updated FRA and Drainage Strategy has been submitted as part of this application. This follows the strategy agreed at appeal, which was found to be acceptable in terms of flooding and drainage by the Inspector.
- 7.206. The report confirms that there will be no increase in the flood water levels due to the proposed development and there will be no loss in flood storage capacity and no change in the on-site and off-site flood risk. The proposed drainage rate will surface water runoff from the site will be attenuated to 6.50l/s, which is the QBAR runoff rate for the site, for all events up to and including the 1 in 100 year (+30%) rainfall event before discharge to the Maple Lodge Ditch. It is proposed that the future management and maintenance of the SUDS is secured by way of planning condition.

7.207. The strategy continues the approach agreed with the LLFA through the appeal process and therefore continues to be acceptable both in terms of drainage and flood risk.

8. Planning Obligations and Community Infrastructure Levy

Draft Heads of Terms

8.1. The Applicant intends to enter into a Section 106 Agreement with the Council which will include the following obligations:

- Biodiversity Loss Offset Contribution; and
- Travel Plan Monitoring Contribution.

9. Summary and Conclusions

- 9.1. This Planning Statement has been prepared by Avison Young and is submitted in support of a full planning application for the comprehensive redevelopment of the site to provide 2 no. warehouse Class B1c/B2/B8 units comprising a total of 16,115 sqm including 1,882 sqm ancillary B1a office space, access, landscaping and associated works.
- 9.2. This statement assesses the proposed development against national and local planning policy and summarises the key planning considerations that arise within this context.
- 9.3. The proposed development gives rise to a comprehensive package of planning benefits which are summarised as follows:
- The proposed development will deliver 16,115 sqm employment floorspace that will provide a significant contribution to meeting the need identified by the South West Herts Economic Study (2018) for 13,200 sqm of B1c/B2 floorspace and 15,600 sqm of B8 floorspace for Three Rivers over the 2018-2036 period.
 - This employment development will result in the creation of a significant number of operational phase jobs alongside direct and indirect construction jobs that will also be created. This is identified as a priority for sustainable development by the Core Strategy (2011).
 - In the context of economic downturn and job losses as a result of Covid 19 the proposed development will deliver significant economic benefits in a strongly performing market sector including: circa 108 direct and 98 indirect jobs during the construction phase and circa 292 direct jobs 179 indirect jobs during the operational phase; circa £884,350 - £1,149,580 in business rates per annum; circa £12.1m direct Gross Value Added (GVA) per annum; and, and circa £9.9m indirect GVA per annum for the local economy.
 - Development will enable the remediation of the identified contaminated land as supported by TRDC Development Management DPD Policy DM9.
 - It will improve the safety and accessibility of the local highway network through junction improvements to Denham Way (A412) and the private access road to the north of the site supported by TRDC Core Strategy Policy CP10.
 - The provision of biodiversity net gain through onsite and offsite contributions.

- An exemplar of sustainable development in the District significantly exceeding the relevant policy requirements and proactively responding to the District's wider strategic climate change policy in declaring a climate emergency.
- 9.4. Overall, the proposed development is the result of an extensive design process and accords with the design principles set out in national, regional and local policy guidance.
- 9.5. From an environmental perspective, the potential impacts of the development have been thoroughly assessed and conclude that there are no environmental or technical constraints that would prevent the development coming forward. This planning application demonstrates that the proposed development complies with all relevant planning policy and is therefore acceptable in planning terms.
- 9.6. The proposed development, as discussed and appraised in the Planning Statement, is substantially in accordance with the relevant Development Plan taking account of the material planning considerations. This sustainable development should therefore be approved without delay.

Appendix I

Refused Application decision Notice

Contact Details

Enquiries

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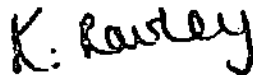
site boundary would result in an overbearing, visually intrusive and unneighbourly form of development to the detriment of the residential amenities of occupiers of No. 19 Longmore Close. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2019).

- 7 The proposed development, by reasons of scale and design with block-like appearance, would detract from the overall appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Grade II Listed Maple Lodge Farm and Maple Lodge Barn. The harm is not considered to be outweighed by public benefits and the proposed development is therefore considered to be contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies DPD and paragraph 196 of the NPPF (2019).

INFORMATIVES :-

- 1 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

Dated: 19 November 2019



Signed

Kimberley Rowley

Head of Regulatory Services

On behalf of Director of Community & Environmental Services,

Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts WD3 1RL

NOTES

Appeals to the Secretary of State

HOUSEHOLDER APPEALS ONLY

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

DCREFULZ

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ALL OTHER TYPES OF APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:

28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park Authority for that Park, or in any other case the district council or country council which is exercising the functions of a district council in relation to an area for which there is no district council, London Borough Council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.

Appendix II
Appeal Decision Notice



Appeal Decision

Hearing Held on 30 June 2020

Site visit made on 8 July 2020

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2020

Appeal Ref: APP/P1940/W/19/3243565

Employment land to the north of Maple Cross Lodge, Maple Cross, Rickmansworth, Hertfordshire WD3 9SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by BCL (Maple Cross) LLP & Impact Property Development Ltd against the decision of Three Rivers District Council.
 - The application Ref 19/1179/FUL, dated 20 June 2019, was refused by notice dated 19 November 2019.
 - The development proposal is 2no. single storey warehouse Class B1c/B2/B8 units comprising a total of 16,590 square metres, including 1,986 square metres of ancillary B1a office space, access, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description above is taken from the application form, however the application was subsequently amended prior to determination. The amendments included a reduction in floorspace to 16,140 square metres including 1,986 square metres of ancillary B1a office floor space. The height of Unit 2 was also reduced from 12.5 metres at the eaves and 16 metres at the highest part to 10 metres and 12.5 metres respectively. I have considered the appeal accordingly.
3. Following the refusal of the application the appellant and the Council have continued to work together, as a consequence a number of changes have been made to the proposal. These changes include the submission of plan number 17019-C4P-AV-00-DR-A-0500 rev P14 which shows alterations to the access and parking arrangements and plan no 550987dpOct19FV06_TRP which shows the retention of additional trees adjacent to the access road. Plan T_17_1999 55-01 P14 shows the associated changes to the proposed drainage arrangements and was submitted during the course of the hearing. The Council expressed concern that the submitted plans had not been subject to public consultation and could be prejudicial to interested parties. The changes shown on plan no. 17019-C4P-AV-00-DR-A-0500 rev P14 involve alterations to the parking bays and the access into the parking and servicing area for both units. Traffic associated with the development would not be any closer to the surrounding residential properties. The proposed changes would enable the

retention of the majority of the trees adjacent to the access road. There were also changes to the Flood Risk assessment and the drainage strategy.

4. I am satisfied that the changes shown on these plans and the revised Flood Risk Assessment and drainage strategy would not be prejudicial to any party and would accord with the Wheatcroft principles. I have therefore determined the appeal on the basis of the revised plans.
5. The appellant submitted a unilateral undertaking under section 106 of the Town and Country Planning Act. This covenanted to make a payment of £17,725 to offset the loss of biodiversity and a contribution of £6,000 towards the implementation and monitoring of the travel plan. The Council considers that these contributions address the second and fifth reasons for refusal. These contributions are discussed later in this decision.
6. Prior to the commencement of the hearing the Council stated that reason for refusal 3 in relation to flood risk had been addressed through the additional information provided by the appellant. Nonetheless, interested parties remain concerned about these issues and they are discussed below.

Main Issues

7. I consider the main issues to be:

- The effect of the proposal on the living conditions of local residents including noise, air quality, increase in traffic, and parking in Maple Lodge Close;
- The effect of the proposal on the living conditions of the occupants of 19 Longmore Close with particular regard to visual prominence and loss of sunlight/overshadowing;
- The effect of the proposal on the trees on the site;
- The effect of the proposal on biodiversity with particular regard to potential de-watering;
- Whether the proposal would deliver a net gain in biodiversity, including its relationship with other biodiversity mitigation schemes;
- Whether any harm to heritage assets would be outweighed by the public benefits of the proposal;
- Whether the proposal would make satisfactory provision for surface water run-off with particular regard to the potential for flooding;
- The effect of the proposed piling on groundwater and the quality of the public water supply.

Reasons

8. The appeal site comprises an area of undeveloped open grassland, approximately 3.4 hectares in area. Whilst the majority of the site lies outside of the Green Belt, a small area of land near the eastern boundary comes within it, but no development is proposed in this area.
9. The eastern boundary is defined by the access road that links with Denham Way and serves other commercial uses nearby, including the Thames Water Treatment Works which lie to the south east. The eastern boundary is defined

by Maple Lodge Ditch. Together with the southern and western boundaries it is marked by mature trees and other vegetation.

10. The site is bound to the north/northwest by the Rivers Office Park and Hertford Place (subject to an implemented, but not yet built, planning permission for a hotel). Thames Water cricket pitch lies to the south. The residential properties of Longmore Close lie to the east on the opposite side of Maple Lodge Ditch, together with the residential properties of Maple Lodge Close. The Grade II listed properties known as Maple Lodge Barn and Maple Lodge Farm lie to the south east. All of these residential properties are accessed from Maple Lodge Close.
11. Denham Way (A412) runs north to south through Maple Cross connecting Rickmansworth to the north and West Hyde to the south. It also provides access to the M25 via Junction 17 (about 1.5km from the Appeal Site). The wider surrounding area comprises a mix of employment, residential uses, open space and agricultural land. Further south lies Maple Lodge Nature Reserve, a locally designated nature reserve and wildlife site.

Principle of development

12. A number of residents questioned the need for the proposed warehousing and suggested that the allocation of the site for employment purposes had not been fully considered. It was also suggested that the need for warehouse floorspace was based on reports that no longer reflected the current employment environment or local requirements. Ms Passingham submitted details of over 100 warehouses available for letting within a 30 minute drive of the appeal site. She suggested that these surplus properties should be refurbished and re-purposed before additional warehouse accommodation is permitted. Residents contend that the employment opportunities that would be provided by the proposed development would not meet the skills set of the local population.
13. It was also suggested that the impact of Covid-19 is likely to accelerate the move towards online shopping and therefore people will be downsizing their office accommodation. Should this occur, residents believe that there would be an even greater surplus of employment floorspace within the District.
14. As confirmed by the Framework, planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area includes the Core Strategy 2011-2026 (adopted 2011), the Development Management Policies LDD (adopted 2013) and the Site Allocations Local Development Document (adopted 2014). Mr Charles confirmed, on behalf of the Council, that all of the plans had been subject to public consultation and had complied with the relevant statutory requirements prior to adoption.
15. The employment strategy within the Core Strategy is underpinned by the Employment Land Study (2005) and the London Arc Study (2009), and the Employment Land Study Update (2010). Together these found that Three Rivers District should make provision for 2,378 additional jobs between 2006 and 2026.
16. Amongst other matters, Core Strategy policy CP6 supports development that provides an appropriate number of jobs to meet strategic requirements. It

seeks to focus employment uses within specific areas, including Maple Cross/Maple Lodge. The accompanying text explains that local evidence has been used to inform the detailed requirements for land or floorspace for economic development over the plan period. It indicates that on the basis of projected growth within the area the District cannot afford to lose anymore employment floor space within the industrial and warehousing sectors. Policy SA2 of the Site Allocations Local Development Document identifies the site as an Employment Area (Site Allocation SA2 E(d)).

17. I accept that the evidence that informed the Core Strategy is not particularly recent, however, the Council confirm that the appeal site remains an allocated site for employment purposes within the emerging Local Plan. Although I am unable to afford any weight to the policies within the emerging Local Plan, it would seem that the need for such employment floorspace persists.
18. I appreciate that there may be a surplus of office floorspace, and other employment floorspace within the District. Notwithstanding this, there is no compelling evidence to suggest that there is no longer a need for modern, flexible warehouse/industrial space such as that proposed. On the basis of the evidence submitted to the hearing I am satisfied that there remains a need for employment floorspace within the District, particularly such as that proposed.
19. At the present time there is no substantive evidence as to the effect of Covid19 on the need for industrial/warehouse floorspace either in this location or elsewhere within the country.
20. I conclude that the principle of development is acceptable and would accord with policy CP6 of the Core Strategy and SA2 of the Site Allocations Local Development Document.

The effect of the proposal on the living conditions of local residents

Noise

21. Local residents are concerned that the proposed development would have an adverse effect on their living conditions due to noise. They raised concerns about the robustness of the submitted noise assessment, including the absence of a background noise level survey and that the predicted noise levels are lower than the existing noise levels recorded by residents.
22. The submitted noise assessment concluded that the proposed development would not give rise to noise above the Lowest Observable Adverse Effect Level (LOAEL). The assessment used Maple Lodge Farm, which was considered to be the most exposed property, as a receptor. The predicted noise levels at 19 Longmore Close, the closest dwelling to the appeal site, were also assessed and the findings were comparable. The Environmental Health Officer was satisfied with the methodology, the receptors, and the noise level criteria used within the assessment.
23. Policy DM9 of the Development Management Local Development Document (LDD) states that the Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings.

24. Paragraph 180 of the Framework states that planning decisions should ensure that new development is appropriate for its location. It advises that potential adverse impacts resulting from noise from new development should be mitigated and reduced to a minimum, and that decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life.
25. Planning Practice Guidance acknowledges that there is not a simple relationship between noise levels and those affected. This is dependant on a number of factors including the time of day it occurs, the prevailing sound environment, and the nature of the noise itself. It confirms that a range of mitigation measures can be used to minimise any adverse effects of noise.
26. The Noise Policy Statement for England (NPSE) aims to avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life. It states that sustainable development is a core principle underpinning all government policy. It advises that there is a need to integrate consideration of the economic and social benefit of the activity under examination with proper consideration of the adverse environmental effects including the impact of noise on health and quality of life. It explains that this should avoid noise being treated in isolation in any particular situation i.e. not focusing solely on the noise impact without taking into account other related factors.
27. Residents consider that in the absence of evidence as to existing background noise levels the effect of the proposed development on living conditions cannot be properly assessed. Measurements taken by residents at 19 Longmore Close found noise levels during the evening period, of between 31.1 dBA and 32.7 dBA, inside the building with the windows ajar. This represents a fairly low level of background noise.
28. The appellant's predicted noise levels are based on absolute levels rather than relative noise levels (the difference between existing noise levels and those with the development once operational). Although the threshold for LOAEL is not fixed, the noise rating levels used within the noise assessment are typical, and the predicted noise levels fall below these thresholds for both daytime and night-time. It may be that some residents would notice a change in the noise environment, but such change would not be so significant as to give rise to a change in behaviour or quality of life. In these circumstances, a background noise survey would not alter the modelled noise levels or my conclusion that they would not exceed LOAEL.
29. Residents were also critical of the modelling inputs to the noise assessment, and were concerned that some of the modelled noise levels were lower than those they recorded.
30. The noise assessment was based on a number of assumptions. These included that the proposed buildings would be used as warehouses and would operate 24 hours a day. This represents the worst-case scenario in terms of noise. The predicted noise ratings used by the appellant were derived from archived data in relation to service yard activity measured at a number of sites. This information, together with traffic data, informed the appellant's model. The model also includes a 12 dB(A) penalty to allow for the tonal and intermittent nature of reversing sounders. No substantive evidence was submitted to indicate that these inputs are not representative or robust.

31. As explained above, the methodology and assumptions within the noise assessment were reviewed by the Council's Environmental Health Officer and found to be satisfactory. Some residents questioned the Council's expertise in this area, but no evidence was submitted to suggest that the Environmental Health Officer's views could not be relied upon.
32. Residents also submitted details of a noise reading from Intercity Logistics, a freight company in Hatfield. The recorded levels ranged from 55.5 dBA to 58.9 dBA. Ms Weston confirmed that the reading was taken at ground level at the building. No information was available in terms of background noise levels. In the absence of further detail I am unable to afford this information any substantive weight. Notwithstanding this, when the separation provided by the proposed buildings, and the distance of the service yard from the residential properties are taken into account, this reading does not suggest that the operational noise inputs used by the appellant cannot be relied upon.
33. Residents assessed the existing noise levels at 19 Longmore Close between the hours of 20:14hrs and 23:11hrs. The readings are about 1-2 dBA higher than the predicted noise levels. This represents a very small margin of difference within a low noise environment. Indeed BS 4142:2019 states "Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night". Accordingly, having regard to this advice, the professional qualifications of the consultants, and the views of the Environmental Health Officer, I have no reason to doubt the findings of the submitted noise assessment.
34. Moreover, in accordance with the advice in PPG¹, the layout of the site has been designed to minimise disturbance to surrounding residential properties through the location of service yards and car parking areas separated from the boundaries with residential properties by the proposed buildings, as well as the positioning of doors and windows. It is possible that the proposed buildings together with the improvements to the access road, which should encourage existing businesses to use the Denham Way access rather than Maple Lodge Close, may also mitigate some of the existing noise.
35. The Council and the Appellant have agreed draft conditions, which set maximum noise limits at both of the assessed receptors. These would ensure that even if the predicted noise levels are exceeded they would remain below LOAEL.
36. Residents were also concerned about noise levels from emergency plant. It was proposed that this should not exceed 10dBA above background noise levels. I am satisfied that this can be secured by way of an appropriate condition.
37. There were concerns that drivers on extended breaks may sit in their vehicles running air conditioning and heaters and this noise could be heard at the receptor properties.
38. Residents advised that they could hear vehicles visiting the Thames Water facility to the east of Maple Lodge Close. Vehicles visiting the premises would not be entitled to use Maple Lodge Close since it is not part of the public

¹ ID: 30-009-20190722 & ID: 30-010-20190722

highway. The appellant confirmed that he did not have permission to use it. The access to the site would be from Denham Way, and the existing road would be upgraded and the existing flooding issues addressed. The appellant also proposes a number of improvements to the access and to Denham Way. In the light of the improved access arrangements I consider it unlikely that vehicles associated with the proposed development would use Maple Lodge Close in preference to Denham Way. I therefore do not consider that the proposal would give rise to an increase in noise due to vehicles using Maple Lodge Close.

39. The Council confirmed both at the time of the application, and during the course of the hearing that it was satisfied with the submitted noise assessment. On the basis of the submitted evidence I have no reason to reach a different conclusion.
40. Taking all of the evidence submitted to the hearing into account, I am satisfied that provided the proposed development is used in the manner indicated within the noise assessment, whilst noise emanating from the future uses may be discernible to residents, it would not cause any significant increase in the background noise level, and would be unlikely to cause disturbance or adverse health effects.
41. I therefore conclude that subject to conditions to ensure that noise emanating from does not exceed specified levels, the proposal would comply with policy DM9, the NPSE, as well as the Framework and advice in PPG.

Air Quality

42. Residents are concerned that the proposal could have an adverse effect on air quality on Denham Way, including on children walking to and from The Reach Free School.
43. Mr Mountain submitted that the proposal would generate at least 81,000 additional vehicle movements a year, mainly by HGVs. He also suggests that the data and measurements within the Air Quality Assessment (AQA) cannot be relied upon due to the conclusion that the emissions are insignificant. It is unclear where the figure of 81,000 comes from.
44. LDD Policy DM9 states that development will not be permitted where it would have an adverse impact on air pollution levels. The Framework states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and Clean Air Zones, and the cumulative impacts from individual sites in local areas. It also advises that opportunities to improve air quality or mitigate impacts should be identified, through measures such as traffic and travel management, and green infrastructure provision and enhancement.
45. The local air quality management (LAQM) regime requires every local authority to regularly review and assess air quality in their areas. If national objectives in relation to air quality are not met, or at risk of not being met, the local authority concerned must declare an Air Quality Management Area (AQMA). Neither the appeal site nor the surrounding area of Maple Cross come within an AQMA. I am aware that emissions within the area have not been monitored and residents have requested an air quality monitoring station. Funding for this is

currently being pursued. The closest monitoring point is at Chorleywood near to M25 junction 18 and this comes within and AQMA for PM₁₀.

46. Although the establishment of an air quality monitoring point in the locality is under consideration, it is not in place, and at the present time there is no evidence to indicate that the mandatory limits within the Air Quality Standards Regulations 2010 (AQS) have been, or are at risk of being, exceeded. Indeed, the accompanying text to policy DM9 states that the District has a generally high environmental standard and that air pollution levels are below national targets.
47. At the present time there is no evidence to indicate that vehicle emission levels within the area are high or that existing air quality within the locality is poor. Consequently, the proposal does not come within the circumstances where PPG considers that air quality may be relevant to the development management process.
48. The submitted AQA assesses both noise and dust emissions during the construction and operational stages. During construction there is potential for dust emissions, particularly during the earthworks stage. The assessment sets out a series of mitigation measures in relation to site management and communication, as well as practical measures to limit the spread of any dust. Subject to the implementation of these measures, the residual impacts from the construction phase are unlikely to be significant. I am satisfied that the measures outlined can be secured by way of a condition requiring the submission of a dust management plan.
49. Residents are concerned that the proposal would add to the existing unmonitored PM_{2.5} and PM₁₀ from gravel extraction and HS2 traffic in the locality. I am aware of the correspondence forwarded by Ms Bradley regarding dust emissions for the HS2 site nearby and acknowledge the concerns of local residents in relation to this matter. Notwithstanding this, the appeal scheme is very different in scale from HS2, and subject to the implementation of the measures within the AQA would be unlikely to give rise to similar adverse effects during construction.
50. The proposal was screened using the Institute of Air Quality Management and Environmental Protection UK two stage screening process, to determine whether a detailed road traffic emissions impact assessment was required. The screening was based on the trip generation rates within the Transport Assessment. The AQA was subsequently updated to take account of the floorspace proposed.
51. The access road is located a short distance south from the junction with the M25. The sensitive receptors are located on Denham Way to the south of the site access road. Based on the Transport Assessment there would be 158 trips in this direction, of which 23 would be HDVs. This figure falls considerably below the threshold for detailed assessment.
52. Potential air quality exceedances are generally assessed using peak hours. Children walking to The Reach Free School are likely to do so during the morning peak hour. During this period the overall increase in vehicles using this part of Denham Way would be low, and the number of additional HGVs would be extremely low. In these circumstances, taken together with the absence of any clear evidence to indicate that air quality in this location is

poor, I am satisfied that any additional emissions as a consequence of the proposed development would be unlikely to adversely impact on children walking to school.

53. Therefore, on the basis of the available evidence, I do not consider that the proposal would have an adverse effect on air quality levels within the area. Should the proposed air quality monitoring point indicate that there is the potential for AQS to be exceeded the Council would be required to put an AQMA in place. However, based on the evidence submitted to the hearing, there is no reason to suppose that this is the case.
54. It was suggested at the hearing that the AQA must be flawed since it found the annual emissions to be 'insignificant'. However, its purpose is not to quantify the overall emissions from vehicles using the site, but the impact of emissions on the concentrations of pollutants. The AQA was professionally prepared by a member of the Institute of Air Quality Management who was also a member of the Institution of Environmental Sciences. It was also checked by a similarly qualified professional and scrutinised by the Council's Environmental Health Officer. I have no reason to doubt the expertise or integrity of these professionals, or the conclusions of the AQA. No substantive evidence was submitted to indicate that it was flawed in any way.
55. Mr Mountain also referred to the *Gladman Developments Ltd v SSCLG and Swale BC*, [2017] EWHC 2768 (Admin) judgement. However, the circumstances of that case were markedly different from this appeal in that the development concerned was located within an area where there was an identified adverse effect on an AQMA. The challenge to the decision concerned the inspector's findings with regard to the effectiveness of government policy and other mitigation proposed with regard to reducing pollution. In this appeal there is no evidence to indicate that air quality is unsatisfactory at the present time, or that the appeal scheme would have an adverse effect on air quality. Therefore this judgement does not alter my conclusions above.

Traffic, Parking and Safety

56. Local residents were concerned that the proposal would lead to increased parking within Maple Lodge Close by drivers and employees from the proposed development. In the past this has given rise to damage to the pavements and they consider that it also represents a risk to pedestrians. At the hearing the Highway Authority confirmed that Maple Lodge Close is privately owned and that it does not have any power to control the manner in which it is used. Consequently, any measures in relation to the use of Maple Lodge Close for parking or access would be the responsibility of the owner and/ or those responsible for the management of the road.
57. Parking standards are set out in policy DM13 of the LDD. The adopted standards specify the parking provision for different uses and advise that in general the lower end of each range should be applied. The appeal site comes within zone 3 where it is expected that between 50 and 75% of the indicative demand-based standard is provided.
58. The Framework requires proposals for new or expanded distribution centres to make provision for sufficient lorry parking to cater for their anticipated use. Parking provision for the appeal scheme has been provided on the basis of a B8 use (the use likely to require the greatest number of vehicles). The proposed

provision represents about 74% of the maximum provision and accords with the upper end of the range within zone 3.

59. At the hearing the appellants confirmed that they were satisfied that the proposed level of parking provision would meet their needs. The proposal would provide parking and servicing space in accordance with the Councils adopted standards. There is no compelling evidence to suggest that this would be unable to accommodate the parking demands arising from the proposed uses.
60. The proposal is for a 24-hour operation and therefore it would not be necessary for commercial vehicles to wait outside of the site, or within Maple Lodge Close waiting for the business to open.
61. Residents advise that vehicles from the businesses to the north of the appeal site sometimes use Maple Lodge Close, especially when the existing access road is flooded. The appeal proposal includes measures to improve and upgrade the existing access road and the junction that serves both the appeal site and the nearby commercial properties to the north. Furthermore, the appellant would not have the right to use the Thames Water Road and Maple Lodge Close. I therefore consider that the access road would be more attractive than currently and the proposal would be unlikely to lead to any additional use of Maple Lodge Close.
62. Concern was also expressed that the additional vehicles using the access road would be detrimental to the safety of children walking to school. The proposal includes provision for a toucan crossing for pedestrians and cyclists at the junction with Denham Way. I appreciate that some children may not use the crossing or wait for signals to change, nonetheless this would represent an improvement in terms of pedestrian safety.
63. Overall I conclude that the proposal would not have an adverse effect on the living conditions of local residents and would comply with LDD policies DM9 and DM13, as well as the relevant policies within the Framework.

Living Conditions -19 Longmore Close

64. 19 Longmore Close is separated from the appeal site by Maple Lodge Ditch and the side garden to the property. It is a two storey property with a shallow pitched roof. I understand that part of this area previously comprised Council amenity land and the trees on it were removed by the Council. At the present time it comprises a lawned area that extends to the ditch. There is vegetation along both sides of the bank and this filters views of the appeal site.
65. Unit 2 would occupy the land on the opposite side of Maple Lodge Ditch and would align with the flank boundary of 19 Longmore Close. At its closest point it would be separated from 19 Longmore Close by a distance of about 25 metres. It would be about 97 metres in length and approximately 66 metres deep. The proposed building would have a height of about 10 metres at the shoulders rising to a ridge height of 13.5 metres. The finished floor level of the proposed building would be about 0.8 metres above the existing ground level.
66. At present the occupants of 19 Longmore Close benefit from a view over the open grassland that comprises the appeal site. This would be replaced by a view of unit 2. Such views would be filtered by existing and proposed vegetation, although in winter months the benefit of this screening would be

reduced. There would be a significant change in outlook, particularly when using the garden. At the hearing the Council suggested that a reduction in the height of the south west corner of the building would reduce the impact on the occupants of 19 Longmore Close. However, given the length and overall height of the building, as well as its position relative to 19 Longmore Close, I am not convinced that the suggested modification would have a significant impact on the amenities of the occupants of 19 Longmore Close.

67. Due to the location of the proposed building to the east of the flank boundary it would be clearly visible and the outlook of the occupants of 19 Longmore Close would change. The impact on views from the house would be more limited, but from within the garden there would be a loss of view over open land of the appeal site. The existing vegetation along the boundary would provide some screening, and it is proposed to supplement this as part of the landscape scheme. This would filter views of the proposed building. The suggested conditions include the submission of a landscape management plan which would ensure that the planting would remain in the long term.
68. As noted by the appellant, the siting of the proposed buildings is comparable to the existing context and relationships between the employment and residential areas. In particular, the Skanska building is situated 18.3m from the facing flank of the nearest residential properties, and is closer to the rear of the gardens of the residential properties in Franklins by comparison with the appeal scheme.
69. In general, the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on a view from a neighbouring property, are not generally regarded as a material planning consideration. Having regard to the distance and position of the proposed building in relation to the flank boundary of 19 Longmore Close, I consider that although it would be visible there would be sufficient separation to avoid an overbearing effect on the outlook of the occupants.
70. The submitted sunlight analysis includes 3 views where the existing and proposed conditions have been modelled at 2 hour intervals from 9am to 5pm on 21st March, June, September and December. The sunlight analysis was undertaken prior to amendments to Unit 2 and therefore the impacts shown would be greater than with the appeal scheme. The appeal site is situated to the north west of Longmore Close and as such the proposal would not add significantly to the existing overshadowing.
71. I therefore conclude that although there would be a change in outlook for the occupants of 19 Longmore Close, the proposal would not harm their living conditions and would not conflict with Core Strategy policy CP12 which seeks a high standard of design.

The effect of the proposal on the trees on the site

72. Although the reason for refusal referred to LDD policy DM1 which concerns residential development and layouts. The proposal is for an employment use and it was agreed at the hearing that policy DM12 is not relevant in the context of this appeal.

73. Core Strategy Policy CP12(b) expects the design of development to conserve and enhance natural assets. Amongst other matters Development Management Policy DM6 requires that proposals for new development seeks to retain trees and to include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate. This approach is consistent with paragraph 170 of the Framework.
74. A Tree Preservation Order (TPO) safeguards trees along the eastern and southern boundaries of the site. These trees comprise predominantly older trees along the eastern boundary, whilst those along the southern boundary comprise Oak, Sycamore, Hawthorn, and Ash trees.
75. The tree survey submitted with the application identified 70 trees and tree groups. The proposal as considered by the Council proposed the removal of 30 trees. The scheme was amended both during the application process and following the determination of the application. The current iteration of the scheme in so far as it relates to trees is shown on plan no 17019-C4P-AV-00-DR-A-0500 rev P14. This revised layout makes minor amendments to the access and car parking layout for Unit 2 which avoids the requirement for TPO trees, except for T38, on the eastern boundary to be removed and proposes the use of no dig methods. The drainage proposals have also been amended and are now proposed to run outside of the RPA of these trees.
76. Although there were differences between the parties in relation to the categorisation of the trees within the survey, due to the changes to the scheme this matter no longer has implications for the proposal. The Council's remaining concerns relate to the appellant's approach to the calculation of root protection areas (RPA) for multi-stemmed trees, the accuracy of the plans and the suitability of the cellular confinement system for a service yard.
77. The appellant calculated the RPAs on the basis of the guidance within *BS5837: Trees in relation to design, demolition and – Recommendations*. This provides guidance for the calculation of RPA, and advises that the RPA for each tree should be plotted as a circle centred on the base of the stem, but where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, the shape of the RPA should be modified based on an arboricultural assessment of likely root distribution. It also provides guidance on the calculation of RPAs for multi-stemmed trees.
78. The parties differ as to the RPA for T43 which is located close to the bell-mouth for the access to unit 2. The appellant assessed it as a three stemmed tree on the basis that one stem is dead. The calculation within the submitted tree schedule would appear to be carried out on the correct basis.
79. The Council also consider that the RPA should be off-set from the road to account for the impact of the existing road on the RPA. The road does not appear to have been disturbed by the roots of the trees on the appeal site, equally, the canopies of the trees do not appear to have been limited by the presence of the road surface. It is commonplace for tree roots to extend under roads, and it is not proposed to excavate in this area. The existing road will be repaired and the surface would be built up rather than down. BS5837 states that where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, the RPA should be modified to reflect a soundly based arboricultural assessment of likely root distribution. There is limited evidence

to indicate that the RPA of the trees has been influenced by the presence of the road.

80. It is proposed to use a cellular confinement system for the surface of the service yard and the proposed footpath. Evidence submitted by the appellant confirms that this would be suitable for use within the service yard area. Provided it is correctly specified there is no reason why it would deform on the vehicle turning area, thus giving rise to compaction within the RPA. Whilst there is some variation in the level of the proposed footpath this could be accommodated by the cellular confinement system. Although there may be some minor encroachment within the RPA of some trees this would be within the tolerances of BS5837.
81. A detailed Arboricultural Method Statement could be secured by conditions. This would ensure that the trees were safeguarded during the construction period. There are a number of mature trees on the site, including several category U trees. The appellant proposes a health and safety survey of all the trees on the site to identify those at risk of collapse. The removal of, or works to the trees protected by the TPO would require consent from the Council. Therefore, should any of these trees fail or be removed, the Council would be able to specify a replacement tree.
82. I therefore conclude that the proposal would not have an unacceptable effect on the trees on the site and would comply with policies CP12 (b) and DM6.

Biodiversity

83. Maple Lodge Nature Reserve is a local wildlife reserve situated close to the appeal site. It extends to about 40 acres and comprises lakes, marsh, hedgerows and wooded plantation and is managed by the Maple Lodge Conservation Society. The Maple Lodge Conservation Society is concerned that the proposal may have implications for water levels within the nature reserve and this could have consequences for wildlife.
84. All parties accept that the quality and volume of water reaching the lakes is important. The lakes are believed to be formed by historic gravel extractions, but the hydrology of the lakes, including the mechanism by which they are recharged, is not well understood. Evidence submitted by Maple Lodge Conservation Society shows that the levels of water in the lakes do not correlate readily with rainfall and therefore it is suggested that they may be reliant on groundwater levels.
85. Mr Purcell acknowledges that from time to time the level of water within the lakes fluctuates. Although the mechanism for this is not fully understood, data from Affinity Water suggests that it is influenced primarily by the water within the gravel aquifer. Consequently, it is considered important to maintain the groundwater levels within the gravel aquifer.
86. The revised Flood Risk Assessment, based on the amended drainage proposals concludes that there would be in negligible difference in surface water run-off as a consequence of the proposal. The Lead Local Flood Authority (LLFA) shares this view. However, Maple Lodge Conservation Society remain concerned that the proposal may impact on groundwater levels and thereby the water levels within the lakes.

87. The appellant explained that de-watering of the ground would be required for the installation of the interceptor and the attenuation tank. The installation of these structures is anticipated to take between two and four weeks. It was stated that measures could be put in place to monitor water during this period, and any water extracted during this process could be discharged into the Maple Lodge Ditch which would then assist with feeding the lake.
88. There was also concern that contaminants from the site could enter the water system and adversely affect the ecological interest of Maple Lodge Lake. It is proposed to install a silt-buster to avoid contaminants from the ground entering the water system. On the basis of the current proposals the appeal scheme would be unlikely to have a significant effect on water levels at the lakes, other than over a short period of time when the interceptor and attenuation tank are installed. The measures suggested by the appellant would ensure that even during this limited period there should not be a significant effect on the lakes as a consequence of the proposal.
89. The suggested conditions include the submission of a method statement, this would enable further detail as to the measures required to maintain the quality and quantity of water reaching the lakes. On the basis of the submitted information I am satisfied that subject to appropriate mitigation measures the appeal scheme would not have a significant effect on the lakes either in terms of de-watering or the introduction of contaminants.
90. Policy CP9 of the Core Strategy states that the Council will seek a net gain in the quality and quantity of green infrastructure, through the protection and enhancement of assets and the provision of new green spaces. Policy DM6 of the LDD advises that development should result in no net loss of biodiversity value across the district as a whole. This approach is consistent with paragraph 170 of the Framework, which seeks to minimise impacts on, and providing net gains for, biodiversity, whilst paragraph 175 states that while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
91. The ecological survey found that the site consists of predominantly semi-improved grassland. At the time of my visit it was over knee height, but I understand that it is regularly mown. The trees and hedgerows around the boundary and particularly the area adjacent to Maple Lodge Ditch provide the main ecological interest of the site.
92. Herts and Middlesex Wildlife Trust reviewed the findings of a survey by a local resident undertaken shortly before the hearing. It questioned the timing and findings of the appellant's assessment. It submits that based on the information provided by the resident and Maple Lodge Conservation Society there is likely to be priority grassland habitat on the site. It also considers that the species on site would appear to be more consistent with National Vegetation Classification (NVC) community MG5, a priority habitat.
93. The ecological report reviewed previous assessments and took account of specific species and habitat surveys which took place between 2009 and 2019. At the hearing Mr Cooke stated that there had been about 35 visits to the site over a three year period and the habitat had been assessed throughout this time. In addition, a NVC survey had been carried out in 2017 and found no

- priority habitat on the site. The Council and Herts Ecology were both satisfied with the submitted ecological assessment.
94. At the hearing Herts Ecology acknowledged that there had been an error in their initial comments to the Council. It was confirmed that the site had been surveyed in both 1992 and 1996 and this provided the baseline information for their assessment. Although the appeal site included some section 41² species of invertebrates that are also found within the nature reserve these were not particularly uncommon species.
95. Whilst I have no reason to doubt the findings of the survey submitted by Maple Lodge Conservation Society, surveys provide a snapshot in time and are dependent on a number of factors, including the time of year, the weather and the condition of the site, consequently, differences between surveys are not uncommon. The appellant's ecological assessment is consistent with previous reports and surveys, over a considerable period of time and is based on a rigorous and detailed assessment, including a NVC survey. It also took account of the species on the nearby Maple Lodge Wildlife Site. I therefore consider that it provides a reliable assessment of the ecological interest on the appeal site.
96. The proposed development will result in the loss of much of the existing grassland, however, the hedgerows and Maple Lodge Ditch will be retained. The proposals include an 8 metre deep buffer zone adjacent to Maple Lodge ditch. It is intended that this area will be managed and enhanced in order to promote biodiversity. A number of other measures are proposed which would protect and/or enhance biodiversity on the site. Since the assessment was prepared the proposals have been amended and the trees towards the eastern boundary of the site will largely be retained. The retention of these mature trees would be beneficial to biodiversity. The appellant has also submitted a unilateral undertaking that proposes the sum of £17,725 towards off-site biodiversity enhancements.
97. The appellant submits that the enhancements on site, together with the financial contribution would deliver a biodiversity net gain. It was intended that the financial contribution would be used at Maple Lodge Wildlife Site. However, concerns were raised as to whether this would be an appropriate use of funds given the recent work that has taken place at this location. Therefore the unilateral undertaking proposes that the funds be used towards the creation and future management of species rich grassland.
98. Mr Dodds, on behalf of the Wildlife Trust, submitted that in order to ascertain whether the proposal would deliver a biodiversity net gain, a biodiversity metric should be used, in accordance with best practice. His view was that any loss and gain should be measurable.
99. Hertfordshire Ecology explained that while it generally supported the use of the DEFRA metric, at the time at which the application was assessed they were not confident of it, and therefore it was assessed based on their expert judgement. The financial contribution represents the cost of recreating a 2.26 hectare area of species rich grassland and maintaining it for 25 years. This represents 2/3 of the area of that lost at the appeal site plus 10% additional to represent a net gain.

² Natural Environment and Rural Communities Act

100. I agree with Mr Dodds that the benefits arising from the proposal are not measurable and that it may be beneficial to use a metric such as that produced by DEFRA. However, the use of a metric is not mandatory. The proposal includes mitigation and enhancement measures on the appeal site as well as sufficient funds to provide an area of grassland of greater ecological interest than the appeal site and to maintain it for 25 years. The appeal scheme would provide a more coherent ecological network within the site as consequence of the enhancements adjacent to Maple Lodge Ditch. Given that the appeal site has low ecological interest overall and does not comprise any priority or protected habitats, I consider that the measures put forward by the appellant, including the planning obligation would combine to provide a net biodiversity gain. Consequently the proposal would comply with Core Strategy policy CP9 and LDD policy DM6, as well as the advice in the Framework.

Flooding

101. With the exception of a narrow strip to the eastern and southern boundaries the appeal site lies predominantly within flood zone 1 and therefore has a low probability of fluvial flooding. The proposed buildings are located wholly within flood zone 1.

102. Policy CP12 of the Core Strategy states that the Council will expect development proposals to be resilient in terms of flooding and to use flood resistant design, in order to take account of climate change. Policy DM8 of the LDD advises that development will only be permitted where it would not be subject to an unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere. It also requires development to include sustainable drainage systems. This approach is consistent with the Framework.

103. During the course of the appeal process the appellants submitted further information in relation to flooding matters. On the basis of this information the Lead Local Flood Authority (LLFA) is satisfied the proposal would not be at risk from flooding, and would be unlikely to give rise to an increased risk of flooding elsewhere. It is satisfied that the detailed management in respect of surface water management can be achieved through the use of suitable conditions.

104. Residents are also concerned the drainage strategy proposed by the appellants requires a high degree of maintenance and that it is unclear who will be adopting the maintenance of these systems for the lifetime of the development. It is a requirement of the LLFA that details of the future management and maintenance of the SUDS will need to be submitted for approval. These details can be secured by way of a condition.

105. There was also concern that the appellant has failed to address what would happen in the event that any one of the SUDS components should fail. The appellant explained that this was an improbable scenario and the LLFA agreed. The interceptors and hydro-brake would be subject to regular maintenance. Should the drain collapse for any reason it would be treated as an emergency repair.

106. The Flood Risk Assessment considers the residual risk arising from a storm event that exceeds the design event, or in the event that the local drainage system fails. The drainage system has been designed to accommodate the 1 in 100-year storm event plus a 30% allowance for climate change. This, together

with the design and layout of the site, would assist with managing the residual risk from any exceedance/failure. The LLFA explained that details of the products used and their maintenance could be enforced through conditions. At the hearing the LLFA confirmed that following the receipt of additional information it was satisfied with the Flood Risk Assessment. It also confirmed that failure of the SUDs system would be very unlikely and the site would flood first.

107. Residents advised that there were trees and other vegetation obstructing Maple Lodge ditch at the present time and were concerned that it may not be capable of accepting the excess water from the appeal site. The appellant proposes to clear the vegetation within the part of the ditch adjacent to the site. This would be done under licence from the Environment Agency. Any blockages or obstructions to the ditch away from the appeal site would be the responsibility of the relevant landowner who would have a responsibility to ensure that that flows are not obstructed. Moreover, water from the appeal site would be discharged at a controlled rate into Maple Lodge Ditch.
108. I therefore conclude that subject to compliance with conditions in relation to the detailed design of the drainage system, and satisfactory safeguards in relation to the management and maintenance of the SUDs the proposal would not be at risk of flooding or increase the risk of flooding elsewhere. It would therefore comply with Core Strategy policy CP12 and policy DM8 of the LDD.

Heritage assets

109. The appeal site lies to the north of Maple Lodge (known as Maple Lodge Farm), a Grade II listed farmhouse which mostly dates from the 19th century although it incorporates elements of an earlier 17th century timber framed building. It is listed for its historic and architectural value. The farmhouse is generally enclosed by high hedgerows and tree cover, with only parts of the roofscape and boundary wall visible from the public domain.
110. A former barn to the west of Maple Lodge Farm is also Grade II listed. The barn is believed to date from 17th century and has been converted to residential use. A further barn located South of Maple Lodge Farm has been converted to residential use. Although it is not listed the Council suggest that it could be considered an undesignated heritage asset and that it provides evidential and illustrative value regarding the former use of Maple Lodge Farm as a farmstead.
111. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
112. Core Strategy policy CP10 states that the Council expects all development proposals to conserve and enhance natural and heritage assets. Policy DM3 of the LDD states that there will be a presumption in favour of the retention and enhancement of heritage assets and putting them to viable and appropriate uses.

113. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
114. The significance of Maple Lodge is derived from its age and degree of intactness, in particular the plan form and remnants of the earlier timber structures. Together with Maple Lodge Barn it also derives significance from its illustrative value, with regard to the previous agricultural use of the locality. The Council consider that the proposal would result in less than substantial harm to Maple Lodge Farm and that it would be at the lower end of harm.
115. As acknowledged by the Council, Maple Lodge Farm and Maple Lodge Barn have previously been harmed by the construction of the dwellings on Longmore Close, Maple Lodge Close and Franklin's, as well as the commercial units on Denham Way. These have undermined the isolated setting of these listed buildings which now occupy the periphery of an established residential area. In addition, the residential use of both buildings and their curtilages further diminishes the illustrative value of these properties. The Chiltern Sports and Social Club and Maple Lodge Water Treatment Works to the south east have also had an impact on the setting of the listed buildings through altering the function of the surrounding landscape.
116. Evidence from historic maps submitted by the appellant show that the land associated with the farm extended to the north-west, west, south and south-east of Maple Lodge, but that the appeal site and land to the north was not associated with the farm. The Council accepts that the site did not have a functional or an ownership relationship with the appeal site, and that there is a lack of immediate inter-visibility between the appeal site and Maple Lodge. However, it considers Maple Lodge Farm to be part of a network of isolated farmsteads that were distinctly separate from the settlement of Rickmansworth to the north.
117. The appeal site is separated from Maple Lodge Farm by the open space that serves Longmore Close, as well as the cricket ground to the south of the appeal site. There are extensive areas of open space to the south of Maple Lodge Farm that include land that once formed part of the farm-holding. Although Maple Lodge Farm may have originally formed part of a network of isolated farms as suggested by the Council, this is not evident within the existing landscape. The appeal site is separated from Woodoaks Farm by the residential and commercial development to the north and east of the appeal site, as well as by Denham Way itself. There is no inter-visibility between the two, and even when viewed from Denham Way, due to the screening provided by the existing vegetation public views south of the junction with the access road are limited. I therefore do not agree that the proposal would further diminish the rural setting of Maple Lodge Farm or detract from the way in which the listed buildings are understood and experienced.
118. Maple Lodge Farm occupies an enclosed and relatively secluded plot with mature trees to the boundary with the appeal site. Due to the absence of built development on the appeal site, at the present time, there is no inter-visibility between the appeal site and Maple Lodge. The proposed building would extend

above the treeline to a limited extent, but would not be a prominent feature on the skyline due to the screening provided by the trees. Nonetheless, it is possible that from some vantage points the proposed buildings would be noticeable to the occupants of Maple Lodge Farm, particularly during winter months when the trees are not in leaf. These limited views would not detract from the architectural or historic significance of Maple Lodge Farm or Maple Lodge Barn.

119. Public views of Maple Lodge Farm are limited, and the proposed development would not be viewed in conjunction with the listed buildings. Vehicular movements associated with the proposed development would not be visible from Maple Lodge Farm. Any external lighting, including street lighting would be a considerable distance away. I acknowledge that the impact on the setting of a listed building is not confined to any views and/or inter-visibility, and can include other environmental factors such as noise, dust, smell and vibration.
120. Mr Samuels, the occupant of Maple Lodge Farm, submitted that the effect of noise on a heritage asset was different to the effect of noise on other properties and greater weight should be given to such harm. I agree that the effect of noise on living conditions differs from the effect of noise on the significance of a heritage asset. In this context the issue is not whether noise would be noticeable, but whether it would affect the significance and/or setting of the asset.
121. As noted above it may be that some noise from vehicles using the appeal site is noticeable at Maple Lodge. However, this would be at a low level, and having regard to the historical use of the property as a farm, I do not consider that such noise would detract from the historic interest or significance of the property.
122. The existing development in the locality of Maple Lodge Farm and Maple Lodge Barn, together with the domestic use of these properties has significantly harmed their setting. I have given careful consideration as to whether the proposed development would further detract from the significance and setting of these buildings, and I conclude that it would not.
123. I agree with Mr Samuels that the economic viability of the proposal does not justify the harm to the asset. Nevertheless, in this case I have found that the proposed development would not give rise to any harm to the heritage asset.
124. Mr Samuels referred to the *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin) and *Barnwell Manor*³ judgements which found the need to give great weight to any harm to heritage assets in the planning balance as required by s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in this case I have found that the proposal would not harm the heritage asset.

Piling and Groundwater

125. The appeal site comes within Source Protection Zone 1 (SPZ1). This provides public drinking water through a number of chalk abstraction boreholes

³ *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG* [2014] EWCA Civ 137.

operated by Affinity Water Limited. The site is located upon a secondary gravel aquifer above a principal chalk aquifer.

126. Affinity Water operate three chalk abstraction boreholes within the vicinity of the appeal site. Together these provide 50 million litres of water per day and serve a population of 300,000. Affinity Water has a statutory duty to supply water and is under legal obligations to ensure that the water is of a wholesome quality.
127. Although Springwell pumping station is the closest to the appeal site, it operates in conjunction with Mill End and West Hyde pumping stations. Affinity Water considers that dependant on abstraction rates these could all be adversely affected. Any risk of contamination has the potential to result in the cessation of abstraction until the risk has been eliminated. This could result in a disruption to supply and in such circumstances Affinity Water may need to import water from elsewhere.
128. Both parties acknowledge that there is a potential risk to water supply from piling, but they differ as to the extent of the risk and whether it can be adequately managed or mitigated by way of conditions. The appellant considers the risks to be minimal and capable of mitigation and is confident that any risks could be adequately managed by conditions.
129. Affinity Water considers that there is insufficient information to assess the impact of the proposal on the public drinking water supply. It states that the flow paths and flow rates within the chalk between the site and three public water supply sources is not fully understood. There is also insufficient evidence in relation to the hydraulic connectivity between the primary and secondary aquifers and the levels of naturally occurring manganese in the gravel aquifer. It considers that in the absence of further evidence, given the naturally occurring manganese and other potential contaminants, the risk cannot be assessed, and therefore it cannot have confidence that it can be adequately mitigated. Amongst other matters, Affinity Water consider that additional observation boreholes need to be provided in order that the inter-connectivity between flow paths, as well as an accurate assessment of travel time for flows and hydraulic connectivity can be made, and also allow for monitoring.
130. Discussions between the parties have been on-going, and in order to progress this matter the appellant prepared a Groundwater Framework Agreement. This includes a number of conditions that seek to address Affinity Water's concerns. Affinity Water is not a statutory consultee and is concerned that it may not be adequately consulted when details are submitted to discharge any conditions in relation to water supply. However, it was agreed at the hearing that the conditions could be worded in a manner to ensure that the views of Affinity Water would be submitted to the Council.
131. LDD Policy DM9 states that development on, or near to, former landfill sites or on land which is suspected to be contaminated, will only be permitted where the Council is satisfied that amongst other matters there will be no adverse impact on the quality of local groundwater or surface water quality.
132. Where the potential consequences of a development or activity are serious, or irreversible, the Environment Agency will adopt the precautionary principle to manage and protect groundwater. The "*Environment Agency's Approach to Groundwater Protection*" (February 2018) sets out its approach to managing

and protecting groundwater. It seeks to regulate activities that may impact groundwater resources and to prevent and limit pollution.

133. It states that within SPZ1, the Environment Agency will normally object in principle to any planning application for a development that may physically disturb an aquifer. Schemes that present a hazard to groundwater resources, quality or abstractions are required to provide an acceptable hydrogeological risk assessment (HRA) to the Environment Agency and the planning authority. If the HRA identifies unacceptable risks then the developer must provide appropriate mitigation.
134. Affinity Water is concerned that the proposed piles could create pathways between shallow gravel groundwater and deep chalk groundwater. This could potentially allow naturally occurring manganese and other contaminants, present in the gravel aquifer, to migrate to the chalk. The piling also has the potential to create turbidity that may necessitate the public water supply to be shut down, and also block significant fissures to create a "curtain" effect. This in turn, could cause the flow paths to change around groundwater sources, and may require greater drawdown for the same output.

Manganese and other contaminants

135. Manganese is a naturally occurring metal found in rocks and minerals. It is not considered a pollutant but is regulated in drinking water as it can form a black sediment which affects the appearance of water and can cause staining. Affinity Water explained that it is very difficult to address manganese within the water supply. To do so requires significant investment and therefore they seek to avoid it where possible. Although there is some existing manganese leakage at Mill End the concentration is very low and can be managed.
136. The concentration of manganese beneath the appeal site, and whether this could be mobilised through the chalk aquifer, is unknown. However, on the basis of local knowledge and observations Affinity Water believes that the secondary aquifer is likely to have high naturally occurring manganese concentrations. Therefore there is a potential for piling activities to create pathways that would transport manganese between the shallow aquifer and the underlying chalk aquifer. It therefore seeks a Detailed Quantitative Risk Assessment (DQRA) report to quantify risks to groundwater quality from the transport of manganese at the site to the Chalk Aquifer.
137. The appellant accepts the need for a DQRA but considers that this information can be provided following a grant of planning permission. In support of this position the appellant states that investigation works have shown that there is no distinction between the groundwater in the upper deposits and the chalk aquifer, thus the piling activities would not alter the potential for the transport of manganese between the aquifers. Affinity Water advised that there are other areas in the Middle Colne Valley where the chalk aquifer is hydraulically disconnected from the gravel aquifer. It believes that there is insufficient evidence in respect of the concentration of manganese beneath the appeal site and the extent to which it could be mobilised through the chalk aquifer to support the appellant's position.
138. The site is also adjoined by a landfill site to the north. Affinity Water state that made ground associated with the landfill site includes glass concrete, and tile, as well as cyanide and nickel at leachable concentrations. The appellants

state that the appeal site lies outside of the landfill boundary, moreover the made ground in this location is shallow, and piling would not risk introducing contaminants from this site. The potential for the transport of these contaminants would depend on the extent to which the aquifers are hydraulically disconnected at the present time.

Turbidity

139. Piling has the potential to create turbidity in groundwater. Turbidity is not regulated as a pollutant by the Environment Agency, but water suppliers must ensure that turbidity is below 1 NTU at the point of treatment.
140. The appellant states that the risk of turbidity would be restricted to the area surrounding the piles and would be likely to be temporary. It would depend on the number and depth of piles, the speed of piling and method used.
141. The appellant suggests that it would be possible to manage this risk through the piling method statement. It is intended that this could include a number of measures such as restricting the timing of piling so that it does not occur when the public water supply is being pumped; regulating the rate of piling by specifying the number of piles to be constructed on any one day, and the areas where piling could take place. The turbidity in groundwater would be monitored throughout the piling operation to provide an early warning of turbidity.
142. Affinity Water considers that in the absence of any further information in relation to local hydrogeology and details, such as the depth of the proposed piles and the method to be used, the effect on other abstractions nearby cannot be understood. It explained that although various mechanisms can be used to treat turbidity, including switching off the supply, and ultimately installing a turbidity treatment plant, the effect of the proposal on turbidity and the effectiveness of any mitigation measures cannot be assessed without further information, including evidence of travel times and flow paths. Moreover, whilst it would be possible to turn off the supply, it would not be possible to turn off all supplies at once. Therefore if the flows to the different boreholes were interconnected, consideration would need to be given to other remedies.
143. It also has knowledge from the nearby HS2 works, which although very different in scale, found that a single borehole could give rise to turbidity at the pumping station even where the flow path remains the same.

Groundwater Flow

144. Affinity Water considers that due to the nature of the underlying chalk there is a risk that the proposed piles could intercept a major fissure /flow path and could divert or block the flow of water into the aquifer. Given the intended proximity of the piles to each other, should this happen at a number of locations then a curtain effect could occur, especially since the piling would take place in the top layer of the chalk which is more productive because it has more fractures. If the flow path is obstructed there could be a loss of yield and it may be necessary to pump harder. This in turn could increase the leakage of manganese from the gravel/top part of the chalk where piles would be located.
145. The appellant considers the risk to ground water flow is low and once complete the piles will have an imperceptible impact on groundwater. They submit that since water can move around obstructions, piling would not result in a change in ground conditions. Moreover, the adits that serve the Springwell

and Mill End pumping station would not be impacted by the piles since they are at a lower level. The appellant states that displacement piling, which is the preferred method, could result in between 0.42% and 1.06% of the PWS abstraction volume being slowed down or diverted through the piled zone.

146. The parties agree that further investigation, including a DQRA, is required prior to the commencement of works. The appellant considers that this can be addressed through the suggested conditions, particularly since the risk is minimal. Affinity Water disagrees. It advised that in the case of other applications it had been involved with, these matters had been resolved before planning permission was granted. It considers that there is insufficient information at the present time to assess the nature and level of the risk, the validity of the assumptions on which the appellant relies, or to provide confidence that any risk can be adequately mitigated.
147. The parties agree that the use of piles will be necessary to construct the proposed buildings. The suitability of the piling method depends on a number of factors such as the hydraulic connectivity between the aquifers, the concentration of contaminants, and the existing flow pathways and travel times, as well as the depth of the piles. The appellant indicates that the piles would be about 12 metres deep and has provided an indication of the number and the depth of piles based on the findings of the Supplementary Site Investigation Report. Notwithstanding this, the Supplementary Site Investigation Report identified a potential dissolution feature, and without further work it is unclear whether deeper piles may be required.
148. The appellant's preference is for displacement piles, these would have the benefit that there would be less wet concrete to block fissures thereby minimising the impact on the permeability of the aquifer. They would also reduce the risk of turbidity. However, the suitability of this method would depend on the extent of the hydraulic connectivity between the aquifers and the potential for the transport of manganese and other pollutants.
149. Whilst Continuous Flight Auger (CFA) piles would be likely to deliver a safer solution with respect to the transport of contaminants, it would be less satisfactory in terms of its effect on turbidity and the flow paths. At the present time there is insufficient information in relation to the potential for manganese to enter the public water supply. As explained by Affinity Water this would have serious consequences for the public water supply and would need to be addressed and mitigated. Without knowing the extent of the risk, which in turn would be dependent on both the hydraulic connectivity and the flow paths, Affinity Water consider that it is not possible to mitigate against this risk.
150. At the present time there is only very limited evidence as to the flow paths both from the appeal site and between the three pumping stations as well as the travel times within the chalk aquifer. Other works nearby have indicated that there is a potential for contamination. In the absence of this evidence, and more particularly evidence to indicate how the three boreholes relate to each other in both the primary and secondary aquifers, there is insufficient information to be confident that the risk would be confined to the Springwell pumping station, and even if this were the case that the risk could be appropriately managed.
151. I have given careful consideration as to whether these concerns can be adequately addressed by conditions in a manner that would ensure that the

public water supply is safeguarded. I have also had regard to paragraph 183 of the Framework which states that planning decisions should focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

152. The purpose of the suggested conditions would be to clearly identify the risk and then to propose suitable mitigation. Although the appellant considers the risk to the public water supply to be minimal, this is based on a number of assumptions that have not been tested. On the basis of the available evidence the extent of the risk and whether it can be adequately mitigated, together with the extent of any residual risk, is unknown. As explained by Affinity Water the three pumping stations are connected and the resolution of one issue may have consequences for another, for example changes to the draw down rate could affect the travel time in terms of turbidity, or even the extent to which manganese is drawn into the water supply.
153. Having regard to the precautionary approach set out in "*Environment Agency's Approach to Groundwater Protection*," I am not persuaded that sufficient evidence has been submitted to demonstrate that the risk to the public water supply could be adequately mitigated. The consequences of disruption and/or contamination to the public water supply could have significant consequences, not only for Affinity Water, but also for the population this supply serves. I therefore conclude that the proposed piling would have an unacceptable effect on groundwater and the quality of the public water supply and would fail to comply with policy DM9.
154. I am aware that the Environment Agency did not object to the application and stated that the submitted documents provided it with confidence that it would be possible to suitably manage the risk posed to controlled waters. It noted that further detailed information will be required before built development is undertaken, but that requiring it at this time would place an unreasonable burden on the developer at this stage. However, it is unclear whether it was aware of Affinity Water's concerns, moreover, the Environment Agency is generally concerned with wider environmental impacts in terms of contamination rather than the impact of the proposal on public water supply. Accordingly, the views of the Environment Agency do not justify a different conclusion.

Other matters

155. A Framework Travel Plan was submitted during the course of the application. This seeks to minimise reliance on single car occupancy and encourage the use of alternative sustainable modes of transport that would minimise the environmental impact on local neighbouring roads. It proposes a number of measures and targets in relation to modal split, as well as the appointment of a Travel Plan Co-ordinator. I agree with the Council that the Framework Travel Plan is generally acceptable. On the basis of the evidence submitted to the inquiry, I am satisfied that the contribution sought by the Council towards the monitoring of this plan would comply with the statutory tests.

Planning Balance

156. Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.
157. I found above that the proposed use of the site and the principle of development accords with the policies of the Core Strategy, the LDD and the Site Allocations LDD. This matter adds substantial weight in favour of the proposal. I concluded that the proposal would not harm the living conditions of surrounding residents in terms of noise, air quality or parking. It would also be acceptable in terms of the effect on the trees on the appeal site and would not be at risk from flooding or increase the risk of flooding elsewhere. In addition, it would not harm the setting of the heritage assets and would deliver a net biodiversity gain.
158. The proposal would provide a number of benefits, including the provision of warehousing to meet an identified need. The employment floorspace provided would make a significant contribution to the need identified by the South West Herts Economic Study (2018) and the development plan. It would also create about 292 full-time jobs and 108 jobs during construction. In addition, there would be about 179 indirect full-time jobs and 98 indirect construction jobs. This is identified as a priority for sustainable development by the Core Strategy (2011). These jobs would benefit the local economy due to those employed at the site making use of local businesses. I afford these benefits considerable weight particularly in the current economic climate.
159. There would also be benefits in terms of the improvements to drainage and the access road which would make it less susceptible to flooding, and improvements to the local highway network through the proposed highway works, including the provision of a Toucan crossing.,
160. The effect of the proposal on the public water supply is a material consideration of considerable weight. For the reasons given above, I am not persuaded that this matter can be satisfactorily addressed by way of conditions.
161. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. The potential to adversely affect the public water supply would not be consistent with the environmental objective of sustainable development. It would also fail to comply with the social objective in that it would fail to foster a well-designed and safe built environment. Economically it could give rise to significant additional costs to Affinity Water which may be passed on to the public. Therefore, looked at in the round I do not consider that the proposal would be sustainable development.
162. Whilst the proposal accords with some of the policies within the development plan, it fails to comply with the overarching policy Core Strategy policy CP1, which requires all development to contribute towards the sustainability of the District, and seeks to manage and reduce the risk of and from pollution, including water pollution. It would also fail to comply with policy LDD policy DM9. I therefore conclude that the proposal fails to comply with the development plan as a whole.

163. I acknowledge that planning decisions should generally focus on whether a proposed development is an acceptable use of land. However, in this instance whilst recognising the benefits of the proposal, due to the risk to the public water supply and failure to comply with the development plan as a whole, I conclude that the appeal should be dismissed

Conclusion

164. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

Planning Inspector

APPEARANCES

FOR THE APPELLANT:

Saira Kabir Sheik QC instructed
by Avison Young

Tim Sturgess	Planning Consultant
Phillip Barlow	
Mitch Cooke	
Hannah Fraser	
Kathryn Sather	
Tim Street	

FOR THE LOCAL PLANNING AUTHORITY:

Tony Charles
Claire Westwood
Phillipa Roberts
Charlotte Kemp
Maria Kitts
Ilias Karaponos
Alister Legatt
Simon Richards
Adam Whinnett

INTERESTED PERSONS:

Carolyn Weston	Maple Cross and West Hyde Residents Association
Rita Jones	Maple Cross and West Hyde Residents Association
Matt Mountain	Maple Cross and West Hyde Residents Association
Alan Divall	Maple Cross and West Hyde Residents Association
Keith Pursall	Maple Lodge Conservation Society
Matt Dodds	Herts and Middlesex Wildlife Trust
Judith Passingham	
Paul Samuels	
Barbara Paskins	
Roger Dewey	
Pearl Perry	

DOCUMENTS SUBMITTED TO THE HEARING

- 1 Map showing location of boreholes (Confidential) submitted by the Council
- 2 Plan showing highway boundary submitted by Highway Authority
- 3 Schematic of aquifers submitted by the Council
- 4 Submission on behalf of Rita Jones
- 5 Comments on hearing evidence submitted by Maple Cross and West Hyde Residents Association (MCWHRA)
- 6 Schematic of appeal site submitted by Judith Passingham
- 7 Information regarding Balloons submitted by Pearl Perry
- 8 Information regarding noise readings at Hatfield site submitted by MCWHRA
- 9 Historic England: The setting of Heritage Assets guidance submitted by appellant
- 10 Comments on tree at Longmore Close submitted by MCWHRA
- 11 Submission on behalf of Karen Bradley
- 12 Appellants response to MCWHRA comments
- 13 Note confirming the need for additional employment land submitted by the Council
- 14 Green Belt overlay plan submitted by the appellant
- 15 Updated drainage plan T_17_1999-55-01-P14 submitted by the appellant
- 16 Further submission dated 3 July from MCWHRA
- 17 Submission on behalf of Gary Armstrong
- 18 Draft conditions agreed by the Council submitted by the appellant
- 19 Comments on the draft conditions submitted by Maple Lodge Conservation Society
- 20 Comments on draft conditions submitted by MCWHRA
- 21 Submission on behalf of Matt Mountain
- 22 Submission on behalf of Martin Stuart
- 23 Further updated drainage plan T_17_1999-55-01-P15 submitted by the appellant

Appendix III
Site Location Plan

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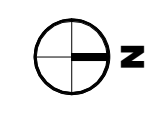
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Hazard Identification		
ref	hazard	date

P5	Red line boundary amended.	PC	25.09.19	JP
P4	Information updates in line with comments received.	PC	14.06.19	DC / NR
P3	Issued for PLANNING.	PC	12.06.19	DC / NR
P2	Updated as requested by the client.	PC	07.06.19	
P1	First Issue.	PC	07.06.19	DC

Rev	Revision Details	Drawn	Date	Checked

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Project Management • Architecture • Building Surveying • Cost Consultancy

Client
 BCL (Maple Cross) LLP

Project
 Land at Maple Lodge Close, Maple Cross, Rickmansworth

Drawing Title
 Site Location Plan

Status Purpose of Issue
S2 SUITABLE FOR INFORMATION

Drawn by	PC	Created	07.06.2019
C4 Job no.	17019	Scale	1:1250 @ A1

Dwg no.	Rev
17019-C4P-AV-00-DR-A-0100	P5