

Employment Land to the north of Maple Cross Lodge

Planning Statement Rev 2

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
- 141 car parking spaces, including 29 active spaces 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 crica £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. 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	79 including 4 Accessible spaces
Unit 2	62 including 4 Accessible spaces
Total	141 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 a 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

Appendix II
Appeal Decision Notice

Appendix III
Site Location Plan

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