

Suggested Conditions – 29/03/22

C1 Time

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

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

C2 Plans

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

17019-C4P-AV-00-DR-A-0100 REV P5
17019-C4P-AV-00-DR-A-0500_P17
17019-C4P-AV-00-DR-A-0101 REV P4
17019-C4P-AV-ZZ-DR-A-0700 REV P4
17019-C4P-B1-R-DR-A-2001 REV P4
17019-C4P-B1-ZZ-DR-A-2000 REV P4
17019-C4P-B1-ZZ-DR-A-2100 REV P5
17019-C4P-B2-R-DR-A-2001 REV P4
17019-C4P-B2-ZZ-DR-A-2000 REV P4
17019-C4P-B2-ZZ-DR-A-2100 REV P4
55-01 REV P17
65-3 REV P16
65-4 REV P6
05-885-700 REV H

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policy SA2 of the Site Allocations Local Development Document (adopted November 2013), Policies PSP3, CP1, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Construction Traffic Management Plan (Highway Authority and Highways England)

The development hereby permitted shall not be begun until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing to avoid use of Maple Lodge Close;
- b. Expected frequency of vehicles during construction and size and weight of these vehicles;
- c. Access arrangements to the site;
- d. Traffic management requirements;
- e. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- f. Siting and details of wheel washing facilities;
- g. Cleaning of site entrances, site tracks and the adjacent public highway;
- h. Timing of construction activities (including delivery times and removal of waste);
- i. Post construction reinstatement of the working areas and/or temporary access to the highway;

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way and to mitigate any adverse impact from the development on the M25 in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 Site Levels – Details (TRDC)

The development hereby permitted shall not be begun until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

C5 Scheme for compensatory habitat creation (Environment Agency)

The development hereby permitted shall not be begun until a scheme for the provision and management of the buffer zone adjacent to the Maple Lodge Ditch main river for the benefit of biodiversity has been submitted to, and agreed in writing by, the Local Planning Authority and implemented as approved. The buffer zone shall have a minimum width of 8 metres. The scheme shall be implemented as approved prior to the occupation of the development.

Reasons: This condition is a pre commencement condition in the interest of biodiversity net gain and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C6 Drainage Scheme – Final Design (LLFA)

The development hereby permitted shall not be begun until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the Flood Risk Assessment and Drainage Strategy for Maple Cross Rickmansworth, Issue 1.6, dated 25 February 2021, Ref: T/17/1999/FRA, prepared by Tier Consult Ltd and the General Arrangement Drawing showing proposed foul and surface water drainage layout Sheet 1, Project No. T_17_1999, Drawing No. 55-01, Rev. P17, dated 25.02.2021, prepared by Tier Consult. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. All corresponding detailed calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Details of half drain down times of the surface water attenuation.
4. Clarification on the volumes of water to be stored within each SuDS attenuation feature / permeable paving sub-base e t c .
5. Detailed engineering drawings, calculations and evidence to secure and safeguard the SuDS features from groundwater infiltration.

6. Detailed engineering drawings and evidence of the proposed surface water pump including details of safeguarding and a management and maintenance plan.
7. Detailed management and maintenance plan for the Mapledodge Ditch Main River and a timetable for implementing maintenance and the removal of any blockages.
8. The design of above ground SuDS, to include the provision of filter strips / filter trenches to support effective and sustainable management and treatment of surface water.
9. Silt traps for the protection of any tanked elements.
10. A demonstration of appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving and the minimization of any requirement for any underground storage, to include details of products and maintenance.

Reason: This is a pre commencement condition to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C7 **Groundwater Levels** – Operational Environmental Management Plan (OEMP) (Environment Agency)

The development hereby permitted shall not be begun until a monitoring and maintenance plan (OEMP) in respect of groundwater levels across the site, has been submitted to and approved in writing by the Local Planning Authority. The OEMP shall include:

- Provision for short and long-term monitoring of the groundwater and surface water to demonstrate that there is no likely material impact on the groundwater or surface water of the site or that of Maple Lodge Nature Reserve from post construction phases and operational phases compared to baseline values;
- A monitoring programme as stated with the Pilling Method Statement and Risk Assessment;
- Instructions on management of run-off and drainage, management of stockpiles, management of storage and use of hazardous fluids and substances; and a plan for the mitigation of the impact of all operational activities to be established and approved by the Local Planning Authority including the fulfillment of the requirements of the Hydrological Impact Assessment and GQRA (ref. 30422R3, dated 07.06.2021); and
- A timetable of monitoring and submission of reports on the operation of the OEMP to the Local Planning Authority.

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

The development hereby permitted shall be carried out in accordance with the approved OEMP.

Reasons: This is a pre commencement condition will ensure that the development does not cause undue detriment to groundwater levels upon which the Maple Lodge nature reserve relies in line with paragraph 174 of the National Planning Policy Framework and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development

Commented [CW1]: Rule 6 Party comment:

*Environment Agency condition to be reinstated in full.
Reason: To protect Maple Lodge Nature Reserve against a possible negative impact as modeling is not robust enough to guarantee a positive outcome nor is monitoring during post construction and operational phases.*

Management Policies LDD (adopted July 2013).

C8 Land Affected By Contamination (Environment Agency & Watford Environmental Health)

The development hereby permitted shall not be begun until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potential risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk of contamination to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

The contamination remediation strategy shall be implemented as approved.

Reason: This condition will ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy CP1 of the Core Strategy and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Long Term Monitoring and Maintenance Plan for Groundwater (Environment Agency)

The development hereby permitted shall not be begun until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been

carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that the site does not pose any risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework. To prevent further deterioration of a water quality element to a lower status class of adjacent surface waterbodies and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body and to meet the requirements of and Policy CP1 of the Core Strategy and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Site Waste Management Plan SWMP (Hertfordshire County Council)

The development hereby permitted shall not be begun until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C11 Dust Management Plan (Watford Environmental Health)

The development hereby permitted shall not be begun until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be employed to minimise dust caused by the permitted construction and operation of the development and to prevent the emission of dust from the site. The development shall be carried out in accordance with the approved Dust Management Plan.

Reason: This is a pre-commencement condition in the interests of the amenities of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C12 Arboricultural Method Statement and Tree Protection

The development hereby permitted shall not be begun until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of any development works with the potential to impact retained trees including demolition, ground level changes, the installation of services, drainage, hard surfaces, foundations, contamination investigation/remediation works, archaeological investigations, site facilities/accommodation works, contractor parking areas and equipment/material storage. Any necessary encroachment into the Root Protection Area (RPA) of a retained tree by the proposed development shall be undertaken only in accordance with a detailed design and working

Commented [CW2]: Rule 6 Party Comment:

On-going particulate monitoring during the construction phase to be conducted close to nearest receptors. Should exceedance be identified works must stop immediately and mitigation measures sought to rectify problem. Reason: To ensure residents are not subjected to unhealthy levels of particulate pollution.

specification demonstrating how the works will be carried out to minimise any adverse impact upon the tree. The detailed design and working specifications shall include full details of all tree protection and mitigation works and include a timetable of site monitoring and arboricultural supervision of works to be carried out.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with the approved plans. The development shall be implemented in accordance with the approved detailed design and working specification.

The protective measures, including fencing, shall be undertaken in full accordance with the approved detailed design and working specification prior to any equipment, machinery or materials being brought on to the site for the purposes of carrying out the development, and shall be maintained during the construction of the development and until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition; and the ground levels within those areas shall not be altered, nor shall any excavation be made unless in accordance with the approved detailed design and working specification. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in accordance with the approved detailed design and working specification.

The development hereby permitted shall be carried out in accordance with the approved arboricultural method statement.

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

C13 Construction Environment Management Plan (CEMP)

The development hereby permitted shall not be begun until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include; instructions on management of run-off and drainage, management of stockpiles, management of storage and use of hazardous fluids and substances; and a plan for the mitigation of the impact of all construction activities to be established and approved by the Local Planning Authority including the fulfillment of the requirements of the Hydrological Impact Assessment and GQRA (ref. 30422R3, dated 07.06.2021). The development shall be carried out in accordance with the details and measures approved as part of the CEMP throughout the entirety of the construction period.

Reason: This is a pre commencement condition to mitigate/prevent any risk to the groundwater, surface water and Maple Lodge Nature Reserve in accordance and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C14 Materials (TRDC)

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be

submitted to and approved in writing by the Local Planning Authority and no external materials shall be used in the construction of the development hereby permitted other than those approved.

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

C15 Highways Improvements (Highway Authority)

A. Offsite (Design Approval)

Notwithstanding the details indicated on the drawings accompanying the application no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on submitted drawing number MLC-BWB-GEN- XX-DR-TR-0001 S2 rev. P3 have been submitted to and approved in writing by the Local Planning Authority.

B. Offsite (Implementation / Construction)

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

Reason: To ensure construction of a satisfactory development and to ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C16 Piling Method Statement (Affinity Water, Thames Water, Environment Agency)

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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).

Commented [CW3]: Rule 6 Party Comment:
Consistent noise monitoring, to check compliance with noise level limits and having regard to residents and the businesses to the north east. Should residents be affected, eg shift workers, young mothers, the elderly, sick or disabled, then temporary relocation should be offered. Reason: Residents livelihoods, health and well-being must be protected from the negative impacts of consistent loud noise, some of whom will be more susceptible than others.

C17 Decommission of Investigation Boreholes (Affinity Water & Environment Agency)

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).

C18 Dewatering Method Statement (Affinity Water)

No dewatering shall take place save that 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 Planning 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 Clubhouse/Marsh Lakes 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).

C19 Conditions to be displayed on site (Affinity Water)

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 as part of and 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 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).

C20 Noise Assessment (TRDC Environmental Health)

Prior to the use of Unit 1 and Unit 2 by any prospective tenant (including all subsequent uses by future tenants thereafter in perpetuity), a noise assessment that demonstrates that the rating noise level from any fixed or mobile mechanical plant on the buildings or within the application site and commercial activity including all noise associated with deliveries and vehicle movements within the car park and service yards shall not exceed the background sound level representative of the period being assessed at noise sensitive receptors such as residential properties within Longmore Close (the noise sensitive receptors to have been previously agreed with the Council) shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment should be carried out in line with the methodology presented in BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The use of Unit 1 or Unit 2 shall thereafter be implemented and operated in accordance with

Commented [CW4]: Rule 6 Party Comment:

*Suggested amended wording:
(Detailing the dewatering method and predicted impact on groundwater flow and Maple Lodge Nature Reserve and details of the consultation undertaken with Affinity Water)*

Reason: to protect the Reserve

Commented [CW5]: Wording of condition in dispute between Appellant and Council.

Appellants suggested amended wording:

Prior to the use of Unit 1 and Unit 2 by any prospective tenant (including all subsequent uses by future tenants thereafter in perpetuity), a noise assessment that demonstrates that the rating noise level from any fixed or mobile mechanical plant on the buildings or within the application site and commercial activity including all noise associated with deliveries and vehicle movements within the car park and service yards shall not exceed 5 dB above the background sound level representative of the period being assessed, or 45 dB(A) during the day/40 dB(A) at night, whichever is higher, at noise sensitive receptors such as residential properties within Longmore Close (the noise sensitive receptors to have been previously agreed with the Council) shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment should be carried out in line with the methodology presented in BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The use of Unit 1 or Unit 2 shall thereafter be implemented and operated in accordance with the approved noise assessment including undertaking the required mitigation measures (if required) contained therein (unless those mitigation measures would require separate planning permission from the LPA).

Commented [CW6]: Rule 6 Party Comment:

NB. Due to length of comment, full text is included at end of this document.

Prior to the use of Unit 1 and Unit 2 by any prospective tenant shall not exceed the background sound level representative of the period in the absence of any commercial noise generated by the application site at any nearby residential noise sensitive receptors being assessed ... Reason: This is considered relatively robust however does not account for the possibility of background noise creep (and subsequently increasingly elevating commercial noise levels permissible as background levels increase). This is because there is a possibility that, for example, Unit 1 is occupied first and then a new occupier of Unit 2 is assessed against the background noise environment including Unit 1 (which could be higher than with neither unit occupied). If then Unit 1 becomes re-let to another occupier they would assess their operations against the higher background noise levels produced by Unit 2 which again could increase the background noise levels and so on. Furthermore, whilst it is acknowledged that the proposed condition uses the phrase "such as residential properties within Longmore Close" it is considered that the wording of the condition could be made to capture any and all sensitive receptors m [... [1]

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the approved noise assessment including undertaking the required mitigation measures (if required) contained therein (unless those mitigation measures would require separate planning permission from the LPA).

Reason: This is a pre-operation condition to ensure that nearby residential properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C21 Provision of Parking & Access (Highway Authority)

Prior to the first use of the development hereby permitted the proposed access road, on-site car parking, electric vehicle charging provision, cycle parking and turning areas shall be installed, laid out, demarcated, surfaced and drained as appropriate in accordance with the plans set out at Condition 2 and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C22 Travel Plan (Highway Authority)

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

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C23 Cycle Parking (Highway Authority and TRDC)

Prior to the first use of the development hereby permitted, detailed designs for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C24 Electric Vehicle Charging Points (EVCPs) (Highway Authority and TRDC)

Prior to the first use of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote

sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C25 Refuse and Recycling Details (TRDC)

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

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

C26 Landscaping (TRDC)

Prior to the first use of the development hereby permitted, a scheme of hard and soft landscaping, which shall include the location and details of all existing trees and hedgerows to be retained, and the recommendations of Greengage Preliminary Ecological Appraisal (REF 550987dpJan21FV02_PEA), together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.

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

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

If any of the proposed soft landscaping is removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C27 Landscape & Ecology Management Plan (TRDC & Herts Ecology)

Prior to the first use of the development hereby permitted, a landscape and ecology management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning

Authority. The landscape and ecology management plan shall include details for the management and maintenance of the 8m buffer zone between Unit 2 and the Maple Lodge Ditch main river for 25 years and include details for replacement in this location if any of the proposed soft landscaping within this zone is removed, dies or becomes severely damaged or diseased. The landscape and ecology management plan shall be carried out as approved.

Reason: To ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C28 **Lighting Design** – Biodiversity (Herts Ecology)

Prior to first use of the development a “lighting design strategy” in accordance with current guidance from Bat Conservation Trust and Institution of Lighting Professionals, for features or areas to be lit, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

C29 **External Lighting** (TRDC Environmental Health)

Prior to first use of the development a scheme for external lighting including details of the position, height, design and intensity of lights shall be submitted to and approved in writing by the Local Planning Authority. The approved external lighting details shall be designed in accordance with CIBSE external lighting guidelines, BS 5489 and BS 5266. The lighting shall be installed in accordance with the approved details before the use of the site for the development hereby permitted is commenced.

Reason: In the interests of visual and residential amenity to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 **Boundary Treatments** (TRDC)

Commented [CW7]: Rule 6 Party Comment:

The glass roof panels will emit light and their impact must be recognized and identified within the lighting strategy. Reason: to prevent light pollution.

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

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C31 Sustainability – In Accordance With (TRDC)

Prior to first use of the development the measures detailed in Section 5 within the KGA (UK) Ltd Energy Statement (ref. 5000 rev4, dated February 2021) shall be incorporated into the approved development and as provided for by these conditions and thereafter be permanently maintained.

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

C32 Flood Risk Assessment – In Accordance With (LLFA)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy for Maple Cross Rickmansworth, Issue 1.4, dated 22 August 2019, Ref: T/17/1999/FRA, prepared by Tier Consult Ltd and the General Arrangement Drawing showing proposed foul and surface water drainage layout Sheet 1, Project No. T_17_1999, Drawing No. 55-01, Rev. P17, dated 25.02.2021, prepared by Tier Consult. The scheme shall include the following mitigation measures:

1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event. www.hertfordshire.gov.uk 3
2. Restrict surface water discharge into Maplodge Ditch (via pump) to the QBAR Greenfield run-off rate (6.5l/s).
3. Implement drainage strategy including lined permeable paving, lined cellular attenuation and discharge via surface water pump into the nearest watercourse, Maplodge Ditch, which is a Main River.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C33 SuDS Management & Maintenance (LLFA)

Upon completion of the drainage works referred to in condition 32 for the site and in accordance with the timing / phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development hereby permitted shall be carried out in accordance with the approved management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C34 Unidentified Contamination (Environment Agency and Watford Environmental Health)

If, during development, contamination not previously identified is found to be present in or on the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how the unforeseen contamination shall be dealt with and has obtained written approval of the remediation strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: This condition ensures that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework and to prevent deterioration of a water quality element to a lower status class of adjacent surface waterbodies and not to prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C35 Infiltration of Surface Water onto the Ground (Environment Agency)

In the construction and operation of the development hereby permitted no drainage systems for the infiltration of surface water to the ground from the site shall be installed or permitted other than with the approval in writing of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework. To prevent further deterioration of a water quality element to a lower status class of adjacent surface waterbodies and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C36 Noise – no refrigerated HGVs or use of tug units (TRDC Environmental Health)

In the construction and operation of the development hereby permitted there shall be

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no operation of refrigerated HGVs or of tug units without prior details of such operations being submitted to and approved in writing by the Local Planning Authority which demonstrate that the proposed operation would not give rise to unacceptable noise levels.

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

C37 **Hours of Use/Operation**

The hours of use of the development hereby permitted shall be restricted to the hours of 07.00 to 20.00 Mondays to Fridays (inclusive) and 10.00 to 16.00 (inclusive) Saturdays, Sundays and Bank Holidays. No deliveries shall be taken to or dispatched from other than within these hours.

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

Commented [CW8]: Condition in dispute between Appellant and Council.

Appellants comments:

Condition in dispute

We note this is a new condition following Committee 8th February 22.

Would be unduly restrictive without basis for inclusion.

This proposed condition conflicts with tests set out in NPPF Paragraph 55:

Reason for condition suggests this is required to safeguard the residential amenities of occupiers. This is not necessary as the application demonstrates that there would be no conflict with residential amenity as a result of noise/disturbance.

Commented [CW9]: Rule 6 Party Comment:

The appellants contest the wording on the ground that "Reason for condition suggests this is required to safeguard the residential amenities of occupiers. This is not necessary as the application demonstrates that there would be no conflict with residential amenity as a result of noise/disturbance." In reviewing the appellant's noise assessment and carrying out our own noise survey of the site Cass Allen arrived at the conclusion that rather than there being "no conflict with residential amenity" an assessment in line with the relevant British Standard (BS4142:2014) indicated that should operations occur as proposed outside of the hours of approximately 0700 to 1900 then adverse noise impact would be the likely outcome. It is therefore considered that the above condition should be retained in the event that the development be permitted.

Rule 6 Party Comment:

NB. Due to length of comment, full text is included at end of this document.

*Prior to the use of Unit 1 and Unit 2 by any prospective tenant shall not exceed the background sound level representative of the period **in the absence of any commercial noise generated by the application site at any nearby residential noise sensitive receptors** being assessed ... Reason: This is considered relatively robust however does not account for the possibility of background noise creep (and subsequently increasingly elevating commercial noise levels permissible as background levels increase). This is because there is a possibility that, for example, Unit 1 is occupied first and then a new occupier of Unit 2 is assessed against the background noise environment including Unit 1 (which could be higher than with neither unit occupied). If then Unit 1 becomes re-let to another occupier they would assess their operations against the higher background noise levels produced by Unit 2 which again could increase the background noise levels and so on. Furthermore, whilst it is acknowledged that the proposed condition uses the phrase "such as residential properties within Longmore Close" it is considered that the wording of the condition could be made to capture any and all sensitive receptors more readily with the proposed change.*

In practice this could be readily achieved by assessing all proposed future commercial operations against the baseline data gathered by Cass Allen in 2021 (or a similar survey being carried out by a suitably qualified acoustician) before any use of the site took place. The appellant suggests that commercial noise "shall not exceed 5 dB above the background sound level". BS4142:2014 indicates that where rating noise levels exceed the background noise level by 5dB or more this is an indication of adverse impact being likely whereas where rating noise levels do not exceed the background noise levels this is an indication of low impact. Both of these figures are presented in BS4142:2014 with the caveat "depending on context". It is our experience that rating noise levels not exceeding the background noise level is a suitable limit for commercial noise unless the context of the site is such that there is already significant and similar commercial operations. Where this is the case "5db above the background noise level" might be an appropriate limit. At this site however the existing residents are not exposed to a similar level and type of noise as will be present if the site is used as proposed. As such it is considered that the "not exceeding the background sound level" should remain as the limit as proposed by TRDC. The appellant goes on to suggest that the commercial noise "shall not exceed 5 dB above the background sound level representative of the period being assessed, or 45 dB(A) during the day/40 dB(A) at night, whichever is higher". This second clause is not based on guidance contained within BS4142:2014 as this document only allows for assessment of commercial noise using absolute noise levels in the event that background and rating noise levels are low. Based on the noise survey of the site carried out by Cass Allen background noise levels are not sufficiently low nor would the commercial noise levels predicted by the appellant's acoustics consultant be considered sufficiently low to warrant this type of approach. As such inclusion of the absolute noise criteria is not considered appropriate in this instance. With the above in mind it is considered that the TRDC proposed condition (with the Cass Allen proposed amendments) provides more robust protection of the residents and the proposed changes by the appellant are not necessary.