**12. 17/0677/FUL – Construction of detached single storey education centre with external decking and associated works at Batchworth Lock, Land at 119 – 127 Church Street, Rickmansworth for Mr David Montague.**

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| Parish: Batchworth | Ward: Rickmansworth Town |
| Expiry Statutory Period: 29.05.2017 Officer: Scott Volker | |
| Recommendation: That Planning Permission be granted | |
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| Reason for consideration by the Committee: Three Rivers District Council has an interest in the land. | |

1 **Relevant Planning History**

1.1 8/51/80 - Erection of three storey office building, workshop, garages, lavatories and dustbin enclosure and widening of access – Refused April 1980.

1.2 8/519/83 - (Outline) Erection of two semi-detached houses with garages – Refused October 1983.

1.3 8/169/87 - Erection of two semi-detached houses – Refused May 1987.

1.4 95/0430 - (Outline) Residential development – Refused January 1996.

1.6 96/0038 - Change of use of land for use as permanent site for open air museum – Permitted March 1996.

1.7 17/0461/FUL - Construction of detached single storey education centre with external decking and associated works – Withdrawn March 2017.

2. **Detailed Description of Application Site**

2.1 The application site is located on the eastern side of Church Street, Rickmansworth between the Grand Union Canal and the River Colne close to Rickmansworth Town Centre. The site is currently let out by Three Rivers District Council to the Rickmansworth Waterways Trust (RWT).

2.2 The site measures approximately 480sq. metres in size and comprises of a small model canal system built by the RWT and used for educational demonstrations and a storage container used for storing of their educational equipment. There are a number of trees located within and surrounding the application site. The application site is located within Flood Zones 2, 3a and 3b.

2.3There is an existing ramp access from Church Street which leads onto the Canal River Trust towpath which gives access to the application site.

2.4 To the north, across the canal, and adjacent to Church Street is the original Lock House, which is Grade II Listed. This is finished in render to the street frontage and brick to the canal frontages. It presents two floors to the street and three to the canal-side. The rear addition to the building is one storey lower (2 storeys to the canal-side).

2.5 To the east is a single storey building used as a workshop. Attached to the eastern flank of the workshop is No.115 Church Street which is a two storey residential dwelling.

3. **Detailed Description of Proposed Development**

3.1.1 Full planning permission is sought for the removal of the existing model canal and the existing storage container and construction of a detached single storey education centre with external decking and associated works.

3.1.2 The proposed building would have a width (east to west) measuring 18.3 metres; depth (north to south) of 10.3 metres and would have a pitched roof measuring 6.2 metres from ground level, sloping down to an eaves height of 3.1 metres. The building would contain a teaching hall with seating for 45 visitors; an office; store rooms; toilets and foyer. The building would have a white painted timber exterior; white painted timber fascia; four dark grey framed glazed doors are proposed within the principal elevation facing north and two within the rear elevation. Two additional doors are proposed within the western flank elevation. It would have a dark grey artificial slate tiled roof containing five dark grey rooflights; three within the northern roofslope and two within the south.

3.1.3 A decking area is proposed to abut the southern elevation of the building; this would project approximately 2 metres from the building and measure 9.8 metres in width, set in a maximum of 4.3 metres from either flank elevation.

3.1.4 A new stepped forecourt leading to the main entrance of the education building and new model canal would be located to the north.

3.1.5 The proposed development would also result in the removal of a number of trees and vegetation from within the application site

4. **Consultation**

4.1 **Statutory Consultation**

4.2 Conservation Officer

4.2.1 The Conservation Officer was verbally consulted on the application and raised no objections to the proposed development.

4.3 Highways Officer [No objection, informative requested]

4.3.1 Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

4.3.2 Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

4.3.3 AN) Road Deposits / Mud on Highway: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

4.3.4 Comments:

The proposal comprises of the construction of a detached single storey education centre with external decking and associated works at land between the Grand Union Canal and the River Colne, next to Church Street, Rickmansworth.

4.3.5 Highway Impact & Assessment:

The proposed site has an existing vehicular ramped access from Church Street. There is pedestrian access to the site via a pedestrian highway footway along Church Street, which in turn provides pedestrian access to the High Street which is approximately 500m away.

4.3.6 The existing ramp access into the site is unsuitable for large vehicles to access and manoeuvre. Subsequently school children visiting the site are dropped off outside the Travis Perkins site on the Batchworth roundabout (100m from the site) and use the Church Street footway to access the site. HCC as Highway Authority considers that these arrangements are acceptable for the use of the proposed educational building. However as suggested in the submitted Design & Access Statement, HCC would recommend that any arrivals and departures are made outside the rush hour period and that the arrangement be reviewed with Travis Perkins to take into account the proposed redevelopment of the Travis Perkins site (planning ref. 17/0192/FUL, pending consideration).

4.3.7 Emergency Vehicle Access:

The proposed plot is within the recommended emergency vehicle access of 45m from the highway to all parts of the building. This adheres to guidelines as recommended in Manual for Streets and Roads in Hertfordshire: A Design Guide.

4.3.8 Conclusion:

HCC as Highway Authority has considered that the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds to the proposals, subject to the inclusion of the above informatives and comments.

4.4 Environment Agency [No objection]

4.4.1 Thank you for consulting us on the amended plans and confirming the status of the development from a flood risk perspective. Having reviewed the information submitted we have no objection to the proposal if a suitable condition is agreed between yourselves and the applicant to ensure that the voids beneath the proposed development are kept clear.

The proposal includes an increased built footprint within the 1 in 100 year 20% climate change allowance flood extent. A void space below the building has been proposed to mitigate floodplain storage loss. We are usually averse to this method of mitigation as voids can become blocked over time by debris or domestic effects; however in this situation there is no viable alternative. For this to be acceptable a plan must be agreed between the applicant and yourselves to ensure that the voids are managed and maintained for the lifetime of the development.

**Flood risk activities: environmental permits**

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, a permit from the Environment Agency would be required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Colne, designated a ‘main river’. From 6th April 2016, the Flood Defence Consent regime moved into the Environmental Permitting Regulations and became Flood Risk Activity Permits. The charges for the new Permits will be different and some lower risk activities may be Excluded or Exempt from the Permitting Regulations. Please contact us for more details, and visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits for information regarding environmental permits for flood risk activities.

4.5 Canal and River Trust [No objection, conditions requested]

4.5.1 The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”. We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are:

a) Impact on the character and appearance of the waterway corridor.

b) Impact on the biodiversity of the waterway corridor.

On the basis of on the information available our advice is that suitably worded conditions are necessary to address these matters. Our advice and comments are detailed below:

The Canal & River Trust have held detailed discussions with the Rickmansworth Waterway Trust in order to ensure that the proposed building is considered suitable in this particular location and does not have an adverse impact on the character and appearance of the canal corridor. We are pleased to note that our comments are reflected in the proposed design. However, we would welcome further detail on the proposed infilling of the void below the building and between the brick piers as if left unsecured this area could act as a trap for litter or a home for Vermin. We suggest that the space between the piers is screened with an appropriate, robust material such as perforated metal sheeting, or perforated brickwork with a screen mesh behind. This matter can be dealt with by condition or by the submission of additional details.

In accordance with Policy DM6 of the adopted Development Management DPD we also ask that the removal of the scrub and trees should be programmed for September - February to avoid the bird breeding season. Prior to removal the trees should be assessed for bat potential as ivy in particular can conceal features such as cracks and splits in trees which could be used by bats.

**Conditions**

Pre- commencement condition- required as pollution can occur during the site clearance and construction phase.

1. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with Policy DM9 of the adopted Development Management policies DPD and paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

2. Further details of the proposed infilling of the void under building and between the piers shall be provided and agreed in writing. The infilling shall take place before the building is first brought into use.

Reason: This matter requires further consideration to protect the character and appearance of the waterway corridor.

Finally, due to the proximity of the site to the canal, and to our land which acts as an access to other properties as well as a to a Canal & River Trust store, we ask that should planning permission be granted the following informative is appended to the decision notice:

**Informative**

The applicant is advised to contact the Waterway Engineer, Osi Ivowi, on 01908 302 591 in order to ensure that the proposal complies with our ‘Code of Practice for works affecting the Canal & River Trust’.

4.6 Herts & Middlesex Wildlife Trust

4.6.1 No comments received.

4.7 Thames Water

4.7.1 No comments received.

4.8 Affinity Water [No objection, advisory comments]

4.8.1 You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Batchworth Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

4.9 National Grid [No objection, advisory comments]

4.9.1 National Grid has identified that it has apparatus in the vicinity which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

4.10 Landscape Officer

4.10.1 From an arboricultural point of view I have no issues regarding the proposal. There are some low grade young trees on site that are not worthy of a tree preservation order. However, these trees do act as a screen to the site.

5. **Neighbour Consultation**

* 1. Site Notice: Site notice posted 18 April 2017 and expired 09 May 2017.

5.1.2 Neighbours consulted: 13

5.1.3 Number of responses: 1 comment received in support.

5.1.4 Summary of Responses: Not applicable.

6. **Reason for Delay**

6.1 Not applicable.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP1, CP1, CP8, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM3, DM6, DM8, DM9, DM12 and DM13 and Appendix 5.

7.4 Other

7.4.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

8. **Analysis**

8.1Principle of Development

8.1.1 The application proposes a new education facility within Rickmansworth Town Centre which is identified as a Principal Town in the Core Strategy (adopted October 2011). Policy PSP1 states that development in Rickmansworth will seek to improve the provision of, and access to, services and facilities to meet future demands. Policy CP1 of the Core Strategy states that development should provide necessary infrastructure to enable and/or support development including education and community facilities.

8.1.2 Policy DM12 of the Development Management Policies LDD (adopted July 2013) states that where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport.

8.1.3 The proposed education facility is to be used by the Rickmansworth Waterways Trust (RWT) in connection with their charitable education programme which relates to the history of the canal system, and the application site is located close to the Rickmansworth Town Centre and is well served by local bus routes and is within walking distance of Rickmansworth London Underground Station. As such it is considered that the principle of the proposed development is acceptable and would be readily accessible by sustainable modes of transport in accordance with Policies PSP1 and CP1 of the Core Strategy and Policy DM12 of the Development Management Policies LDD.

8.1.4 The proposed development would result in the loss of the existing model canal currently situated on site, however a new replacement model canal is proposed to the front of the new education building.

8.2 Flood Risk

8.2.1 Policy DM8 of the Development Management Policies LDD (adopted July 2013) relates to flood risk and water courses and states that:

1. 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. Where practicable existing flood risks should be reduced.
2. New development will not be permitted in Flood Zone 3b, as defined by the SFRA. Redevelopment of existing built development in that Zone will only be permitted if the proposals are of a compatible use class and would not increase flood risk elsewhere.
3. A Flood Risk Assessment (FRA) will be required for development proposals of 1ha or more in Flood Risk 1 and for proposals for all new development in Flood Zones 2 and 3; or in an area in Flood Zone 1 where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding as identified in the SFRA. Land in Flood Zone 1 surrounded by areas of Zones 2 or 3 will be treated as if in the higher risk Zone and a FRA will be required to demonstrate that access and egress would be satisfactory and that the development would not be unacceptably vulnerable during a flood period.
4. Within sites at risk of flooding the most vulnerable parts of proposed development should be located in areas of lowest risk unless there are overriding reasons to prefer different locations.
5. Development at risk of flooding should be flood resilient and resistant, including safe access and escape routes where required; and it should be demonstrated that residual risks can be safely managed.
6. 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.
7. Development in all areas should include Sustainable Drainage Systems to reduce surface water run-off.
8. 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.
9. Development should normally be set back from a main river (as defined by the Environment Agency) with a minimum 8m wide buffer zone and from any other watercourse with a minimum 5m wide buffer zone to prevent any significant impact from flooding.

8.2.2 The application site is located between both the Grand Union Canal and the River Colne and is within designated Flood Zones 2, 3a and 3b. A Flood Risk Assessment (FRA) was submitted as part of the application which indicates that the RWT educational programme is only operated during the Spring and Autumn months during school term times and that the RWT are in contact with the Environment Agency to take advice on flood warnings. The FRA states that if there was a flood warning then the educational use planned during the predicted flood period would be cancelled and re-arranged at a safer time.

8.2.3 The building has been designed to have its main internal floor level raised well above the predicted flood level using brick piers to form a ventilated sub-floor void that is designed to be allowed to floor without causing any damage to the building. This would also avoid impact on the flood zone and would not displace any significant volumes of water to other areas and therefore not result in any adverse impact to the existing built form within the surrounding area.

8.2.4 The proposed development would create a new educational centre (Use Class D1) on a site located within Flood Zones 2, 3a and 3b. The application is supported by a Flood Risk Assessment prepared by TEC Architecture dated 01 March 2017 and it is considered that the proposed development is water compatible in accordance with the guidance set out by the National Planning Practice Guidance and the Environment Agency. The Environment Agency also raised no objection in this regard.

8.2.5 The River Colne is a main river and the proposed building would be sited within 8 metres from the river; however the Environment Agency raised no objection to the development in this regard.

8.2.6 Furthermore, the proposed landscaping and associated works would use permeable finishes throughout: either soft landscaped areas adjacent to the river or gravel areas under the building and adjacent to the canal.

8.2.7 The Environment Agency were consulted on the application commented that whilst the proposed void space below the building would not be their preferred mitigation measure they noted that in this case there is no viable alternative. As such, they raised no objection to the proposed development subject to a suitably worded condition to ensure that the proposed voids beneath the proposed development are kept clear from debris or domestic effects.

8.3 Design & Impact on Street Scene & Heritage Assets

8.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘conserve and enhance natural and heritage assets’.

8.3.2 The application site is located adjacent to the Lock House, which is Grade II Listed Building sited on the northern side of the canal. Policy DM3 of the Development Management Policies LDD (adopted July 2013) states that applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of a heritage asset and the surrounding historic environment.

8.3.3 The application site is located on the eastern side of Church Street and is set on a lower land level than the highway. This part of Church Street is characterised by a mix of buildings of varying architectural design and size. The built form of the east of the site consists of single storey and two storey buildings with pitched roofs. The Grade II Listed Building to the north presents two floors to the street and three to the canal-side. The proposed building would have a height of 6.2 metres with a pitched roof and gable ends, with a depth of 10.3 metres. Whilst it is noted that the building is large, it would be set back from Church Street by 3 metres and given the land level differences, it would have a height of 4.7 metres when viewed from the highway reducing its prominence within the street scene. Furthermore, it would have a ridge 1.3 metres lower than No.115 Church Street which would be located behind the proposed building and there would be a separation distance of 3 metres, ensuring that sufficient spacing is maintained between the proposed building and No.115.

8.3.4 The proposed building would be set back approximately 11.5 metres from the canal which would reduce its prominence towards the canal. Given this set back distance and its lower ridge level, it is also not considered that the proposed building would result in any significant impact on the setting of the Grade II Listed Building opposite. The Conservation Officer was verbally consulted on the application and raised no objections to the proposed development.

8.3.5 The proposed building would have a pitched roof form. This roof form with gable ends does add bulk to the building but the roof form would be in keeping with the roof form of the workshop and residential dwelling located to the east of the application site and is therefore considered acceptable in this instance.

8.3.6 In addition, the proposed building would have a painted white timber exterior with dark grey tiles which would be similar in appearance to the existing built form on this side of the canal which have white painted bricked exterior and dark tiled roof.

8.3.7 The proposed decking area to the rear of the building would not be readily visible from the canal and only partial views would be obtained from the street scene. Furthermore, the decking is a small scale addition, set in from both flanks and projecting only 2 metres from the rear elevation of the building and as such is considered acceptable.

8.3.8 It is proposed to include a new replacement model canal and additional landscaping works to create a grass and gravel area surrounding the building. These proposed landscaping works and new model canal are not considered to harm the character or appearance of the area.

8.3.9 In conclusion, it is considered that the proposed new educational building would not result in any significant harm to the character and appearance of the street scene and the wider area or result in harm to the setting of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.4 Impact on Residential Amenity

8.4.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

8.4.2 The closest residential properties are to the east, No.115 Church Street which is separated from the application site by approximately 11 metres by an existing workshop building beside the application site. Given the site circumstances and location of the nearest neighbouring property, it is not considered that the proposed building would result in any detrimental impact to surrounding residential amenity.

8.5 Highways, Parking & Access

8.5.1 The National Planning Policy Framework requires Local Planning Authorities to set parking requirements taking into account the accessibility of the development; the type, mix and use of the development; the availability and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

8.5.2 Core Strategy Policy CP10 sets out that development should make adequate provision for all users, including car parking. Appendix 5 sets out parking requirements for development and states that 1 space should be provided per 30sq. metres of gross floor area of freestanding development (otherwise assessed on merits) for D1 ‘Miscellaneous Cultural Buildings’. Based on the overall floorspace of the unit of approximately 180sq. metres this equates to a requirement for 6 car parking spaces. Appendix 5 states that the standards for non-residential parking may be adjusted according to which zone the proposed development is located. There are 4 zones with 1 being the most accessible and 4, the least accessible. In this case, the site is within Zone 4 which means that 75-100% of the requirement must be provided. As such, in the worst case scenario the requirement would be between 6 spaces and in the best case scenario there would a requirement for 4.5 spaces. However, the site is adjacent to Zone 2 where there is a 25-50% requirement which equates to 2-3 parking spaces.

8.5.3 The submitted Design and Access Statement details that RWT members and visitors do not currently use any parking space on the site and there would be no intention or need to provide any parking in connection with the proposed educational facility. Following a site visit, it was noted that there was an informal parking area within the application site and beside the neighbouring workshop which would not be affected and which could provide off street parking for two vehicles. The submitted application form states that the educational facility will provide one full-time employee who could have access to the existing parking within the site.

8.5.4 Nevertheless, there would still be a shortfall of up to 4 spaces and there is no provision within the site for school coach drop-offs. Whilst there would be a shortfall of parking spaces, the site is located within walking distance of local bus routes and the Rickmansworth London Underground Station and there are public car parks located within Rickmansworth Town Centre and the submitted Design and Access Statement details that individuals and other small groups of visitors are invited by the RWT to use the local services.

8.5.5 With regards to school coach drop-offs, the submitted Design & Access Statement indicates that the RWT arrange for visiting groups of school children to be dropped off by school bus or coach outside the Travis Perkins Building Supply Company and they are then escorted to the RWT education centre. The Highways Officer was consulted on the application and did not raise an objection to the proposed development or to the proposed location of the coach drop-offs.

8.5.6 The RWT have noted within the Design and Access Statement that this parking arrangement with Travis Perkins may be subject to change should the Travis Perkins site be redeveloped in the future. Nevertheless this application is assessed on the current site circumstances and arrangements and given that the provision for coach drop off would remain as the existing situation it is therefore considered acceptable. However, it is considered appropriate to attach a condition on any consent requiring the submission of a Travel Plan should the parking arrangements change as a result of the redevelopment of the Travis Perkins site.

8.5.7 Given the location of the application site and the development proposed a Construction Management Plan would also be required prior to the commencement of any construction works to ensure no adverse impacts.

8.6 Trees

8.6.1 The application would result in the loss of a number of trees and existing vegetation within the site however none of the trees within the site are afforded protection by a Tree Preservation Order. The submitted plans LT1002 (Tree Survey) and LT1003 (Fencing Protection) provide further details of which trees are to be removed, retained and location of the protective fencing.

8.6.2 The Landscape Officer was consulted on the application and raised no objection to the proposed development, although a condition relating to tree protection measures to be erected prior to the commencement of construction works would be attached to any consent.

8.7 Wildlife & Biodiversity

8.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

8.8 Contamination

8.8.1 Policy CP9 of the Development Management Policies LDD (adopted July 2013) states that planning permission will be refused, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.

8.8.2 The proposed development would be located between the Grand Union Canal and the River Colne. The Canal and River Trust were consulted on the application and raised no objection to the proposed development subject to conditions requiring details of protective fencing to be erected prior to the commencement of the development to protect the waterway infrastructure during construction of the development and details of the proposed infilling of the void under the building and how it is to be managed and maintained to prevent any contamination of the two watercourses. Subject to these conditions, there would not be unacceptable impacts as a consequence of contamination.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject to the following conditions: -

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 162031-D-01-D, 162031-D-09-E, 162031-D-10-G, 162031-D-12-F, 162031-D-13-F, 162031-D-14-D, 162031-D-15-D, 162031-D-16-B, 162031-D-17, LT1002-Tree Survey and LT1003 – Fencing Protection.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies PSP1, CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3, DM6, DM8, DM9, DM12 and DM13 and Appendix and 5 of the Development Management Policies LDD (adopted July 2013).

C3 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 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) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

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C4 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities for mud and dust control have been submitted to and approved in writing by the Local Planning Authority. The relevant details shall be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason: This is a pre commencement condition in order to minimise danger, obstruction and inconvenience to users of the adjacent highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C5 Prior to the commencement of the development, further details of the proposed infilling of the void under the building and between the piers, and details of measures to manage and maintain the void shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the building is first brought into use and shall be maintained as such thereafter.

Reason: This is a pre-commencement condition to ensure that development would not result or be subject to unacceptable risk of flooding or contamination in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C6 Notwithstanding the plans submitted, prior to the commencement of development, details of the protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: This is a pre-commencement condition to comply with Policy DM9 of the adopted Development Management Policies LDD (adopted July 2013) and paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

C7 Prior to commencement of the development hereby permitted, the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems shall be protected from any damage during site works, in accordance with the protection measures as shown on drawing number LT1003 (Fencing Protection).

The protective measures shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To prevent damage to protected trees of high amenity value during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C8 The proposed development shall be carried out and maintained in accordance with the submitted Flood Risk Assessment prepared by TEC Architecture dated 01 March 2017.

Reason: To ensure that development would not result or be subject to unacceptable risk of flooding or contamination in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Prior to the first occupation of the building a ' Travel shall be submitted to and approved by the Local Planning Authority to include details of access to the site by coach. This approved Travel Plan shall be implemented on first occupation of the building. An updated Travel Plan shall be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation and subsequently on the 3rd anniversary of occupation, or in the event of a change to existing arrangements for coach provision at Travis Perkins’ Site. The updated Travel Plan shall be implemented following its written approval.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

9.1.2 **Informatives**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 Road Deposits / Mud on Highway: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

I4 Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, a permit from the Environment Agency would be required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Colne, designated a ‘main river’. From 6th April 2016, the Flood Defence Consent regime moved into the Environmental Permitting Regulations and became Flood Risk Activity Permits. The charges for the new Permits will be different and some lower risk activities may be Excluded or Exempt from the Permitting Regulations. Please contact us for more details, and visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits for information regarding environmental permits for flood risk activities.

I5 The applicant is advised to contact the Canal & River Trust Waterway Engineer, Osi Ivowi, on 01908 302 591 in order to ensure that the proposal complies with the ‘Code of Practice for works affecting the Canal & River Trust’.

I6 National Grid has identified that it has apparatus in the vicinity which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

I7 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.