

4/02017/11/MFA - CONSTRUCTION OF HGV OPERATIONS FACILITY INCLUDING OFFICE UNIT, PROVISION OF PARKING FOR HEAVY GOODS VEHICLES, SKIP STORAGE AREA, UPGRADED VEHICULAR ACCESS, CLOSE BOARDED FENCING, GATED ENTRANCE AND LANDSCAPING..

EX AXIS POINT SITE, EASTMAN WAY, HEMEL HEMPSTEAD, HP2 7FN.

APPLICANT: AXIS POINT (HEMEL HEMPSTEAD) LLP & FARREN HYDRAULICS LTD.

[Case Officer - Richard Butler]

[Grid Ref - TL 07353 09120]

Summary

The application site is located within the General Employment Area (GEA) with extant permission for a warehouse / storage and distribution use. The proposal seeks a different scheme with large hardsurfaced area for the external storage of HGVs and Empty Skips. The use of sites as outside storage within the GEA is supported by Policy 31 of the Adopted Local Plan. The impact of this development has been assessed and the most important issue shall be the consideration of noise pollution causing disturbance to nearby residential property and also the operations of other nearby businesses. A Noise assessment has considered the expected level of noise emission from the development; the view following consultation with relevant consultees is that mitigation measures shall be able to ensure there is no significant impact to surrounding uses as a result of noise emission, and environment health legislation shall support this approach. A condition has been attached to ensure that only empty skips are stored on the site.

Site Description

The application site comprises a rectangular piece of land of 0.65 hectares, which is currently open hard surfacing.

The site is located to the rear of the recently developed Maylands Business Centre, on the former Axis Point site. The application site forms phase II of this site and is accessed from Eastman Way.

The original Axis Point redevelopment saw this section of the site receive planning permission for a warehouse (B8) use.

Proposal

The application seeks permission for the following development:

Construction of HGV operations facility including office unit, provision of parking for heavy goods vehicles, skip storage area, ungraded vehicular access, close boarded fencing, gated entrance and landscaping.

In practice the application has been put forward by Ingenium Archial Ltd and Axis Point Hemel Hempstead on behalf of Hollywell Haulage for the use as outside storage for HGV's and empty skips associated with the operation of the company.

A service building of 464.5 sq m is proposed to provide ancillary office space. A figure of 15 employees is suggested to work on the site. The design and material finish of this building is to follow the design of the Phase 1 development.

The site is to be bounded by a 3m closed board fence; the design and access statement suggests this is to screen the yard for security purposes. This is to be supplemented with the planting scheme provided in the landscaping information, including the planting of mature trees along boundaries.

The site is to be gated and secured outside of the operational times of 7am -7 pm.

Referral to Committee

The application is referred to the Development Control Committee as the site is within Dacorum Borough Council ownership.

Planning History

4/00752/11/DRC DETAILS OF MATERIALS, CRIME PREVENTION MEASURES, WINDOWS, HARD AND SOFT LANDSCAPING WORKS, RETAINED TREES, GLAZING DETAIL, SUSTAINABILITY, THE PRE-DESIGN SITE WASTE MANAGEMENT PLAN, LIGHTING STRATEGY, ACCESS AND JUNCTION ARRANGEMENTS, AND SITE ACCESS AND EXIT MEASURES AS REQUIRED BY CONDITIONS 2, 3, 4, 5, 6, 8, 9,11, 12, 13, 14, 15 AND 16 OF PLANNING PERMISSION 4/01804/09/MFA (DEMOLITION OF EXISTING WAREHOUSE AND OFFICE UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH ASSOCIATED YARDS, CAR AND CYCLE PARKING. PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY IMPROVEMENTS AND LANDSCAPING)

Granted

04/08/2011

4/01188/10/NMA NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/01804/09/MFA (DEMOLITION OF EXISTING WAREHOUSE AND OFFICE UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH ASSOCIATED YARDS, CAR AND CYCLE PARKING. PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY IMPROVEMENTS AND LANDSCAPING)

Granted

23/07/2010

4/00781/10/DRC DETAILS OF MATERIALS AS REQUIRED BY CONDITION 2 OF PLANNING PERMISSION 4/01804/09 (DEMOLITION OF

EXISTING WAREHOUSE AND OFFICE UNIT,
CONSTRUCTION OF INNOVATION CENTRE, SINGLE
STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE
UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH
ASSOCIATED YARDS, CAR AND CYCLE PARKING.
PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY
IMPROVEMENTS AND LANDSCAPING)

Granted

22/07/2010

4/00082/10/ADV SIGNAGE AND HOARDINGS

Granted

09/03/2010

4/01804/09/MFA DEMOLITION OF EXISTING WAREHOUSE AND OFFICE
UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE
STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE
UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH
ASSOCIATED YARDS, CAR AND CYCLE PARKING.
PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY
IMPROVEMENTS AND LANDSCAPING

Granted

25/01/2010

4/01033/05/FUL USE OF AREA OF LAND AS COMPOUND FOR STORAGE OF
CONTAINERS AND PLANT FOR ONE YEAR TEMPORARY
PERIOD

Temporary permission

21/07/2005

Policies

National Policy Guidance

PPS1
Circular 11/95

NPPF - The advice follows the statements of the relevant PPG/PPS.

Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 31, 58, 60, 113
Appendices 1, 8.

Supplementary Planning Guidance

Water Conservation & Sustainable Drainage

Representations

Spatial Planning

No comments received.

Hertfordshire Highways

No comments received.

Environmental Health Officer (Noise and Pollution)

Further to the above application and subsequent submitted Noise Impact Assessment.

Environmental Health request that details of all items of plant and fixed installations be submitted and approved by the local planning authority prior to installation of the equipment.

Also that full details of the proposed acoustic barrier, including attenuation properties shall be submitted and approved to the local planning authority prior to commencement of works.

Rights of Way Landscape and Recreation

No rights of way affected.

Scientific Officer, Environmental Health (Contaminated Land)

I refer to the above planning application received on 17 November 2011.

Contaminated land investigations and remedial works have been undertaken on the former Axis Point site in respect of planning permission 4/01804/09/MFA (Phase I of the development). Records indicate that further investigation was required associated with the presence of a former radioactive materials storage building. It was agreed that this would be addressed as part of the Phase II development as it did not fall within the Phase I development area. As such, I recommend that a contamination condition be applied to this development should permission be granted.

Crime Prevention Design Officer

- Development to be built to BREEAM standards if at all possible so as to provide a safe environment for the business and its staff.
- 3 metre close boarded fence being fitted around the site and note there will be metal gates on the entrance, will these gates be on an automatic access control system or just opened as and when required. Ensure gates are closed,

unless required for entry/egress, during the day to prevent any unauthorised entry.

- There is no indication as to whether there will be someone in the yard either seeing vehicles in or out, or ensuring safety and security within the yard area.
- Consider some form of traffic calming on the entrance to slow vehicles down when entering the site, for safety reasons, and to slow them down when entering Eastman Way.
- The lighting system may not be up to the standards needed for Secured by Design, particularly in the tarmac service and storage yard areas; seek an average uniformity value of at least 40% in the yard areas [currently 30%].
- It is not clear whether CCTV will be fitted and the lighting level may have to accommodate day/night camera operation. Can assist if CCTV is to be installed with the specification for both cameras, recording, lighting etc. It would be ideal if the both the office entry doors and loading bay doors were covered by CCTV which can be viewed internally prior to opening either of these doors.
- There is no detail of the offices either occupation or security; pedestrian door sets to be to LPS 1175: Issue 7 with a security rating of 2+. The intention being to provide safety and security to the office staff and the equipment kept/used in the offices.
- Consider some form of electronic access control system, particularly if there will be lone workers in the offices, or there may be access from the loading bays to the office area.
- Window apertures to be protected to a minimum of BS7950 or to LPS 1175: Issue 6 SR2.
- Internal door sets to be to PAS23/24 or LPS 1175 SR2 standards.
- Consideration must be given to the installation of an intruder alarm system covering the whole building, including the loading bays. The alarm system to be to the current BS and European Standards for confirmable technology with the system monitored by an external alarm receiving centre.
- The loading bays to have steel rolling shutters to at least LPS 1175: Issue 7 SR3 standards to prevent access. It would be ideal if there were no visibility panels in the shutters as experience has told us they are a vulnerable part of the shutters.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public

network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company.

Comments from Local Businesses

Couzens Storage Solutions, Unit 5 Heron Business Park, Eastman Way

We object to the proposal on the following grounds.

Visual intrusion

We are right next to the site.

Highway safety

It is already dangerous with vehicles parking on the road with double yellow lines, numerous near misses have been experienced trying to avoid oncoming traffic and nowhere to go, it's especially bad with vehicles parked on corners of the access roads, driver visibility can be non-existent.

Noise and Disturbance

HGV's within metres of our building will make life difficult when talking on the telephone to clients and potential clients; this is our normal day to day activity. The noise we get now from HGV's parking outside on the road is very much a nuisance particularly when they leave engines running for long periods of time. (Photographs provided of issue taking place).

Comment from Local Residents

OBO The Residents of Redbourn Road - C/O Rosemead, Redbourn Road

The original planning application approved 4 HGV loading bays. This has now been increased to the storage of 20 and potential movement of 30 HGVs per day.

The proposed hours of 7[am] - 7[pm] Mon to Sat are not the actual hours proposed as the Transport Summary paragraph 4 states that "on occasions the site will be used 24 hrs 7 days a week".

The Noise Impact Assessment gives no information regarding the unloading/unloading of skips, which are to be stored on site, or of audible reversing warning fitted to vehicles.

We believe the above issues will have a considerable impact on our lives. This will particularly affect those residents living directly opposite or next to the site. For these reasons we believe that planning should be refused.

Letter signed by 12 residents of Redbourn Road.

Resident of The Pigeon House

Letter contained the same objections as those in the letter above.

Resident of Chiltern, Redbourn Road

We are very concerned at the potential noise affecting household properties on Redbourn Road. When the site was previously in use we used to get quite a lot of noise from people on the site with bonfires and loud music late in the evenings. I can only imagine the higher noise level of lorries dropping off and picking up skips 24 hrs a day and feel that type of use would be detrimental to all households on the Redbourn Road, and as such something we should not be expected to endure.

Resident of The Milstone, Redbourn Road

Notes increase in number of HGV bays from 4 to 20 and the number of HGV trips.

The use of the site 24/7 is unacceptable due to the audible reversing signal and clanging of empty skips being loaded and unloaded.

The Noise Impact Assessment does not take these factors into account and operation at night would have a detrimental effect on local residents.

Nighttime noise from waste site beyond application site has been a problem in the past.

Considerations

Policy and Principle

The site is located within a General Employment Area where Policy 31 supports the development and redevelopment of sites for the range of employment generating uses. In particular Swallowdale seeks to promote industry, storage and distribution uses. The scale and nature of the development proposals in General Employment Areas will need to be assessed having regard to the following development criteria:

- (i) the character of the particular General Employment Area;
- (ii) other planned development;
- (iii) the character of adjoining areas;
- (iv) the accessibility of the location for motorised vehicles, passenger transport, cyclists and pedestrians; and
- (v) traffic generation and highway impact.

The proposal forms part of the Hemel2020 / Maylands Masterplan corporate initiative that seeks to bring forward regeneration projects and developments to enhance the profile of Hemel Hempstead. Hemel2020 is about enhancing the quality of life, providing more homes, creating new businesses and employment opportunities and enhancing our environment. In particular Hemel2020 seeks to rejuvenate the

Maylands business area to achieve a vibrant, dynamic and premier business-led community and first choice investment location.

The site formed part of the Axis Point redevelopment which delivered the Maylands Business Centre. Whilst phase 1 has proved successful with an excellent uptake of office space and a good level of occupancy of the light industrial units, interest in the warehouse development of Phase 2 was not reflective of the success of Phase 1.

An interest for the use of the land as open storage has spurred the submission of this application.

As noted above, the Swallowdale area is noted within the local plans as an area to promote industry, storage and distribution uses. This is clarified in the plan as:

Retain open storage and depot uses with supplementary landscaping. Environment of Nicky Line cycleway and footpath to be enhanced (Local Nature Reserve – Proposal EN2 in the Schedule of Environment Proposal Sites). Safeguard road widening schemes T6 (Redbourn Road) and T5 (Swallowdale Lane): see Schedule of Transport Proposal Sites and Schemes.

Development may be restricted because of the storage of notifiable hazardous substances at Three Cherry Trees Lane where a specified consultation zone applied (see Policy 125).

The Hertfordshire Waste Local Plan identifies land at Eastman Way/Redbourn Road for:

- *Inert waste recycling;*
- *waste transfer and recycling;*
- *green and mixed waste composting uses and*
- *the current household waste site use (intended to be safeguarded);*

Land at the Cupid Green Depot is intended to be safeguarded in the Waste Local Plan for waste recycling and transfer purposes (see Hertfordshire Waste Local Plan for further details).

From the above, the intention to retain open storage and depot uses is noted. The references to waste transfer uses relate to the Cupid Green Depot and are not considered to extend to the site in question.

In principle the use of the site for open storage is acceptable with regard to the adopted Local Plan, Policy 31.

The emerging Core Strategy does not conflict with this view.

Impact on Street Scene and Surrounding Area

The site is accessed via Eastman Way, with the southern boundary boarded by Eastman Way. On the opposite side of Eastman Way, are storage and distribution units with a focus on HGV movements.

To the north, the site abuts the rear of the Maylands Business Centre site (Phase 1) and a 2m fence denotes the boundary.

The western boundary abuts the Household Waste yard and the Cupid Green Depot (both DBC operated which focus on the storage and transfer of household waste and recycling).

East of the site is the Heron Business Park, access via Eastman Way, this is a small estate of B2 units with ancillary offices.

Other than the southern boundary the site is reasonably enclosed by other uses, and as such the impact to the public realm is limited. The scheme shall include a large area of open hard standing and an office building.

The office building has been designed with reference to the Maylands Business Centre (same Architects) and follows the same material finishes, and general roof form design. The proposed building shall not detract from the character of the area.

The storage of HGVs and empty skips is likely to not be of positive visual impact to the appearance of the area; however, the proposed 3m close boarded fence shall screen a considerable amount of this activity.

In addition, the area is noted as being of industrial character and not of the most visual sensitivity, indeed no element of the site shall be visible from the wider public view.

Impact on Trees and Landscaping

A planting scheme has been provided which provides a significant level of screening to the boundary of the site. Particular attention is paid to the Eastman Way frontage. The scheme is considered to be acceptable.

Impact on Neighbouring Residents

Residential properties are located on Redbourn Road, and many have made comments in objection to this application.

The concerns focus on the following issues:

1. Noise from activity within the site;
 2. Hours of operation; and
 3. Highway Safety
-
1. A Noise Assessment has been carried out by MLM and submitted with the application. Three elements of noise have been assessed.
 - a. Noise associated with operational activities at the site;
 - b. Noise from proposed items of plant and fixed installations; and
 - c. Noise from operational deliveries.

The nearest residential property is in the region of 115m away, the 120m model used in the report is acceptable.

With regard to point a. noise was modelled from an equivalent operation of a large loading shovel, forklift and a lifting platform. This is not specifically representative of the activity of manoeuvring empty skips, which has the potential to be loud and disruptive, due to the reverberation of the metal skips.

This issue has been raised with the agent and a more detailed study specifically examining the potential of noise from empty skips and the noise attenuation of the boundary barrier; this work shall take 3 to 4 weeks and so this issue shall be addressed by condition.

Similarly, noise from items of plant and fixed installation shall be controlled by planning condition.

With regard to noise from operational deliveries the report suggests that either with windows open or closed the residential properties shall not experience a noticeable affect the operational deliveries of the site.

2. The hours of operation noted on the application form is 7am to 7pm. Residents have noted this time frame as likely to cause disturbance to the area.

The design and access statement also makes reference to operation outside of this time on a 24hr basis. Residents have raised strong objection to this matter.

The site is surrounded on all aspects by industrial uses and the nearest residential properties are located some 115m, notwithstanding the result of the noise survey it is understandable that operation outside of normal working hours may cause disturbance to residential properties.

A noise assessment is to be required by condition. This shall include a detailed account of the operational hours of the use of the site and a management plan demonstrating how noise emissions from the site shall be addressed. The details of this report shall be considered and agreed with the Noise and Pollution officer of the Environmental Health department.

3. Highway safety is considered under separate section below. It is worthwhile briefly noting that all access shall take place via Eastman Way, and no access is possible from Redbourn Road. Residential properties are only located on Redbourn Road and limited impact to this road is expected as a result of the development.

Impact on Neighbouring Businesses

Objection has been received from a business within the Heron Business Park, the comments relate to the following:

1. Visual intrusion – As the first floor windows shall be able to view into the site;
2. Highway safety – Eastman Way experiences issues with HGVs queuing to access nearby distribution centres; and

3. Noise and Disturbance - HGV's within metres of the building will make telephone calls to clients and potential clients difficult.
1. It is acknowledged that the view into the yard or parked HGVs and empty skips is not aesthetically pleasing, however, given the industrial location and proposed screening the appearance of the site is not a sustainable reason for refusal in these circumstances.
2. Highway safety is to be addressed in the specific paragraph below.
3. With regard to noise disturbance much of the same commentary applies with regard to the Noise Assessment that has been carried out and further information is required. However, there is merit in identifying the differences in sensitivity in comparison to the residential properties. The business user has greater concern over the operational noise during normal business hours, as conflicting noise between users may occur. In this instance the business units are far closer than the residential units and shall be more sensitive to noise during working hours.

The conclusion of the noise assessment is as follows:

“Noise associated with future operational activities has been predicted based on data considered to be typical for a development of its type and has been determined not to be significant at residential properties at Redbourn Road; and of marginal significance at surrounding commercial/light industrial units.

To minimise risk of noise nuisance to the surrounding community after the completion of the proposed development, plant noise target design levels have been recommended. These will aid the selection of appropriately quiet plant and where necessary enable design of mitigation measures, such that the existing background noise levels in the area should not be adversely affected.

Noise impact associated with HGV movements would be similar to existing levels and classified as ‘NONE’ in accordance with the draft Guidance of the Institute of Acoustics / Institute of Environmental Management and Assessment.”

As noted, further investigation into the impact of noise is to be undertaken and be required by condition. Of particular importance is the impact of the boundary treatment in attenuating noise from the site; therefore this is not to be confirmed until satisfactory details have been provided within a Noise Impact Assessment. Once operational the issue of noise disturbance would be addressed under the Environmental Health legislation and issues may be resolved under the powers of that department.

Impact on Highway

Comments are awaited from the Highways Officer.

The site shall be accessed via Eastman Way only, as per the arrangement of the previous permission for a warehouse under application 4/01804/09/MFA.

The Transport Statement provided with the application has made a comparison between the consented use and the proposed use and has concluded that the proposed development shall have a lower trip generation than the consented scheme; the table below is taken from the Transport Statement:

Table 2.1– Predicted Net Change in Daily Trip Generation

Time	Consented Scheme		Proposed Scheme*		Difference	
	Arrive	Depart	Arrive	Depart	Arrive	Depart
0700-1900 Vehicles	67	70	48	48	-19	-22
0700-1900 PCU	88	91	87	87	-1	-4

*worst case assumes 36 two-way staff movements and 60 two-way HGV movements on a typical day.

PCU refers to passenger car units and considered both HGV and non-HGV trips together. The modelling suggests there shall be a reduction in vehicle trips compared to the approved scheme, and no objection is expected on this basis.

As access is via Eastman Way only there is not considered to be any detrimental impact in highway safety or disruption to residential properties, as these are accessed by Redbourn Road.

With regard to access to Eastman Way, the Transport Statement notes the width of the road as approximately 7.3m wide, with double yellow lines to each side. The statement recognises how the closure of the household waste yard during servicing causes some disruption to Eastman Way, but does not make reference to issues associated with queuing onto the road from other HGV distribution yards within Eastman Way. This issue has been raised with the highways officer and comments are awaited.

The statement demonstrates how visibility splays can be achieved within the road, and sufficient access arrangements are considered to be provided.

Parking

The site layout is formed to provide parking for 18 staff vehicles and 20 HGVs. Sufficient turning space for the HGVs has been demonstrated also. Whilst the Transport Statement provides information regarding the accessibility of the site by public transport the focus of access to the site shall be via car. The level of parking within the site is considered to be appropriate.

Sustainability

The hard surfacing area is designed with a drainage system with Crates attenuation system, comprising a 180 cubic meter (95% void). This figure is based on a 1 in a 100 year storm event including a 30% allowance for climate change.

External Lighting

The application has been submitted with an external lighting LUX plot diagram illustrating the levels of lighting achieved through the proposed external lighting scheme. The lighting scheme is not supporting with a Lighting Strategy, and shows purely the level of lighting across the service yard and within the site provided by the lighting units on the relevant columns.

The LUX diagram shows areas where the lighting level meet 100 LUX, and other areas where the lighting levels are much lower than this. With reference to industry literature on such matters, the required level of lighting for a service yard is 50 LUX, therefore there are some areas where lighting levels are considered to be excessive. In addition, the area adjacent to the building is noted as a loading bay therefore high levels of lighting are proposed; however, the proposed building is an office to the service yard and not a loading bay from a warehouse, therefore the high levels of lighting may not be necessary.

In addition it is noted that some lighting units are to be angled 5 degrees to allow for a further light cover area. Despite the angled lighting units the LUX diagram shows areas of lower lighting. The required tilting highlights the issue that there may be too fewer lighting columns proposed and also leads to the issue of light pollution as the light is allowed to spill upwards.

A scheme with a greater level of lighting columns but lower lighting level may prove to be more effective; the spread / cover of light across the site shall be more consistent; the level of light spill is dramatically reduced and the intensity of lighting unit is reduced bringing about a more sustainable scheme in the long term.

It is appreciated that lighting columns within the open yard / HGV circulation area may be problematic; however some additional columns within the central parking bay may provide the sufficient amendment to the scheme to achieve the above aims.

However these issues are not considered to amount to an issue which would amount to a valid reason for refusal. An informative attached to the decision shall inform the applicant of the potential benefits and refer the advice in appendix 8 of the Adopted Local Plan.

Conclusions

The principle of the proposed development is considered to be acceptable and in accordance with the relevant Policies of the Local Plan and pre-submission Core Strategy. Further information is to be submitted to clarify and satisfy outstanding matters referred to in this report.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **The development hereby approved refers to the storage of HGVs and empty skips only. The storage of waste is not permitted by the granting of this planning permission.**

Reason: In the interest of the surrounding environment.

- 4 **Notwithstanding the details submitted as part of this application, prior to the development taking place a Noise Impact Assessment is to be submitted and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall detail the expected level of noise emission from the manouvering , stacking, loading and unloading of skips; shall recommend mitigation measures to control the impact of the development; and provide a management plan (including hours of use) for the operation of the site to ensure the proposed mitigation measures are effective and the impact of the development is controlled.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

- 5 **Any tree or shrub which forms part of the approved landscaping scheme (drawing reference 228-05A) which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 6 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) **Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - human health,**
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - adjoining land,**
 - groundwaters and surface waters,**
 - ecological systems,**
 - archeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority

must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

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

**3611097 -101
3611097-106
3611097-107
3611097-111
675020/SK100 (P2)
228-05A**

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where storage and distribution uses are acceptable in principle in accordance with Policy 9 and 31 of the Borough Plan. There would be no adverse effects on the appearance of the surrounding area. The amenity of adjoining neighbours would not be adversely as mitigation measures including boundary screening and planting shall minimise the impact of the development. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13, 31 and 58

INFORMATIVE:

The lighting scheme submitted demonstrates areas of very high lighting and areas less well lit. A scheme with a greater level of lighting columns but lower lighting level may prove to be a more effective method of external lighting; the spread / cover of light across the site shall be more consistent; the level of light spill is dramatically reduced and the intensity of lighting unit is reduced bringing about a more sustainable scheme in the long term.

Guidance is provided within Appendix 8 of the Adopted Local Plan regarding the design of a lighting scheme.