

4/02245/12/VOT - THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA

BOURNE END MILLS INDUSTRIAL ESTATE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ

APPLICANT: HILSTONE PROPERTY INVESTMENTS LTD

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 01857 05932]

Summary

This application is for a replacement planning permission subject to a new time limit. There are no policy changes which would affect this scheme.

The application is recommended to be delegated with a view to approval subject to the completion of a deed of variation to the planning obligation under s.106 of the Town and Country Planning Act 1990.

Site Description

This application is seeking to extend the time period for the extant outline permission which approved access from Upper Bourne End Lane, with all other matters reserved.

Bourne End Mills is a designated Employment Area in the Green Belt (Policy 32) and a Major Developed Site in the Green Belt (Policy 5). The site is currently occupied by a variety of uses although it was originally a timber yard with some agricultural industry uses. The site is in a very poor state of repair, suffering from flooding and criminal activity. Very little investment appears to have been made in the area in recent years allowing parts to fall into disrepair.

The site is in a valley which is drained by a culverted winterbourne, the Bourne Gutter. It occupies a relatively low profile position in the valley bottom with limited views in from the A41.

Proposal

The application is for the variation of Condition 1 (Time) for planning permission 4/02524/08/MOA for the demolition of existing buildings and the redevelopment to provide B1c, B2 and B8 floor space totalling approximately 15,500 sq m with associated parking, servicing areas and landscaping works and the realignment and opening up of the Bourne Gutter and creation of a new public space at the western end of Bourne End Lane.

The proposal is the same as previously approved. The applicant has provided details of a bat survey requested by the County Ecology Officer which demonstrated that there was no sign of bat presence in any of the buildings identified as potential roosts by the officer.

Referral to Committee

The application is referred to the Development Control Committee due to being determined by the Committee previously and the requirement for the planning obligation to be varied to link it to the current application.

Planning History

4/2524/08/MOA	THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE Granted 01/04/2010
4/00519/08/OUT	DEMOLITION OF EXISTING BUILDINGS AND RE-DEVELOPMENT TO PROVIDE B1, B2 AND B8 FLOORSPACE AND CAR SHOWROOM USES WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS, THE REALIGNMENT AND IMPROVEMENT OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE Refused 05/06/2008

Policies

National Policy Guidance

NPPF
Circular 11/95

Dacorum Borough Local Plan

Policies 1, 4, 5, 10, 11, 12, 13, 29, 30, 32, 37, 57, 58, 61, 62, 96, 100, 104, 107, 111, 122, 124, 129
Appendices 1, 2, 4, 5, 6, 8

Supplementary Planning Guidance

Environmental Guidelines May 2004 sections 2, 3, 4, 10, 12
Water Conservation & Sustainable Drainage July 2005
Energy Efficiency and Conservation July 2005
Advice Note on Achieving Sustainable Development through Sustainability Statements
Accessibility Zones for the Application of Parking Standards
Landscape Character Assessment
Planning Obligation SPD

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policy CS5, CS8, CS9, CS12, CS15, CS25, CS26, CS29, CS31, CS32 and CS35.

Representations

Hertfordshire Highways

As no work has been undertaken in conjunction with this application either on site or off-site and that nothing material has changed in respect of the conditions and obligations attached to it or its impacts on the surrounding highway and transport services and infrastructure the

highway authority recommends that planning permission is renewed under the conditions previously set by the LPA.

Trees and Woodlands

Previous comments apply:

With regard to these proposals, I raise no objection. The proposed removal of existing trees does not include any trees of high quality or amenity value, and is restricted to a relatively small number of trees on the boundary of the site. Proposed replanting comprises of native species. Specific sites and species appear well matched in terms of form and ultimate size. The mix of native species will provide year-round visual interest and important wildlife habitat.

Rights of Way Officer

Site crossed by Hemel Hempstead public footpath 116. The path will require a legal order either to divert or extinguish. The latter option may require some form of alternative route or recompense as extinguishments are likely to be opposed by user groups.

Contaminated Land Officer

I have undertaken a review of our records in respect of this site. Although a Desk Study was submitted as part of the original application in 2008, further works were required by both Environmental Health and the Environment Agency, as such the standard contamination condition was recommended. I am not aware that these further investigative and remedial works have been undertaken; as such I recommend that the standard contamination condition be re-applied should this permission be granted.

Environment Agency

Our previous response to this application dated 20 February 2009 set out conditions that would be required for this development. We still require these conditions, I have updated them to reflect changes in policy.

Hertfordshire Biological Records Centre

No comments to date.

Environmental Health

No comments to date.

Ecology Officer

No comments to date.

Herts Fire and Rescue Service

No comments to date.

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Herts and Middlesex Wildlife Trust

No comments to date.

Police Crime Prevention Design Advisor

- A key element of design security is to discourage casual intrusion by restricting access to defined routes and minimising any potential 'through routes'. The current plan shows a number of footpaths at the back of some of the buildings, these must be gated or fenced to provide greater security and enhance many other business benefits.
- The plan also shows easy access onto the site which in my opinion is a serious concern in relation to crime and disorder. The proposed access road could cause a problem unless measures are taken to restrict use. Due to the site being isolated youths may congregate in motor vehicles during the hours of darkness causing anti-social behaviour problems, which includes excessive noise, racing around the site. The area has also been used for fly tipping in the past. A site layout should incorporate an appropriate entrance design and road calming measures which can significantly contribute to crime and disorder.
- Lighting has always been an issue on this site. Security lighting is recommended to all external elevations including door areas. Light sensitive switches, timed and/or programmable switches are all suitable in ensuring the premises are lit during the hours of darkness. This will enhance night-time surveillance of industrial sites.
- I will be looking for the installation of intruder alarm systems at the build stage. Suitable alarm companies must comply with NSI or SSAIB registration. If any assistance is required please let me know.
- I will also be looking for CCTV surveillance systems to be installed throughout the site. Any system should be recorded and monitored from a secure control which could be sited on the development. In view of the low level of lighting I will be looking for infra-red cameras to be installed which will give good coverage in low lighting levels. Over the past few years Hertfordshire Constabulary have had to install temporary police alarms and covert CCTV systems on this site at great public expense.
- The entire site should be enclosed by a minimum 2.0m high security fence especially to the rear. The rear of industrial sites can be particularly vulnerable and are often used by burglars as a mean of access into the main buildings. Planting is a consideration as it will soften the appearance but will also have an effect in security so I will be looking for plants such as Hawthorn and Pyracantha to form part of the boundary treatment.
- Hertfordshire Constabulary fully endorses BS 7950 and BSI PAS 24 for new windows and doors as being the minimum security criteria that we would recommend. I would also recommend the use of 7.5mm laminated glazing to all doors and windows. All vulnerable windows should also be fitted with external shutters to LPS 1175 SR2 standard.
- if there is a need to leave trailers on the site then a secure compound be considered which is lit and covered by CCTV and perhaps manned during the night time period.
- The plans indicate close boarded fencing on the side near to 53/55 Bourne End Lane but no indication of height, could I suggest 1.5 meter timber close boarded topped by 300mm or 600mm or timber trellis so as to give reasonable surveillance of the area between the horse gate and bollard from these houses.

Building Control

No comment to date.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Bourne End Village Association

- We would offer our support and favour approval of the application as it currently stands.

40 Bourne End Lane

- The plans state 11 and 4 parking spaces at the rear of 36 to 42 Bourne End Lane. They do not appear to state where the proposed entrance/exit to those parking spaces are. Please specify.
- If the current turning point is to be taken out, where exactly are vehicles going to be able to turn - given that Bourne End Lane is a no through highway?
- As you are proposing to shorten Bourne End Lane at the turning point, where will residents park? A lot of parking at the Industrial End is already taken up by workers from the Industrial Estate, which prevents residents being able to park at this end - current plans will increase the problem
- Is there any truth to the rumour that 'residents parking permits' are to be introduced if planning goes through?
- Plans state that there is to be a 'keyholder' for proposed gate - which property holder will that be and exactly how will that work?

55 Bourne End Lane

- The turning point being turned into a public park will severely reduce the parking availability currently on the lane. It will also make it virtually impossible for lorries to turn and leave the lane. If the client wants a recreational green for the benefit of its employees they can put it at the other end of the site, as a public area in this location will affect us as residents both on a noise level and be an intrusion of our privacy.
- Is the Council going to accept liability for any future damage or inconvenience caused by flooding to both our residence and garages with the opening up of the Bourne Gutter?
- Concerns about noise and dust levels and asbestos removal

6 Bourne End Cottages

- Further details requested on the development.

Considerations

This measure to extend the time limits of planning permissions was introduced in 2009 and extended in 2012. The change in legislation makes it easier for developers and Local Planning Authorities (LPAs) to keep planning permissions alive for longer during the economic downturn rather than submitting a full application. The procedure allows applicants to apply to their LPA for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period within which to begin development.

LPA's are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date.

In assessing these applications LPA's should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

Policy context

The starting point for consideration of the application remains the Dacorum Borough Local Plan 1991-2011. The plan specifically identifies the site as a Major Developed Site in the

Green Belt (Policy 5). Bourne End Mills is also designated as an Employment Area in the Green Belt (Policy 32).

Since the previous approval, the key national policy changes relate to the replacement of National Planning Policy Statements with the NPPF. The thrust of this guidance remains largely the same as before with respect to the Green Belt with the complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development.

At a local level, the two key changes relate to the production of the Core Strategy, which is now at an advanced stage where the Council is consulting on the main modifications prior to receipt of inspectors report and final adoption, and secondly, the adoption of an SPD on Planning Obligations in 2011.

The Core Strategy follows the current Adopted Plan in relation to the redevelopment in the Green Belt. Policy CS15 states that a minimum supply of land will be identified and retained for B class uses. This includes employment areas in the Green Belt. Policy CS5 permits redevelopment of previously developed sites. It is considered there are no other significant changes in policy or direction to justify objection to the scheme.

The proposals are identical to those previously approved. Local Plan policies have not changed since the original consent in 2009 with the exception of the Planning Obligations SPD. There is no change represented by the emerging Core Strategy. The development is acceptable in principle with the submission of a revised unilateral undertaking to cover the changes given below.

Conditions

The conditions imposed in 2009 are deemed necessary, appropriate and will ensure the development is not adverse. As such they will be reimposed either in the original format (subject to reference to the emerging Core Strategy) or amended as proposed by the Environment Agency.

RECOMMENDATION

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a deed of variation to the planning obligation under s.106 of the Town and Country Planning Act 1990.

2. And subject to following conditions:

- 1 **Approval of all of the details of the proposals with the exception of the means of access thereto (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 5 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- means of enclosure;
- any external lighting;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- structural landscaping for both private and public spaces including the river and balancing pond areas;
- details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
- details of all new hard surfacing materials (including roads, handling areas, car parking areas, paths etc);
- street furniture;
- planting or other physical barriers to prevent informal parking on undesignated areas;
- proposed and existing services above and below ground (e.g. drainage, power, communications cables (including fire hydrants, TV and Internet), pipelines etc, indicating lines, manholes, supports, underground storage tanks etc);
- soft landscape works including planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants and trees (noting species, plant sizes and proposed numbers/densities where appropriate);
- a plan showing landscape amenity areas.

All planting within the river corridor and balancing pond area shall be of a locally native plant species only, of UK genetic origin.

The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following

the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. For the purposes of this condition each separate phase area shall be as approved under Condition 17 below.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 6 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 7 The details to be submitted for the approval in writing of the local planning authority in accordance with Condition 1 above shall include a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.**

Reason: To ensure that the details and appearance of the development are acceptable to the local planning authority, to ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 8 Prior to the start of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies 1, 11 and 124 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS31 of the

Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 9 **The development hereby permitted shall not be occupied until full details of the number, size, layout, identification and location of HGV and car parking spaces, including parking spaces for people with disabilities, shall be submitted to and approved in writing by the local planning authority. The approved parking spaces shall be provided and they shall not be used thereafter for any purpose other than the parking of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 10 **Details submitted in accordance with Condition 1 of this permission shall include detailed proposals for vehicle parking within the site in accordance with standards adopted by the local planning authority.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 11 **No development shall begin until details of the accesses and junction arrangements serving the development shown on approved drawing no. 4488/Sk.31G and other detail drawings have been submitted to and approved in writing by the local planning authority and until the first junction as defined by Condition 17 has been constructed in accordance with the approved details. The remaining development shall be carried out in accordance with the approved details.**

Reason: In the interests of highways safety in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 12 **No part of the development shall begin until details of visibility splays on both sides of all the proposed accesses shall have been submitted to and agreed in writing by the Local Planning Authority. The areas contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.**

Reason: In the interests of highway safety in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 13 **Before demolition works begin all existing vehicular access from Bourne End Lane shall be stopped up and closed.**

Reason: In the interests of the amenity of local residents in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor

Modifications: January 2013).

- 14 **The development shall be used for B1c, B2 and B8 and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: To ensure that the site is used for industry in accordance with the aims of Policy 32 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS15 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 15 **The details to be submitted for approval in writing by the local planning authority in accordance with Condition 1 above shall include details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall be constructed in accordance with the levels that have been approved in writing by the local planning authority.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 16 **Prior to the start of the development hereby permitted a plan showing how the development, including highway works, will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. It shall also show which junction shall be developed prior to works beginning within the site (“the first junction”) to enable access and egress during demolition and construction. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.**

Reason: For the avoidance of doubt and in the interests of the proper planning of the area in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 17 **Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted begins and the buildings are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with the aims of Policies 4 and 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS5 and CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 18 **The premises shall only be occupied between 8am and 10pm on Mondays to Fridays; 8am to 1pm on Saturdays; and not on Sundays , Bank Holidays and Public Holidays unless otherwise agreed by the Local Planning Authority in writing in accordance with the amenity scheme referred to at condition 31 .**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 19 **Demolition work shall not begin until a scheme for protecting the adjacent residential dwellings from noise from the demolition and construction work has been submitted and approved by the local planning authority. The work will proceed in accordance with the approved scheme.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 20 **Notwithstanding any details submitted as part of the planning application, prior to the start of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance and Policy CS29 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 21 **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 begin 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 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 22 **No building on any part of the development hereby permitted shall exceed 10 metres in height to the eaves, with roof pitches not to exceed six degrees.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 23 **The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Odyssey, Revision C and dated December 2008 and the following mitigation measures detailed within the FRA:**

Limiting the surface water run-off generated by the critical 1 in 100 year 20% climate change addition rainfall event , as shown in S 11.2 of the FRA, so that it will not exceed the 'Greenfield' run-off rate of 73.90 litres/sec, as shown in S11.11, from the site and will not increase the risk of flooding off-site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding from/to the existing culvert, to reduce the impact of flooding on the proposed development and future occupants in accordance with the aims of Policy 124 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS31 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 24 **The development hereby permitted shall not be commenced until such time as a detailed scheme for the opening up of the Bourne Gutter has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding from/to the existing culvert, to reduce the impact of flooding on the proposed development and future occupants in accordance with the aims of Policy 124 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS31 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 25 **Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:**
- detail extent and type of new planting within buffer strip of Bourne Gutter

(NB planting to be of native species only).

- **detailed plan to demonstrate that there shall be no light spill from external artificial lighting into the Bourne Gutter watercourse or adjacent buffer strip. The specifications, location and direction of external artificial lights should be such that the lighting levels within the buffer strip are maintained at background levels (Lux level of 0-2).**

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy in accordance with the aims of Policy 103 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 26 **Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme along with the 'Desk Study Report' (Opus, report ref: J-M0005, 15 Sep 2008), to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**
- 1) A site investigation scheme, based on 'Desk Study Report' (Opus, report ref: J-M0005, 15 Sep 2008) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
 - 2) The site investigation results and the detailed risk assessment (1) 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.**
 - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) 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 consent of the local planning authority. The scheme shall be implemented as approved.**

Reason: The site lies on a major aquifer in a Source Protection Zone 3 (SPZ3). The current/previous industrial use of the site means that there is the potential for contamination and the previous site investigation has shown signs of contamination and that further investigation and risk assessment are required. This condition is to ensure the protection of controlled waters from pollution. in accordance with the aims of Policy 103 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 27 **No occupation of any part of the permitted 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: The site lies on a major aquifer in SPZ3. The current/previous industrial use of the site means that there is the potential for contamination. This condition is to ensure the protection of controlled waters from pollution. in accordance with the aims of NPPF paragraphs 109 and 121, Policy 103 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 28 **No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.**

Reason: The site lies on a major aquifer in SPZ3. The current/previous industrial use of the site means that there is the potential for contamination. This condition is to ensure the protection of controlled waters from pollution in accordance with the aims of NPPF paragraphs 109 and 121, Policy 103 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 29 **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: The site lies on a major aquifer in SPZ3. The current/previous industrial use of the site means that there is the potential for contamination. This condition is to ensure the protection of controlled waters from pollution in accordance with the aims of NPPF paragraphs 109 and 121, Policy 103 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 30 **Prior to demolition commencing on the site a CEEQUALS scheme shall be submitted to and approved in writing by the local planning authority**

Reason: to promote improved sustainability in project specification, design and construction in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 31 **No development shall begin until details of a scheme to ensure protection of the amenities for residents from activities occurring outside normal working hours shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with approved details prior to first occupation of any part of the development hereby permitted and shall operate in accordance with the approved details thereafter unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 32 **Prior to the commencement of development a report detailing the Crime Prevention Measures that will be incorporated into the development must be submitted to and approved by the Local Planning Authority in conjunction with the Hertfordshire Constabulary.**

Reason: To design out crime in accordance with PPS1 'Delivering Sustainable Development' in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

- 33 **No demolition shall begin until a survey of bats, breeding birds and badgers present on the site and a method statement for minimising impact of the proposals upon them including the incorporation of biodiversity opportunities has been submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved statement.**

Reason: In the interests of nature conservation in accordance with the aims of Policy 104 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the Dacorum Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

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

**Red line plan
Existing site plan
4488/Sk.31G**

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 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 outline proposal accords with Local Plan Policies 11 and 32. Significant trees and hedgerows would not be prejudiced. The proposals would not adversely affect the amenity of adjoining neighbours. Sufficient parking is provided on the site. The proposals therefore comply with the aims of Policies 11 and 32 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 1, 4, 5, 10, 11, 12, 13, 29, 30, 32, 37, 57, 58, 61, 62, 96, 100, 107, 111, 122, 124 and 129

Appendices 1, 2, 4, 5, 6 and 8

Supplementary Planning Guidance

Environmental Guidelines sections 2, 3, 4, 10 and 12

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policy CS5, CS8, CS9, CS12, CS15, CS25, CS26, CS29, CS31, CS32 and CS35.

NOTE 3:

Article 31 Statement

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the Borough.

INFORMATIVES:

1 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>

The desktop study has not fully covered all areas of potential contamination. The following should be considered as part of the further works:

All existing drainage and pipes may serve as a potential source and/or pathway.

It should be established whether the site has any records of underground storage tanks.

2 The applicant must ensure that contractors responsible for demolition and construction work ensure that all reasonable steps are taken to reduce noise and dust emissions from the site. Reference should be given to the Council's guide to 'Minimising Environmental Impacts from Building and Demolitions'.

3 Diversion/realignment of a watercourse requires the prior written approval of the Hertfordshire County Council.

4 Under the terms of the Water Resources Act 1991 as amended by the Water Act 2003, an abstraction licence will normally be required from the Environment Agency for the abstraction (removal) of water (even temporarily) from any inland waters (rivers, streams, ditches, lakes, etc.) or underground strata (e.g. from a well, borehole or catch pit). The granting of a licence will be dependent on the availability of water resources locally and on the acceptability of any resulting impact on the environment and existing protected rights.

5 Planning permission, if granted, does not absolve the applicants from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the *Circular 06/2005*.

6 To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the Mid-West Highways Area Office (01707 816000) to obtain their permission and requirements.

7 The maximum height of the buildings conditioned above does not apply to all buildings. The applicants should remain cognoscente of the requirements of Policy 5 when submitting reserved matters.