
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

12 JANUARY 2012

Present

MEMBERS:

Councillor Lloyd (Chairman); Councillors Adshead, Mrs Bassadone, Clark, Guest, R Hollinghurst Lawson, Macdonald, McKay, Reay, Sutton and C Wyatt-Lowe.

Councillors Conway, Laws and Townsend also attended

OFFICERS:

P Newton, R Freeman, J Reid, J Henderson, C Watson, B Lisgarten, P Bowles.

The meeting began at 7.00 pm

109. INTRODUCTIONS

Councillor Lloyd (Chairman) introduced himself and the officers present and went through the fire safety procedure. Councillor Lloyd asked Members to remember to declare any personal or prejudicial interests at the beginning of the relevant planning application. He also reminded the members and public about the rules regarding public participation.

110. MINUTES

The minutes of the meeting held on 15 December 2011 were confirmed by the Members present and were then signed by the Chairman

111. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Whitman.

Councillor Mrs Bassadone substituted for Councillor Whitman.

112. PLANNING APPLICATIONS

The Committee considered applications for planning permission as set out below and reached the decisions therein.

**113. PLAN NO. 4/02008/11/FUL - ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF FIVE NEW DWELLINGS (AMENDED SCHEME)
THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA
APPLICANT: BLACK LAB DEVELOPMENTS LTD**

David Marston, a local resident, made a statement of objection to the application.

Mr Harris, the applicant, made a statement in support of the application.

Councillor Laws, in her capacity as Ward Councillor, made a statement of objection to the application.

It was proposed by Councillor Reay and seconded by Councillor Macdonald to refuse the application contrary to the officer's recommendation for the reasons set out below.

Voting:

7 for, 4 against and 1 abstention

whereupon it was:

Resolved:

That planning permission be refused for the reason as set out below.

The application site is located within the Berkhamsted Conservation Area. Within this area new development is expected to preserve or enhance the character of the area. The proposed development, by reason of its size, scale and bulk, would fail to maintain the balance between built development on the site and open space and gardens. It would thus result in significant harm to the setting of the Grey House, its heritage value and the wider character and appearance of the Berkhamsted Conservation Area. The proposal is therefore contrary to the aims and objectives of PPS 5, Policies 11 and 120 and Appendices 3 and 7 of the Dacorum Borough Local Plan 1991-2011 and the Berkhamsted Conservation Area Character Appraisal and Policy Statement and Environmental Guidelines which are Supplementary Planning Guidance to the Local Plan.

**114 PLAN NO. 4/01352/11/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF TWENTY SIX DWELLINGS WITH ASSOCIATED GARAGE/PARKING/CYCLE SPACES, FOUR BUSINESS UNITS, LANDSCAPING AND RESIDENTS ALLOTMENTS.
FORMER EGG PACKING FACILITY, LUKES LANE, GUBBLECOTE, TRING, HP23 4QH.
APPLICANT: TRUSTEES OF THE DEAN FAMILY.**

Councillor Guest declared a personal interest in the application. The architect is known to her. Councillor Guest reserved her right to speak and vote on the application.

Dr Jonathan Passmore, a local resident, made a statement of objection to the application.

David Kirkland, the applicants' agent, made a statement in support of the application.

Councillor Townsend, in his capacity as Ward Councillor, made a statement and asked for

amendments to the s.106 planning obligation.

Councillor Conway, in her capacity as Ward Councillor, made a statement in support of the application.

Summary

The application is recommended for approval.

The site is situated to the north of Lukes Lane and encompasses the former Lukes Farm Egg Packing plant, a large brownfield site within the rural area of Gubblecote,Tring. The redevelopment of this site which has been previously used for industrial purposes constitutes inappropriate development, however, it is considered that special circumstances exist to justify a departure from Dacorum Local Plan rural area restraint policies.

The existing site currently accommodates an array of unattractive, utilitarian, metal clad industrial buildings set within a large area of concrete hardstanding although partly screened the sites detracts from the quality and character of the area. The proposal will remove these unattractive structures and replace them with a more domestic scaled high quality residential development with improved landscaping and the provision of attractive open land areas. The development will be more in keeping with the surrounding residential development and will significantly enhance the overall appearance of the area.

In addition to the visual enhancements the scheme will offer other benefits namely significant reductions/improvements to the overall quantum of building on the site and openness of the area, provision of small employment uses on site, provision of 9 units of affordable housing, removing an industrial use which could cause significant highway difficulties on the surrounding road network and the provision of financial contributions towards local school improvements and sustainable transport measures.

It is considered the above matters provide the special circumstances to justify development in this area of development restraint.

It was proposed by Councillor Lawson and seconded by Councillor Sutton to grant the application for the reasons set out above and subject to the following conditions.

Voting:

11 for and 1 abstention;

whereupon it was:

Resolved

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 planning obligation under s.106 of the Town and Country Planning Act 1990.

2. That the following Heads of Terms for the planning obligation, be agreed:

- Primary Education - £81, 078
- Secondary Education – £68,589
- Youth Facilities - £1,284
- Libraries - £4,600
- Sustainable Transport - £34,250
- 9 Units of Affordable Housing comprising 7 units of Affordable Rent and 2 Units for Shared Ownership

- Fire Hydrant Provision

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 **Prior to the start of works of any development hereby permitted a plan showing how the development will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show the phasing of the residential units and B1 units and provide details of anticipated start and completion dates prior to the occupation of any part of each relevant phase of development. The development shall then be carried out in accordance with the approved phasing details.**

Reason: For the avoidance of doubt and in the interests of the proper planning of the area. The provision of b1 units forms special circumstances for the acceptance of the scheme and it is necessary to ensure that the b1 units are phased and implemented in tandem with the residential units.

- 3 **No part of the 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. These details shall include materials for all brick work and cladding, roof surfaces, external doors, windows, rainwater goods, flues and boundary walls. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the adjacent Area in accordance with Policies 11 of the Dacorum Borough Local Plan.

- 4 **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

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

- 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:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with

plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

- trees to be retained and measures for their protection during construction works;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- siting and details of street lighting

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

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

- 6 **No development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 7 **The development hereby permitted shall not be occupied until full details of how the development meets the requirements of Code for Sustainable Homes Level 3 for units A/B/C, Level 4 for units D/F/G/H/J/K/LM and Code 5 for units E/P/R/S.**

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.

- 8 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E, F
Part 2 Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality. The scheme has been found acceptable due to special circumstances put forward which included reducing the quantum of development on the site and improving the visual quality of the site including planned open spaces, car parking and design of the buildings. The scheme has also been designed to a high level of sustainability by siting, layout and design of the buildings. Extensions or alterations to the scheme under permitted development by result in poor quality additions or alterations which would impact on the openness and character of the site and may

reduce the scheme high level of sustainability.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages and carports hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety and to ensure a satisfactory parking provision in compliance with Policy 11 of the Dacorum Borough Local Plan.

- 10 **No development shall take place until 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 shall have been submitted to and approved in writing by the local planning authority. The building(s) shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

- 11 **Construction of the development hereby approved shall not commence until details of construction management plan and construction access arrangements are submitted to and approved.**

Reason: To ensure the impact of construction vehicles on the local road network is minimised in accordance with policy 51 of the local plan.

Informative

During the construction phase of your development you should be mindful of the impact you have on the neighbours surrounding the site. Environmental Health has produced a guide; Minimising Environmental Impacts from Building and Demolitions. There shall be no burning of waste on site.

Construction sites working within the district are required to work regulated hours imposed by Dacorum Borough Council. These hours are:

Monday to Saturday - 07.30 to 18.30
Sunday and Bank Holiday - No noisy activities.

- 12 **Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with the principles in the Flood Risk Assessment (FRA) produced by Abington consultants dated 7 November 2011. The scheme shall subsequently be implemented in accordance with the approved details.**

The scheme shall include the following:

- Soakage tests to determine the suitability of infiltration devices as stated in section 8.4 of the FRA produced by Abington consultants dated 7 Nov 2011.
- Runoff rates to be limited to no greater than 40.4 litres per second.
- The scheme should show how it will utilise above ground attenuation such as ponds and swales as shown on drawing 11026/102 included in appendix

1 of the FRA produced by Abington consultants dated 7 November 2011.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with policy 107 of the local plan.

Informative

a) The Environment Agency reviewed the Applied Geotechnical Engineering Preliminary Investigation and Risk Assessment for Dean's Farm, Lukes Lane, Gubblecote dated October 2008 and are satisfied that part 1 of this condition has been fulfilled.

b) The site is situated over Head Deposits (unproductive stratum) and the solid geology under this is the West Melbury Marly Chalk (Principal Aquifer) over the Upper Greensand (Principal Aquifer). The groundwater in these Principal aquifers needs to be protected, therefore we need to ensure that no pathways have been created that link any surface contamination with the Chalk. We also need to ensure that no new pathways are created by the proposed development. The potentially contaminative activities of the Egg Packing Station (mechanised equipment; vehicle movements, refuelling and repairs) are addressed in the Investigation and Risk Assessment. The Chalk and Upper Greensand have possibly been protected by the presence of the Head deposits, however what has not been addressed in the report is the potential for underground fuel tanks to have been sited on top of the Chalk.

If the site investigation reveals significant contamination in soils and made ground and pathways for contamination to have migrated vertically, then we may ask for groundwater monitoring to be carried out.

- 14 **Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority.**

Reason: To protect ground and surface waters in accordance with policy 107 of the local plan.

- 15 **The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water (that should ensure that no soakaways are constructed in contaminated land) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**

Reasons: To protect ground and surface waters.

- 16 **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.

Reason: To protect ground and surface waters by ensuring that no preferential pathways are formed for contaminants to migrate into the aquifers under this site.

- 17 **Within 1 month of the new accesses being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by removing the existing bell mouth and reinstating the verge and highway boundary to the same line, level and detail as the highway verge and highway boundary.**

Reason: To avoid danger and inconvenience to highway users in compliance with Policy 11 of the DBLP.

- 18 **Before the first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans.**

Reason: To avoid danger and inconvenience to highway users in compliance with Policy 11 of the DBLP.

- 19 **Pedestrian visibility splays shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety and in accordance with policy 51 of the local plan.

- 20 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety in compliance with Policy 11 of the DBLP.

- 21 **The 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:

1. a survey of the extent, scale and nature of contamination;
2. an assessment of the potential risks to:
 - a) human health,
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c) adjoining land,
 - d) groundwaters and surface waters,
 - e) ecological systems,
 - f) archeological sites and ancient monuments;
3. 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).

Furthermore, if during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: 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 and to ensure that any contamination that is not identified during site investigation is dealt with appropriately in accordance with Policies 11 and 124 of the Dacorum Borough Local Plan.

- 22 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority.**

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.

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

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.

- 23 **No demolition shall commence until a full bat survey and mitigation strategy has been submitted to, and approved in writing by the local planning authority. Details of any subsequent measures of mitigation outlined in the strategy shall be submitted and approved in writing by the local planning authority and implemented in accordance with the details outlined in the phasing plan as required by condition 2.**

Reason: In the interests of biodiversity and in accordance policy 102 of the local plan.

24. Prior to the commencement of development, details and siting of bird boxes shall be submitted and approved in writing by the local planning authority and implemented in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance policy 102 of the local plan.

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

PLD 001 rev A
PLD 002 rev B
PLD 003 rev A
PLD 004 rev A
PLD 005 rev A
PLD 006 rev B
PLD 007 rev B
PLD 008 rev A
PLD 009 rev B
PLD 010 rev A
11320 2 rev 2
1635-11-02 Rev C
PL MP 001 rev P2
PL MP 002 rev P2
PLMP 003 rev P2
PLMP 007
PL MP 006 rev P2
11026/101

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

Informatives:

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. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum

pressure in the design of the proposed development.

Secure by Design

In order for the development to achieve Secured by Design I will be looking for a completed application form which can be found on the SBD website www.securedbydesign.com and if the link to Professionals then to Guides & Publications, then to Design Guides there is a link to the Application Form which should be completed and sent to me at the address below.

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 and the Draft Core Strategy set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is situated to the north of Lukes Lane and encompasses the former Lukes Farm Egg Packing plant, a large brownfield site within the rural area of Gubblecote, Tring. The redevelopment of this site which has been previously used for industrial purposes constitutes inappropriate development, however, it is considered that special circumstances exist to justify a departure from Dacorum Local Plan rural area restraint policies.

The existing site currently accommodates an array of unattractive, utilitarian, metal clad industrial buildings set within a large area of concrete hardstanding although partly screened the sites detracts from the quality and character of the area. The proposal will remove these unattractive structures and replace them with a more domestic scaled high quality residential development with improved landscaping and the provision of attractive open land areas. The development will be more in keeping with the surrounding residential development and will significantly enhance the overall appearance of the area.

In addition to the visual enhancements the scheme will offer other benefits namely significant reductions/improvements to the overall quantum of building on the site and openness of the area, provision of small employment uses on site, provision of 9 units of affordable housing, removing an industrial use which could cause significant highway difficulties on the surrounding road network and the provision of financial contributions towards local school improvements and sustainable transport measures.

It is considered the above matters provide the special circumstances to justify development in this area of development restraint.

NOTE 2:

The following policies of the development plan and Draft Core Strategy are relevant to this decision:

National Policy Guidance

Draft National Planning Policy Framework

PPS1, PPS3, PPS7, PPS25
Circular 11/95,

East of England Plan

Policies H2, ENV7

Dacorum Borough Local Plan

Policies 1, 7, 11, 10, 11, 13, 16, 18, 20, 21, 20, 25, 33, 51, 58, 59, 99, 107, 122,123 and 124

Appendices 1, 3, 4, 5, 6,

Core Strategy Sept 2011

CS1, CS7, CS9, CS10, CS11, CS17, CS18, CS19, CS20,CS25, CS29, CS31 and CS35

- 115 PLAN NO. 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**

Councillor C Wyatt-Lowe declared a personal interest in the application as Ward Councillor for Woodhall Farm. She did not visit the site or express a view with local residents. Councillor C Wyatt-Lowe reserved her right to speak and vote on the application.

Jeff Wilson, the applicants' agent, made a statement in support of the application.

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.

It was proposed by Councillor Adshead and seconded by Councillor Sutton to grant the application for the reasons set out above and subject to the following conditions.

Voting:

8 for, 3 against and 1 abstention;

whereupon it was:

Resolved

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 **Notwithstanding B8 of the Use Classes Order 1987 (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall not be used other than for HGV and vehicle parking serving a HGV and skip hire business with the storage of empty skips, repair and maintenance of skips and vehicles used for the transfer of skips and the provision of offices ancillary to these functions.**

Reason: In the interest of the surrounding environment.

- 4 **The development hereby approved shall not be used for the storage of waste or as a waste transfer station for the tipping and sorting of rubbish.**

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

- 5 **Notwithstanding the details submitted as part of this application, prior to the development taking place a Noise Impact Assessment and Management Plan shall 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 manoeuvring, 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, height of storage areas and expected ancillary uses) for the operation of the site to ensure that the proposed mitigation measures are effective and the impact of the development is controlled. The development shall be carried out in accordance with the approved details.**

Reason:In the interests of the visual and residential amenity of the neighbouring properties.

- 6 **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.

- 7 **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>

- 8 **No development shall take place until full details of crime prevention measures have been submitted to and approved in writing by the local planning authority. These shall include details of vehicle access control from Eastman Way. The development shall be carried out in accordance with the approved details.**

Reason: In the interests of site security and crime prevention.

- 9 **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.

116. APPEALS

Noted the following reports:

1. Appeals Lodged;
2. Forthcoming Inquires and Hearings
3. Decisions on Appeals

The meeting ended at 9.20 pm