

4/01922/19/MFA	COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 21,726 SQM OF FLEXIBLE FLOORSPACE WITHIN USE CLASSES B1C/B2/B8 & ANCILLARY OFFICES, WITH CAR & CYCLING PARKING, ACCESS & LANDSCAPING.
Site Address	LAND AT MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 4NW
Applicant	Prologis UK Ltd
Case Officer	Robert Freeman
Referral Committee	to The proposal constitutes a large-scale major application and as such is excluded from consideration at an officer level in accordance with the Scheme of Delegation.

1. Recommendation

1.1 That planning permission be **DELEGATED** with a **VIEW to APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. Summary

2.1 The proposed development would regenerate an important site in the Maylands Employment Area and Maylands Gateway for employment purposes supporting the objectives of Policies CS4, CS14 and CS15 of the Core Strategy. It could lead to the generation of up to 600 jobs for the Borough supporting sustainable economic growth.

2.2 The design of the proposed building and its associated visual impact is acceptable in accordance with Policies CS12 and CS13 of the Core Strategy. Any associate negative environmental impacts (traffic, noise, loss of landscaping and to air quality) are likely to be negligible and/or outweighed by improvements to the surrounding landscape

3. Site Description

3.1 The application site comprises 4.83 hectares of land forming part of the former Lucas Aerospace site. It is located on the corner of Maylands Avenue and Breakspear Way within the urban area of Hemel Hempstead and the Maylands Avenue General Employment Area. The site features a large frontage to Maylands Avenue and is a prominent location as a gateway into Hemel Hempstead from the M1 motorway and from St Albans.

3.2 To the north, the site is bounded by an existing single storey McDonalds (A3/A5 use) and Costa Coffee (A1/A3 use) as well as the two storey Nuffield Fitness and Wellbeing Gym on the People Building Estate.

4. Proposal

4.1 The application proposals comprise the comprehensive redevelopment of the site to provide 21,726 sq.m of flexible B (office and employment) class floorspace and ancillary offices, together with car and cycle parking, access and landscaping. Prologis, the applicants, mainly provide customers with modern distribution space that is designed and built to a high standard of sustainability.

4.2 The site would be accessed from Blossom Way, a new private estate road through the development to the east of the site and would effectively be an extension to the Prologis development at Maylands Gateway. This access connects to the wider public highway network via Buncefield Lane. A pedestrian and cycle access would be provided from Maylands Avenue adjacent to the entrance to the property. The entrance to the building would be demarcated by a three storey office element on the south western corner of the building with a dedicated loading and service yard to the rear of the building. Staff parking will be provided along the Maylands Avenue frontage.

5. Relevant Planning History

The McDonalds and Costa Coffee were provided under planning permission 4/03157/16/MFA as part of a larger retail, restaurant/cafe and office (2787 sq.m) development on the former Lucas Aerospace site and extending to the north of the site. Due to changes in the retail market, the remainder of retail and office floorspace subject to this permission is unlikely to be implemented. The application proposals seek to replace the extant permission.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

NP1 - Supporting Development
CS1 – Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 - Management of Roads
CS12 – Quality of Site Design
CS13 – Quality of Public Realm
CS 14 – Economic Development
CS15 – Offices, Research, Industry, Storage and Distribution
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS28 – Carbon Emissions Reductions
CS29 – Sustainable Design and Construction
CS30 – Sustainable Off-setting
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Hemel Hempstead Place Strategy
CS34 – Maylands Business Park
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 12 – Infrastructure Provision and Phasing
Policy 13 – Planning Conditions and Planning Obligations

Policy 31 – General Employment Areas
Policy 37 – Environmental Improvements
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 60 – Lorry Parking
Policy 99 – Protection of Trees and Woodland
Policy 100 – Tree and Woodland Planting
Policy 118 – Important Archaeological Remains
Appendix 1 – Sustainability Checklist
Appendix 4 – Layout and Design of Employment Areas
Appendix 5 – Parking Provision

6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Area Based Policies (May 2004)
- Energy Efficiency & Conservation (June 2006)
- Environmental Guidelines (May 2004)
- Maylands Masterplan (September 2007)
- Water Conservation & Sustainable Drainage (June 2005)

6.5 Advice Notes

- Refuse Storage Guidance Notes (February 2015)
- Sustainable Development Advice Note (March 2011)

7. Representations

Consultation responses

7.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

7.2 There have been no comments from neighbouring parties to the application site.

8. Considerations

Policy and Principle

8.1 The site is located within the Maylands General Employment Area and is identified in the Maylands Masterplan as part of the Maylands Gateway site.

8.2 The growth and regeneration of the Maylands Business Park is a core element of the Council's employment strategy as set out in Policies CS1, CS4, CS15 and CS34 of the Core Strategy. Policy CS4 encourages appropriate employment generating development in general employment areas with Policy CS14 identifying Maylands as a focus for economic development uses. The Maylands Masterplan has the desire for 'employment led redevelopment which provides a high quality environment in which to invest, do business and work'

8.3 Policy CS15 sets out that the Borough is managing employment lands with a view to providing around 131,000 square metres of additional office space between 2006 and 2031 and to avoid any net loss in floor space for industry, storage and distribution purposes.

8.4 Policy CS34 explicitly states that new development within the Maylands Gateway should secure complementary employment uses in an open land setting including HQ offices, conference facilities and a hotel and other development according with the high status and green character of the gateway. These developments will be served by a new access road (Blossom Way) and will incorporate enhancements to open land in the locality.

8.5 The application seeks to provide 21,726 square metres towards the target for employment space and provide for flexible employment space for a range of potential occupants. This could contribute up to 600 jobs in the locality. Although the proposed development does not provide a high quality office HQ, it does provide a high quality B Class development in line with the aspirations for the Maylands Gateway.

8.6 The scheme would support the wider economic aspirations in the Core Strategy and Maylands Masterplan and in particular the desire to have a high quality employment use in an open land setting. This would also deliver comparable economic benefits to the extant retail scheme on this site. Such matters weigh heavily in favour of the grant of planning permission.

Layout, Design and Scale

8.7 Planning permission is sought for a single unit with a gross internal floor area of some 21,726 square metres addressing a strong demand for the scale of the unit by nationwide operators. This building extends to an external ridge height of 18m to achieve a total volume needed to accommodate modern storage requirements, high bay racking and mezzanine storage systems. An ancillary office space is provided at the south western corner of the building to support distribution and industrial functions of the operation.

8.8 The layout of the site has been developed in consultation with officers to utilise and extend access from Blossom Way and the adjacent Prologis development of the Maylands Gateway. This minimises the highways impact on Maylands Avenue in accordance with the Maylands Masterplan and allows for the segregation of service vehicles from other users. The service yard is located to the rear of the property and screened from the more sensitive and prominent Maylands Avenue and Breakspear Way frontages. A high quality office building projects and wraps around the south western corner of the building demarcating the entrance to the building and providing a visual focus at this important road junction. An extensive canopy, glazing and contrast in cladding provide visual interest.

8.9 The site is in a prominent location and this is exacerbated by a significant change in levels between the proposed building and Breakspear Way. The proposed office building sits on a plinth of gabion walls at the junction of Breakspear Way and Maylands Avenue, above the SuD and soft landscaped setting. The proposed building is a significant structure in terms of its scale, bulk and mass and is unapologetic in its industrial appearance and form.

8.10 The overall appearance of the scheme is however considered acceptable in accordance with Policies CS12 and CS13 of the Core Strategy.

8.11 The materials to be used in the proposals match those used on the adjacent Prologis site providing some visual connection and continuity. Whilst significant attempts have been made by the architects to reduce the bulk and mass of the property through the use of cladding, the material palettes of grey cladding with green accents and through the siting of ancillary office space and glazed areas. The profiled cladding to the building has been broken into bays to reflect the structure behind and provide visual relief and the profile of metal sheeting will also change altering the texture of the building. The southern and western warehouse elevations seen from Breakspear Way and Maylands Avenue are the most prominent and as such cladding panels are also punctuated by opaque light features. In contrast, the office building will be clad in a darker grey and accommodate full height glazing. A bespoke mesh panel will sit to the front of the glazing to provide shading.

Impact on Trees, Landscaping and Ecology

8.12 The application is accompanied by a detailed Landscape Design Statement, Tree Protection and Tree Survey Plans. It is also accompanied by appraisals of the sites ecology.

8.13 The nature of the proposed development is such that the bulk of the landscaping within the site is to be removed and replaced/supplemented. The retention of trees is limited to those areas close to and along the site boundaries as set out within the tree protection plan. This will result in the removal of some good trees within the site contrary to Policy CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan.

8.14 New soft landscaping opportunities are limited to along the Maylands Avenue and Breakspear Way frontages with a focus around the SuD at the south western corner of the site. A significant number of new trees will be introduced with a high proportion of the planting being native including tree, thicket and hedgerow and wildflower/species rich grassland to extend and integrate with the surrounding landscape and species distribution into the site. Ornamental species are included around the building envelope, within prominent locations throughout car park areas and adjacent footpaths to provide visual interest and amenity.

8.15 A planting zone of between 5m and 7m is provided along the western boundary (Maylands Avenue) with a formal avenue of trees softening the elevation of the building whilst complimenting existing street trees. The main focus of landscaping as you move along Breakspear Way has been to soften the elevation and maximise screening potential of the service yard. The landscaping zone along this frontage ranges between 5m and 11m in width with a pallet of mixed woodland species including semi-mature trees to be planted. This will, in time, establish a dense woodland area adjacent to Breakspear Way with substantial environmental benefits in accordance with Policies CS12, CS26, CS28 and CS29 of the Core Strategy and Saved Policy 100 of the Local Plan.

8.16 The Ecological Appraisal submitted with the application demonstrating that the site is of low overall ecological importance. The development will create a number of opportunities to increase biodiversity through the creation of new aquatic habitats, new

foraging and nesting opportunities for birds within soft landscaping areas. This would be supportive of the objectives of Policy CS26 of the Core Strategy.

8.17 Overall the scheme is considered to result in a positive impact upon the landscaping and ecology of the site.

Impact on Highway Safety

8.18 The proposed development would have vehicular access from Blossoms Way through the wider Maylands Gateway site in accordance with the access and movement strategy set out in Policy CS34 of the Core Strategy and incorporated in the Maylands Masterplan. Vehicular traffic to the site would then be segregated at its entrance with HGV's entering a designated service yard to the rear of the property and other vehicles directed to the landscaped car parking areas adjacent to Maylands Avenue. A separate pedestrian access would be provided to the south of the car parking providing a pedestrian link from Maylands Avenue to the entrance to the building in addition to the northern pedestrian and cycle link connecting Blossom Way with Maylands Avenue.

8.19 The proposed access arrangements for the development have been examined by the County Council as highway authority and their professional advice on the impact of development on the highway network is noted. This concludes that there would be no significant negative impact on the surrounding highway network or matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and in accordance with Saved Policies 51, 54 and 58 and Appendix 5 of the Local Plan 1991-2011. Indeed the analysis of the transport implications of development indicate that the impact will be far less than the extant planning permission for retail use of the site even before any travel plan for the site is fully implemented.

8.20 A total of 275 parking spaces would be provided for the scheme with 38 lorry parking bays provided in the service yard. The level of private car parking would represent a nominal shortfall of some 9 spaces against the maximum parking standards (1 space per 75 square metres) in Appendix 5 of the Local Plan 1991-2011 for the development of this scale. This is considered to be sufficient given that the site would be located adjacent a number of key bus routes and in close proximity to bus stops on Maylands Avenue. It is noted that a green travel plan will be implemented with the objective of publicising alternative means of access to the site other than by private vehicle and this over time should reduce demand on the car parking area. For these reasons, the level of parking is considered acceptable in accordance with Policies CS8 and CS12 of the Core Strategy and under Policies 51 and 58 and Appendix 5 of the Local Plan.

8.21 Further clarification has been sought as to the availability of electric charging points or infrastructure for electric vehicles within the car parking area.

8.22 The service area is considered to be acceptable in terms of its design, layout and circulation space allowing for a range of HGV or larger vehicles to manoeuvre within the site. This will also be utilised for the collection of refuse and commercial waste.

Noise and Air Quality

8.23 The site has been subject to a detailed noise and vibration assessment to indicate whether the proposals would be harmful to the residential amenities of a number of surrounding residential areas including Hales Park to the north east, Barleycroft to the

south and residential areas to the west of Maylands Avenue. These range from between 100m and 150m from the site and are divorced from the application site by major highways in the case of Maylands Avenue and the A414.

8.24 The results of the noise assessment indicate that the operation of the development will not give rise to any adverse impact in accordance with BS 4142:2014 and in terms of noise effects will be barely perceptible at noise receptors at or below the lowest observed adverse effect level (LOAEL) As such there would be no grounds for objecting to the proposed development based on predicted noise levels and any impact on neighbouring property.

8.25 The application is also unlikely to have any significant impact upon air quality in the vicinity of the application site in accordance with Policy CS32 of the Core Strategy.

Drainage and Flooding

8.26 An acceptable drainage strategy has been developed in consultation with the Environment Agency and the Lead Local Flood Agency. This should be subject to conditions as set out in the relevant responses in Appendix A.

Archaeology

8.27 The site is located in an area of archaeological significance, No.38, which incorporates a Romano-British temple complex alongside evidence of Prehistoric and Roman occupation of the area of land at the eastern edge of Hemel Hempstead. As such the development should be considered as having potential to affect heritage assets in the form of any in situ archaeological remains. The proposals have been assessed in relation to Policy CS27 of the Core Strategy and under Saved Policy 118 of the Local Plan. An archaeological desk based study was submitted with the application. The County Archaeology Unit has considered this study and indicated that a number of conditions should be imposed in the interest of safeguarding or recording archaeological remains.

Sustainable Construction

8.28 A detailed sustainability statement has been submitted with the application explaining how Prologis buildings are constructed to the highest sustainability design standards and have features that minimise the energy and water consumption in line with the corporate objectives of Prologis UK Ltd. Buildings are designed to achieve a BREEAM rating of very good as a certified and verified standard of environmental sustainability in the built environment. The Prologis approach to reducing carbon follows the energy hierarchy embodied in Policies CS28, CS29, CS31 and CS32 and illustrated at Figure 16 of the Core Strategy (Be Lean, Be Clean, Be Green)

8.29 Be Lean – The building fabric is highly efficient reducing the demand for energy and therefore carbon emissions. Some 15% of the roof space would be covered in roof lights providing natural lighting within the building whilst the thermal efficiency of the building will be enhanced through high performing materials. Any artificial lighting will be minimised and energy efficient fittings will be utilised throughout.

8.30 Be Clean - The applicants also intend to install highly efficient heating and a building energy management system

8.31 Be Green – At this stage the applicants will be installing a solar thermal hot water system to provide hot water to the property. This could be supplemented with solar photovoltaic panels subject to end users requirements.

8.32 The approach to sustainable construction is considered to be acceptable under Policies CS28, CS29, CS31 and CS32 of the Core Strategy.

Community Infrastructure Levy and CIL

8.33 All developments are expected to contribute towards the infrastructure needs arising as a result of development in accordance with Policy CS35 of the Core Strategy. Such contributions would normally be secured as a result of charges under the Community Infrastructure Levy (CIL) The Council's Charging Schedule does not incorporate any charges for commercial or industrial floorspace and as such no CIL would be levied as a result of this development. The development is however expected to contribute towards the wider objectives of improving the public realm, access and movement within the Maylands General Employment Area in accordance with the Maylands Urban Realm Improvement project and specification. Detailed costs are provided within the document and in relation to a number of items required adjacent to the site. Some of these have been secured as a result of the partial implementation of the extant permission on the site. The remaining cost of works would be some £83,492.30 and this should be secured via a legal agreement to ensure a satisfactory appearance to the public realm around the application site and a high quality development under Policies CS12 and CS13 of the Core Strategy.

9. Conclusions

9.1 The proposed development would regenerate an important site in the Maylands Employment Area and Maylands Gateway for employment purposes supporting the objectives of Policies CS4, CS14 and CS15 of the Core Strategy. It could lead to the generation of up to 600 jobs for the Borough supporting sustainable economic growth.

9.2 The design of the proposed building and its associated visual impact is acceptable in accordance with Policies CS12 and CS13 of the Core Strategy. Any associate negative environmental impacts (traffic, noise, loss of landscaping and to air quality) are likely to be negligible and/or outweighed by improvements to the surrounding landscape

10. RECOMMENDATION

- a) That the application be **DELEGATED with a VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- b) That the legal agreement seeks to secure a contribution of £83,492.30 towards works under the Maylands Urban Realm Improvement programme

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 **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 have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS12 and CS13 of the Core Strategy

- 3 **Prior to the occupation of the development hereby approved, a noise control scheme shall be submitted for the approval of the Local Planning Authority. The assessment shall identify the sources of any noise from industrial activity and plan associated with the development and measure to be made for its control. The approved mitigation shall be implemented in accordance with the approved scheme and shall thereafter retained.**

Reason: To ensure the noise control scheme remains relevant to the occupation of the site, it should outline any schedules for repair, maintenance and servicing of fixed plant or equipment. It should also contain a provision for review and revision of the noise control scheme, examples may include noise complaints, changes in the nature of site operations or hours of operation

INFORMATIVE

The noise control scheme should by way of assessment determine the likely noise impact on nearby sensitive receptors from the development and where required detailed measures to control it. Where guidance is available the assessment should have regard to this, for example the assessment of commercial/industrial noise shall consider BS 4142: 2014. or any other equivalent standards.

- 4 **No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**
- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

Reason: The construction traffic associated with the construction of this development needs to be accommodated appropriately on the site and highway network prior to issues arising during the construction of the scheme in the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

- 5 The trees shown for retention on the approved Drawing No. and 1936-19-02 Revision B (Tree Protection) shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

Reason: In order to ensure that damage does not occur to the trees during building operations.

- 6 All hard and soft landscape works shall be carried out in accordance with drawings 1936-19-03 Revision D 09 (Landscape Concept Plan) and 1936-19-04 Revision D (Landscape Section Plan) The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS13 of the Core Strategy and Saved Policies 99 and 100 of the Local Plan.

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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 in accordance with Policies CS12 and CS13 of the Core Strategy.

- 8 The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. 31161-PL-101A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54, 58 and Appendix 5 of the Local Plan 1991-2011

- 9 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment prepared by RPS Group Plc dated July 2019 and Drainage Design Philosophy prepared by RPS Group PLC dated March 2019 and the following mitigation measures;**

- 1. Limiting the surface water run-off rates to maximum of 5l/s for Phase 2 into the wider system for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising a detention basin and below ground tanks.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with Policies CS28 and CS31 of the Core Strategy.

- 10 No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flood Risk Assessment prepared by RPS Group Plc dated July 2019 and Drainage Design Philosophy prepared by RPS Group PLC dated March 2019 The scheme shall also include;**

- 1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.**
- 2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving, swales etc.**
- 3. Silt traps for protection for any residual tanked elements.**
- 4. Final detailed management plan to include arrangements for adoption**

and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: Further information is required in advance of development in order to ensure that appropriate drainage works are constructed expediently and to ensure that the appropriate disposal of surface water in accordance with Policy CS31 of the Core Strategy.

- 11 **No development shall take place area until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.**

The development shall be carried out fully in accordance with the approved scheme of investigation.

Reason: All development works have the potential to disturb on site archaeology and as such it is important that such matters are considered in advance of the commencement of development. This should ensure that reasonable facilities are made available to record archaeological evidence in accordance with Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan 1991-2011.

- 12 **The development hereby approved shall not be occupied until the results of any archaeological monitoring have been submitted to the County Council Archaeology Unit.**

Reason: To ensure the adequate recording of archaeology in accordance with Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan 1991-2011.

- 13 **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report has been submitted to and approved by the Local Planning Authority.**

This site shall not be occupied, or brought into use, until:

- (i) **All works which form part of the Remediation Method Statement report pursuant to the above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: The Council seeks to secure information on contamination and remediation prior to the commencement of works where it believes that any development has the potential to disturb contaminative material and as such would present a risk to human health. This condition is applied in order to ensure that the issue of contamination is adequately addressed and to ensure

a satisfactory development in accordance with Policy CS12, CS31 and CS32 of the Core Strategy.

- 14 **Any contamination, other than that reported by virtue of Condition 13 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 15 **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: To protect the water environment, including groundwater in accordance with Policy CS31 of the Dacorum Core Strategy September 2013.

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

**31161-PL-100-Location Plan
31161-PL-101A-Site Layout Plan
31161-PL-102 A-Illustrative Colour Elevations
31161-PL-103 Floor Plans
31161-PL-104A Elevations**

**1936-19-02 Revision B (Tree Protection Plan)
1936-19-03 Revision D 09 (Landscape Concept Plan)
1936-19-04 Revision D (Landscape Section Plan)**

**Flood Risk Assessment prepared by RPS Group Plc dated July 2019
Drainage Design Philosophy prepared by RPS Group PLC dated March 2019
Sustainability Statement by Turley Sustainability dated August 2019.**

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

Appendix A

Consultation responses

Hertfordshire County Council - Archaeology Unit:

The proposed development site is in Area of Archaeological Significance number 38, which includes the site of the Romano-British temple complex, and evidence of Later Prehistoric and Roman occupation at Wood Lane End. Part of this site is a Scheduled Monument (SM 27921). It is also adjacent to Blossom Way ('Maylands Gateway'), where archaeological excavations recently revealed significant evidence for Roman industry, including corn driers, ovens, a well preserved lime kiln and a tile kiln.

This office has previously recommended (with regard to applications 4/02253/15/SCE, 4/02622/17/PRE, and 4/01789/19/SCE (etc.)) that an archaeological desk-based assessment and detailed impact assessment of the site is made, prior to the submission of an application to develop the site. Such assessment should examine in detail past construction and other impacts on the site, geotechnical data, and other relevant sources available, in order that an informed decision can be made as to whether any further mitigation strategies are required for the site, such as an archaeological evaluation via trial trenches, prior to the submission of any formal proposal for its development.

A desk-based assessment has been submitted with this planning application (*Archaeological Desk-based assessment. Land at Maylands Avenue, Hemel Hempstead, Hertfordshire* May 2019). The assessment is based on existing published and unpublished evidence and a map regression exercise, and on the results of previous ground investigation works undertaken across the site (comprising comprised ten cable-percussion boreholes, four window-sampling boreholes and 24 mechanically-excavated trial pits in July 2016, with a further eleven trial pits and seven window samples excavated in December 2018).

This identified significant depths of made ground across much of the site, directly overlying the natural geology and the desk based assessment concludes that 'Extensive development during the second half of the 20th century, by Lucas Industries, will have removed any potential across the majority of the site, which therefore has a nil/low potential for significant evidence dating to all periods.'

Though the locations of these ground investigations are shown (Fig 6) the detailed bore hole and trial pit logs are not included in the desk based assessment report, for wider review.

Given this, and given the importance of the Roman remains known from the near vicinity, we recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological evaluation, via trial trenching, of the development area, prior to any development taking place;
2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:
 - a) the preservation of any archaeological remains *in situ*, if warranted, by

amendment(s) to the design of the development if this is feasible;

b) the appropriate archaeological excavation of any remains before any development commences on the site;

c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results

4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.*

Condition B:

i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Hertfordshire County Council - Growth and Infrastructure Unit

The Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Hertfordshire County Council - Highways Section

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

Condition 1: Construction Management Plan

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 2: Construction Parking

No development shall commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted

to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

Condition 3: Wheel Cleaning Facilities

No development shall commence until the details of wheel cleaning facilities associated with the proposal have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be installed in accordance with the approved details and maintained on site throughout the duration of the development works.

Reason: To prevent extraneous material being deposited on the highway.

Highway Informative

HCC recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all

vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

Section 106 Agreement

A Section 106 agreement is not required as the proposed development is part of a much wider approved development which already has a Travel Plan in place and no further developer contributions are required.

Section 278 Agreement

A Section 278 Agreement is not required as the proposed development would not include any changes to the local highway network.

Proposals

Site Description

The site would form a western expansion of the Prologis Park development in Hemel Hempstead. It is adjacent to Maylands Avenue and Breakspear Way. The site is located approximately 3.5km to the east of the town, near to Junction 8 on the M1. The site is located 9km to the west of St Albans and 16km to the west of Watford, which are other key urban centres within the region.

Description

The applicant seeks to clear an existing area of the site to deliver a new 22,332sqm flexible class site with B2(c), B2 and B8 units with associated vehicle/pedestrian access points, HGV/cycle parking, internal access roads and a service yard. The parcel of land covered by the proposals has extant planning consent for a retail led development; however, this application seeks to secure approval for a change in use.

History

A number of applications have been submitted and approved for the plots contained within the Maylands Gateway, many of which have now been delivered. The previous applications contain a number of land uses, all of which are located adjacent to the proposed site and are also served by the Blossom Way access road. The relevant

planning history for the wider Maylands Gateway development and the proposal deliberated by this response are as follows:

4/00064/17/MFA – This application represents the majority of the Maylands Gateway expansion. The application sought the approval to create 54,714 sqm of B1(c), B2 and B8 flexible commercial floor space, ancillary office space, cycle/car parking facilities, access points and landscaping. The application was granted full planning consent in August 2019.

4/03157/16/MFA – This application sought approval to create a new retail led development within the Maylands Gateway development. Permission was granted for the application in December 2017. The proposals contained within the application are as follows; 12,503 sqm of A1 retail space, 545m² of café/restaurant A3/A5 space, 180 sqm of café/restaurant A1/A3 space, a 2,787 sqm B1 office building and associated parking access and landscaping features. This application represents the extant planning permission for parcel of land covered by the application addressed in this response.

DA/238/2019 - The applicant sought pre-application advice from HCC in regards to a number of queries. A pre-application advice meeting was held on the 14th May 2019, where applicant outlined the proposed scope of assessment within the TA, the off-site highway works, rights of way, HCC committed works and any other committed developments within the area, which was agreed by HCC. It was also agreed that the traffic data used by previous assessments of the Prologis Park was sufficient; however, additional ATC surveys should be carried out to develop growth rates for the site, as it is considered TEMPro growth rates are higher than what is expected within the surrounding area. It should be noted that the applicant was provided with updated comments on 2nd August 2019, which superseded some of the initial comments at the pre-application advice meeting on the 14th May 2019.

Analysis

The applicant has provided a Transport Assessment (TA), Planning Statement, Design and Access Statement (DAS), existing/proposed floor plans, site location plan, elevations and a number of supporting documents, which cover issues related to archaeology, air quality, ecology and drainage, as part of the application package. The applicant has also provided a Travel Plan as an appendix within the TA. The TP covers the neighbouring Prologis Park development. This response will review the TA in detail and comment on the anticipated impacts put forward by the TA as a result of the development proposals. A Design and Access Statement (DAS) is a requirement for all full planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Highway Design Guide (3rd Edition). A DAS has been provided as part of the application package and this is considered to be acceptable.

Policy Review

The applicant was made aware of any updated policy documents at the pre-application stage. The TA outlines a number of policy documents relevant to the proposed expansion, and an assessment of the proposals compliance with the wider objectives and targets contained within each document reviewed has also been carried out. The policy documents reviewed within the TA are as follows: • National Planning Policy Framework; • National Planning Practice Guidance; • DfT Guidance on Transport Assessment (Archived); • Dacorum Borough Council Core Strategy; • Dacorum Borough Council Local Plan; • Hertfordshire County Council Local Transport Plan 4; • DfT Circular (2013) – The Strategic Road Network and the Delivery of Sustainable Development; • The Strategic Road Network: Planning for the Future (September 2015); • South West Hertfordshire Growth and Transport Plan (April 2019); and, • Maylands Gateway Development Brief (June 2013).

This assessment is considered to be acceptable.

Existing Trip Generation

The applicant has updated the traffic flows from the series of MCC surveys conducted in March 2016 to support the initial application for planning permission for the wider Maylands Gateway development. Growth factors derived from TEMPro have been used to update the 2016 flows to the current year, 2019. The selections used to derive the growth factors from TEMPro are outlined in the following points: • Area Definition - Dacorum 013 • Base Year – 2016 • Future Year – 2019 • Trip Definition – All purpose • Transport Mode - Car driver • Trip End Type - Origin / Destination The resultant TEMPro growth rate is as follows: • 2016 – 2019 / AM – 1.0405 / PM – 1.0395 The applicant has provided updated traffic flow diagrams, which is considered to be acceptable as the 2016 to 2019 TEMPro growth does not exceed 5% in the AM or PM peak. However, additional traffic modelling using the new traffic flows has not been provided. HCC's response to this point is outlined in greater detail under 'Junction Assessment', which is addressed later within this response.

Agreed Trip Generation

The applicant has provided a summary of the traffic data used to inform application 4/00064/17/MFA and 4/03157/16/MFA. The agreed traffic generation for application 4/00064/17/MFA by peak hour period for vehicles is as follows: • AM: 92 arrivals, 27 departures and 119 two-way trips • PM: 32 arrivals, 94 departures and 126 two-way trips 4/03157/16/MFA is split into three phases, with Phase 1 already being delivered. As HCC have previously agreed to the anticipated trip generation from the site, only the trip generation from those phases which have not been delivered have been subject to further analysis within the application, which is considered to be acceptable. The agreed traffic generation for Phases 2 and 3 by peak hour period is as follows: • AM: 99 arrivals, 39 departures and 138 two-way trips • PM: 102 arrivals, 135 departures and 237 two-way trips

Updated Trip Generation

The applicant has updated the trip generation for 4/00064/17/MFA, which represents a large proportion of the Maylands Gateway development, using a trip rate derived from ATC surveys conducted near the main access points to the site, which is in line with the agreed approach established during the pre-application advice meeting. The ATC trip rates by peak are as follows: • AM: 0.147 arrivals, 0.054 departures and 0.201 two-way trips • PM: 0.061 arrivals, 0.091 departures and 0.152 two-way trips Based on the trip rates derived from the ATC data, the Maylands Gateway development is expected to result in the following number of trips by peak hour period: • AM: 80 arrivals, 30 departures and 110 two-way trips • PM: 33 arrivals, 50 departures and 83 two-way trips The net difference between the agreed trip generation and actual trip generation is as follows: • AM: -12 arrivals, +3 departures and -9 two-way trips • PM: +1 arrivals, -44 departures and -43 two-way trips This analysis is considered to be acceptable, as it demonstrates that the trip generation associated with the Maylands Gateway is lower than what was agreed at the planning stage.

Proposed Trip Generation

To determine the trip generation for the proposals the applicant has used the trip rates derived from the ATC data for a GEA of 23,226 sqm, which is the maximum threshold of development permitted on the parcel of land covered by the proposals. The resultant trip generation for the proposals is as follows: • AM: 34 arrivals, 13 departures and 47 two-way trips • PM: 14 arrivals, 21 departures and 35 two-way trips

Net Trip Generation

The net trip generation between the extant planning permission for the retail led development (4/03157/16/MFA) and the proposals contained within the application assessed within this response are as follows: • AM: -65 arrivals, -26 departures and -91 two-way trips • PM: -88 arrivals, -114 departures and -202 two-way trips This analysis clearly shows that the trip generation for the proposed site is far lower than the generation which has already been agreed. Therefore, HCC is satisfied that proposals are agreeable, and the proposed change in land use will not have any adverse impacts on the surrounding junctions and site access roads.

Trip Distribution

The applicant has not provided an assessment of trip distribution on the highway network. This is considered to be acceptable as the proposals are anticipated to

generate fewer vehicle trips than the extant planning permission for the site.

Impact on the Highway Junction Assessment

The applicant has not provided junction modelling within the Transport Assessment. The applicant is reminded that additional capacity tests were agreed during the pre-application advice meeting. Point 16 in the pre-application notes states that additional assessments would be undertaken on the following junctions: • St Albans Road/Maylands Avenue Roundabout; • Breakspear Way/Green Lane Roundabout; • Boundary Way/Green Lane Mini-Roundabout; • Boundary Way/Buncefield Lane Roundabout; and • Wood Lane End Signalised Junction.

Although under normal circumstances this would be unacceptable, the applicant has provided sufficient evidence to demonstrate that baseline traffic generation has not increased by 5%, as per the TEMPro growth rates outlined earlier within this response, and traffic generated by the proposed development is anticipated to be lower than what was agreed in the extant planning permission. Therefore, this is considered to be acceptable, and HCC does not wish to raise an objection to this point.

Highway Safety

The applicant has undertaken an assessment of highway safety based on Personal Injury Collision (PIC) data obtained from HCC for the most recent 5 years of data, which ranges from January 2014 to December 2018. The analysis found that there were 36 accidents on the highway network surrounding the site over the 5-year period, 7 of which were classed as 'serious' and 29 were classed as 'slight'. No fatalities were recorded across the observed period. The applicant also identified three points where incident clusters were visible, they are outlined in the points below: • St Albans Road/Maylands Avenue Roundabout – 5 incidents; • Breakspear Way/Green Lane Roundabout – 10 incidents; and • Wood Lane End Signalised Junction – 5 incidents.

The applicant states the following in regard to the PIC data analysis: 'A review of the PIC records demonstrates that the majority of incidents were caused as a result of driving with undue care and attention similarly cannot be attributed to inadequate highway design' This is considered to be acceptable as the number of incidents recorded per year is relatively low, very few incidents involved active modes and no common theme has been identified in relation to the cause of the accidents analysed. Therefore, HCC does not wish to raise an objection to the application in relation to highway safety.

Refuse and Service Delivery

The planning statement submitted as part of the application package states that the development would achieve a BREEAM 'Very Good' rating as a minimum in regard to waste. It also specifies that secure bin stores would be provided within the main building, and would have no impact on the wider site. A site waste management plan has also been prepared to ensure the development mitigates the impact of construction and operation waste generated by the development site. Swept path analysis has been provided within Appendix F of the TA, which demonstrates that a 16.5m articulated vehicle could access the site. This demonstrates that the site is accessible for any type of refuse or service vehicle likely to visit. This is considered to be acceptable and HCC does not wish to raise an objection to the proposed refuse and delivery arrangements.

Highway Layout - Vehicle Access

The main vehicular access point to the site is via the Buncefield Lane/Boundary Way roundabout and the Blossom Way access road, which has been created to support the Prologis Park development. This is considered to be acceptable.

Pedestrian and Cycle Access

The main access points for pedestrians and cyclists is via Blossom Way and a link with Maylands Avenue. There will also be internal access routes for pedestrians and cyclists to navigate the development site. This is considered to be acceptable.

Road Safety Audit

A Stage 1 Road Safety Audit (RSA) has not been provided. It is recommended that a Stage 1 RSA is conducted to cover the junctions identified as hotspots in the PIC data analysis to ensure there are no fundamental flaws in the junction design. For reference, the junctions identified are as follows: • St Albans Road/Maylands Avenue Roundabout; • Breakspear Way/Green Lane Roundabout; • Wood Lane End Signalised Junction.

Parking

Car Parking Provision

The level of car parking provided within the development falls below the maximum provision permitted by the parking guidance set by the borough council, Dacorum. The development proposes to provide 275 car parking spaces, whereas the guidance would permit a 23,226 sqm development to provide 310 spaces, which represents a 35-space reduction. This is considered to be acceptable as this ensures private vehicle use is

discouraged and the use of sustainable means of travel is promoted.

Car Parking Layout

The applicant has provided a layout of parking provision on the site. HCC is satisfied that the car park layout can accommodate vehicle access and egress from the development, and does not wish to raise any objections to this matter.

Cycle Parking Provisions

Within the planning statement the application specifies the development would provide 16 cycle parking spaces, which is based on an assessment methodology which is in line with BREEAM 2018. However, no calculations are provided to justify this level of cycle parking provision, and the proposed number of spaces is significantly lower than the standards set by Dacorum Borough Council. The standards state that there should be one cycle parking space per 500 sqm and one long term space per 10 full time staff, which the applicant has acknowledged. Based on the information provided in the Transport Assessment and Planning Statement the site is anticipated to accommodate 1,349 staff members and has a maximum development threshold of 23,226 sqm.

As per the standards, this would require the site to provide 95 spaces for the staff, which assumes 70% of staff are full time, and 47 spaces for the floor area. As a result, proposed cycle parking provision is below the standards set out by Dacorum Borough Council. It is ultimately the decision of the LPA to determine the suitability of the cycle parking proposed for the development site.

Accessibility

Bus Services

There are a number of bus stops in close proximity to the proposed development. The closest stop is located within 400m of the site on Maylands Avenue, which is in line with acceptable distances outlined in best practice guidance. The stops surrounding the site are served by frequent services to key locations in the surrounding area including Hemel Hempstead, Stevenage, Rickmansworth, Luton and London Victoria. The TA provides a detailed description of each service, the frequency in which those services operate and the days they operate. This is considered to be acceptable.

Rail Services

The nearest railway station to the proposed development are Hemel Hempstead and Aspley, which are located 5km and 4km to the south-west of the site, respectively. The

stations are located on the main line between Birmingham and London Euston and are served by frequent London Midland services.

Walking and Cycling

The applicant has provided walking and cycling isochrone maps to demonstrate the number of key facilities and amenities are accessible by walking and cycling. It is considered that this is acceptable as the maps highlight the development is within close proximity to wider transport opportunities and Hemel Hempstead town centre.

Construction Traffic

A Construction Traffic Management Plan (CTMP) will be required to ensure that construction vehicles will not have a detrimental impact in the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety.

Travel Plan

The proposed development is part of a much wider approved development which already has a Travel Plan in place; therefore, a travel plan for the specific development site has not been developed, as the site will be covered by the existing plan. This is considered to be acceptable

Hertfordshire County Council - Lead Local Flood Authority

ORIGINAL COMMENT

We understand this application seeks full planning permission for a major development and we have assessed the following documents submitted to support this application:

- Flood Risk Assessment prepared by RPS Group Plc dated July 2019;
- Drainage Design Philosophy prepared by RPS Group PLC dated March 2019.

The above Flood Risk Assessment and Drainage Design Philosophy propose a drainage system to limit total site discharge to the Greenfield runoff rate of 30.77l/s by using a detention basin, tanked permeable parking and attenuation tanks below the parking area. Flow controls limit discharge to the above rate.

We are pleased to see the use of SuDS features, particularly the detention basin.

However, the information provided to date does not provide a suitable basis for an assessment of the flood risks arising from the proposed development. We therefore object to the grant of planning permission and recommend refusal on this basis for the

following reasons.

1) Details of how surface water arising from a development is to be managed is required under the NPPF for all major planning applications as amended within the NPPG from 6 April 2015.

Therefore, for the LLFA to be able to advise the Local Planning Authority that there is no flood risk from surface water, an application for full planning permission should include the following:

1. Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 year return period).

Overcoming our objection

In principle, this proposal is not acceptable due to severe inadequacy of drainage strategy and danger shown in Micro-drainage calculations which poses risk to access and indicates large flooded volumes of the basin.

1. We note the preliminary calculations from 2017 provided in Appendix K demonstrate acceptable results including discharge restricted to the Greenfield runoff rate of 30.8l/s. However, the 2019 RPS MicroDrainage calculations in Appendix F demonstrate flooding during the 1 in 30 year storm event including flood volumes of 8.263 and 4.323m³ at two filter drains. This is unacceptable according to HCC SuDS Policy 4. Moreover, during the 1 in 100 year storm event, flooded volumes up to 450.700 m³ are apparent. In addition, the 1 in 100 year critical results also show pipe flows up to 604.5l/s through a 725mm pipe (S24) into the detention pond. This is unacceptable due to the potential impact of a large oversized pipe with such a high flow rate on the detention pond in terms of erosion as well as general health and safety. While we can permit some surface water ponding at the 1 in 100 + climate change level, the volumes and flow rates above greatly exceed reasonable levels and demonstrate extremely dangerous flood risk.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

This link also includes HCC's policies on SuDS in Hertfordshire.

Informative to the LPA

The applicant can overcome our objection by submitting information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods.

If this cannot be achieved we are likely to maintain our objection to the application

ADDITIONAL/REVISED COMMENT

The site was subject to a previous planning approval in 2017, this included a surface water drainage strategy. The drainage infrastructure associated with Phase 1 of the approval has already been constructed at the site. Therefore, the RPS Drainage Design Philosophy (DDP) has been designed in keeping with the previously approved drainage design (MAYGT-RPS-SI-XX-RPD- 1300) and is referred to within this Flood Risk Assessment.

Previously it was agreed w that a singular point of surface water discharge for the combined 'Phase 1' (north of the site and already constructed) and 'Phase 2' (the site) developments would be accepted if combined flows were restricted to the QBAR Greenfield run-off rate of 30.77 l/s. Associated flows from the development would be attenuated within a shared detention basin before discharge into the Thames Water surface water sewer. Thames Water have previously confirmed the rate and point of discharge for the proposed site within the existing Thames Water network.

The RPS Drainage Design Philosophy (MAYGT-RPS-SI-XX-RP-D-1300), describes the presence of an existing drainage system (including a Hydro-Brake and detention basin) that was constructed to attenuate flows in anticipation of development being undertaken both to the north of the site and the subject site. Phase 1 (north of the site) was constructed in 2018. Phase 2 (located on the site) was never constructed. There is currently a pond (detention basin) in the south east corner of the site that has been designed to take flows from the area to the north of the site (Phase 1) during extreme storm events.

In accordance with the approved drainage strategy, the development proposal outlined within this report will utilise the shared detention basin and the associated flows from the proposed development will be restricted to the agreed discharge rate of 30.77l/s as described above. The existing detention basin located within the South West corner of the site currently receives flows from the 'Phase 1' development to the North. It is intended to modify and re-profile the basin from its current form order to increase the attenuation capacity within to some 2,055m³, in order to attenuate flows from the proposed development. As the discharge rate from the proposed development will not exceed the previously approved rate of 30.77l/s, additional attenuation will be required. This will be in the form of underground storage tanks. This will be in the form of attenuation tanks located under the car park, providing some 550m³ storage. In order to limit flows from the hardstanding surfaces a flow control device will be fitted to the attenuation tank to a rate of 5l/s before discharging into the attenuation basin, restricting flows at source and ensuring the modified detention basin is not overwhelmed.

The surface water drainage network has been designed to accommodate run-off from all storms up to and including the 100 year return period with an additional 40% for future climate change within the site. The micro-drainage simulation results indicate a volume of flooding on-plot during the more severe rainfall events. This volume of surface water will be controlled and stored temporarily within the hardstanding areas of the plot as shown in **Appendix G**. During a surface water exceedance event it is likely that the deepest areas of surface water ponding would be limited to the car park and areas of soft landscaping (proposed in the south of the site)

We therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in

accordance with the Flood Risk Assessment prepared by RPS Group Plc dated July 2019 and Drainage Design Philosophy prepared by RPS Group PLC dated March 2019 and the following mitigation measures;

1. Limiting the surface water run-off rates to maximum of 5l/s for Phase 2 into the wider system for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising a detention basin and below ground tanks.

Reason To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flood Risk Assessment prepared by RPS Group Plc dated July 2019 and Drainage Design Philosophy prepared by RPS Group PLC dated March 2019 The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving, swales etc.
3. Silt traps for protection for any residual tanked elements.
4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Informative to the LPA

Please note if the LPA decides to grant planning permission we wish to be notified for our records

Contamination Officer:

There is no objection to the proposed development.

The supplementary site investigation that was submitted in support of the planning application is considered appropriate. However, because of the historical industrial land use and the history of contaminated land investigations and remediation works it is important that any permission granted includes the following conditions.

Contaminated Land Conditions:

Condition 1:

- (a) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report has been submitted to and approved by the Local Planning Authority.
- (b) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (a) above have been fully completed

- and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of **Condition 1** encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informatives:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on “Development on Potentially Contaminated Land and/or for a Sensitive Land Use” in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Environmental Health:

ORIGINAL COMMENTS

I have now reviewed both the noise and air quality reports. Some further work / information is required in respect of both submissions. I have separated comments under headings of noise and air quality below.

Noise

The assessment assumes the site will operate as a B8 use (warehousing and distribution), however the application specifies a flexible permission covering a B1/B2/B8 usage. Therefore the assessment of noise does not fully account for the potential sources of noise which might be associated with these uses, or flexible mix of uses. However we would not expect an assessment to cover all eventualities due to the number of outcomes that might exist.

Some further work is required to the noise assessment to clarify some of the findings made. These are:

Background noise assessment

1) Confirmation is required as to whether the dominant sound sources detailed at 3.7, as road traffic noise with birdsong, sirens and aircraft, were those observed at the beginning and end of the survey or throughout the background. As the survey was unattended we would expect there to be continuous audio recording in place to confirm the content of the background noise survey, and that local influencers of sound levels at the assessment site are representative of what would be experienced at residential receptors.

2) Weather conditions which can affect measurements should be recorded. I note that wind speeds were measured at the beginning and end of the survey but not throughout? The survey was conducted over a period of 6 days (24th – 30th April). Therefore we would expect some evidence of wind speeds during the assessment period in relation to the assessment and presentation of background conditions.

3) Statistical analysis ought to be carried to determine background sound levels. The report suggests background has been based on the average across the day or night period but may not be considered representative of the period being assessed. This should also consider sensitive periods such as transition from early morning and night when people may be more sensitive to noise. How do background levels vary across the day and night period that the assessment should focus on specific times, such as evenings or times when people are going to bed or due woken early by noise. In other words are there characteristics that would cause noise to be more noticeable than at other times of the day?

Assumptions

The assessment assumes no penalties for attention grabbing characteristics that may be associated with the development. 4.9 states the residual acoustic environment is characterised by transport sources and that the specific sound will not be readily distinctive in the residual acoustic environment. How does the prevailing sound environment compare with the sound environment created by a distribution hub where noise character is notably different?

There are a number of possible impulsive, tonal and intermittent sounds that may be associated with a B8 type operation which include, but are not restricted to reversing sirens, air brakes, refrigerated storage, bangs and clatters from vehicle movements in the yard, lorries coupling and decoupling from trailers, shunter operations, fork lift truck activity. Although the assessment of background details road traffic noise as the make up of the acoustic character of the area, it does not detail how this is present in the environment, compared with the likely sound environment which will be created by the introduction of this site. This area of the report needs to be re-evaluated.

The report assumes there will be no more than 1 HGV movement at night (23:00 – 07:00). The transport assessment has been revised, but I have not able to find reference to the number of likely night time movements. I have emailed transport assessment author for further advice, but as yet no reply. Although the assessment suggests limited night time activity, the report proposes consent with no restriction on operations, with a compliance condition. I understand this condition is derived from previous consent for a retail operation, but can be notably different in make-up and function. Suggesting the future occupier would require a flexible condition on hours, but with a limited assessment of night time noise impact there is limited evidence to support such a consent of 24 h

operation.

To consider how conditions may be used to ensure any potential adverse effects of noise are mitigated, in addition to revisiting the items above can the operator submit an operational statement which outlines how they intend the site will be used that we control noisy operations by way of a noise management plan condition and, where the site is subject to change in operation, occupier or an intensification of operation the plan is subject to review and revision?

Noting the flexible usage sought under B1/B2/B8 use class orders I would suggest a similar approach for site noise, but excluding on-site vehicle noise which is dealt with by separate condition. I would suggest the following:

Prior to occupation of the development hereby approved, a noise control scheme shall be submitted for approval by the LPA, which assesses the sources of noise from industrial activity and plant associated (both internal external and sources) with the development and measures to be made for its control. The scheme shall be prepared by appropriately experienced and competent persons.

All noise control measures shall be fully implemented in accordance with the approved scheme and, retained thereafter.

Informative

The noise control scheme should by way of assessment determine the likely noise impact on nearby sensitive receptors from the development and where required detail measures to control it. Where guidance is available the assessment should have regard to this. For example the assessment of an industrial/commercial source of sound should consider BS 4142:2014 or any other equivalent standard as appropriate. Where assessment is based on prediction of noise levels, it should also specify any validation requirements before commissioning.

To ensure the noise control scheme remains relevant to the occupation of the site, it should outline any schedules for repair, maintenance and servicing of fixed plant or equipment. It should also contain a provision for review and revision of the noise control scheme, examples may include noise complaints, changes in the nature of site operations or hours of operation.

Air Quality

Under a separate application we had an assessment of air quality completed which produced noticeably different results with regard to predicted ambient NO₂ levels. This was detailed under 4/02286/18/MFA. I understand this application was refused.

The predicted future baseline at receptors close to the application site shows quite a disparity with the most recent prediction of impact. Moreover I have question marks regarding the background value used to model site impacts noting a value of 28ugm. This argues a conservative assessment, but I disagree since a higher background value attributes a greater proportion of NO_x arising from background sources rather than road sources. This has the potential to underplay contributions as a result of the development

and would request the assessment is revisited with revised background NO2 concentrations.

ADDITIONAL COMMENTS

These will be incorporated within the Addendum.

Environment Agency:

The submitted documents show there is potential contamination to ground. The site is located in SPZ3 on a principal and secondary aquifer. Therefore these proposals need to be dealt with in a way which protects the underlying groundwater.

We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

The submitted documents show there is potential contamination to ground. The site is located in SPZ3 on a principal and secondary aquifer. Therefore these proposals need to be dealt with in a way which protects the underlying groundwater.

We recommend, however, that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our Groundwater Protection guidance (previously covered by the GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
- Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of

Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

You may wish to consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Advice to applicant

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

Thames Water

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Surface water disposal to follow the Mayor of London Drainage Hierarchy. We expect significant reduction from the current surface water discharge rates