

ITEM NUMBER: 5b

22/01067/ROC	Variation of Conditions 6 (Landscaping), 8 (Parking and Circulation), 9, 10 (Drainage) and 16 (Approved Plans) attached to planning permission 4/01922/19/MFA (Comprehensive redevelopment of the site to provide 21,726 square metres of flexible B1 c) B2 or B8 floorspace with ancillary offices, parking and landscaping)	
Site Address:	3A Blossom Way, Hemel Hempstead, Hertfordshie	
Applicant/Agent:	TPD Development/Ove Arup and Partners Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Adeyfield East
Referral to Committee:	The application is a large scale major application linked to a recent S.106 Agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended) and as such is excluded from consideration at the officer level in accordance with the Scheme of Delegation	

1. RECOMMENDATION – That planning permission be GRANTED.

2. SUMMARY

2.1 The use of the proposed building as a data centre is acceptable in accordance with the original planning permission for this site and would be facilitated by the amendments proposed in this case. The extent of works has a material change upon the overall character and appearance of the development and results in the addition of some minor buildings and plant. These do not detract from the overall character and appearance of the development which remains acceptable in accordance with Policies CS11, CS12 and CS34 of the Core Strategy. Further landscaping would be introduced in lieu of car parking spaces however this is not considered to be prejudicial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

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 the key employment area to 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 seeks to provide a number of minor material amendments to the development constructed under planning permission 4/01922/MFA to allow it to be used as a data centre (B8 use).
- 4.2 These amendments include the following works:
- The inclusion of 4 x water tanks within a decorative screen enclosure
 - The inclusion of 32 generators, exhaust flues and radiator exhaust ducts extending to some 25m and 16m in height.
 - The inclusion of a fuel filling point (85m²)
 - The inclusion of a sprinkler pump house (90m²) and associated tank
 - The inclusion of a single storey security guard house (37m²)
 - A reduction in the extent of car parking from 275 spaces to 53 spaces
 - Additional landscaped areas
 - The provision of an interim substation
 - A substation compound
 - Inclusion of a Sally Port
 - Inclusion of a new loading bay
 - Security fences between 2.4m and 3m in height.
 - Security handrails.
- 4.3 The Data Centre will require 32 double staked containerised generators for emergency power back up and an additional smaller generator to cover non-critical loads (lights etc) during an emergency. The generator flue heights are proposed to be 25m in height and would be located within the generator yard. Fuel for the generators is stored in a belly tank below the lower generator of each pair. The tank is designed to BS799 and would have an integral bund.
- 4.4 A two bay HGV loading/delivery point will be located at the eastern end of the site with the generator yard replacing 26 former dock levellers on the northern façade.
- 4.5 A substation compound will provide an electrical substation (132/ 33kV) associated structures and boundary fencing.
- 4.6 The spatial envelope of the main building (including the height at 18m) is consistent with the approved building. The main vehicular access to the site would remain from Blossom Way as set out in the approved plans, albeit this would be slightly reconfigured within the site to segregate HGV and car movements. A pedestrian access will be provided from Maylands Avenue, to the north of its approved location.

5. PLANNING HISTORY

- 5.1 Planning permission was granted under 4/01922/19/MFA for the construction of a building comprising some 21,726 square metres of commercial space at the junction of Maylands Avenue and Breakspear Way following the committee meeting of the 17th October 2019.
- 5.2 The associated planning conditions were discharged during 2020 and 2021 and works have been completed on the application site.
- 5.3 This scheme was amended by the submission of a non-material amendment in July 2021 (21/02997/NMA) to provide a level access to the main entrance, introduce a pavement in the car park and provide adjustments to the parking and landscape plans associated with the development.

- 5.4 In December 2021, the applicants submitted a screening report under the Environmental Impact Regulations in relation to the use of the building as a Data Centre and the construction of associated infrastructure. In order for the building to be used as a Data Centre it is necessary to carry out works to improve the local water supply network and local medium voltage (MV) electricity distribution network. To support future expansion of the Data Centre it will also be necessary to install a new underground electrical high voltage (HV) connection to the Elstree National Grid 400kV substation, although neither of these works forms the subject of this application. The Council concluded that an Environmental Impact Assessment was not required.

6. PLANNING POLICIES

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

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
CS14 – 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

Car Parking Standards SPD (2020)
Energy Efficiency & Conservation (June 2006)
Environmental Guidelines (May 2004)
Maylands Masterplan (September 2007)
Water Conservation & Sustainable Drainage (June 2005)

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 No comments have been received from neighbouring parties.

8. CONSIDERATIONS

Policy and Principle

8.1. The application seeks a minor material amendment to the planning approval 4/01922/19/MFA. There is no statutory definition of a 'minor material amendment' however it is likely to include any amendment where the scale and/or nature of the uses results in a development that is not substantially different from the one that has been approved as set out within National Planning Policy Guidance.

8.2 The proposal will introduce a number of small buildings upon the site, but will mainly provide plant and equipment associated with the fitting out of the commercial premises. These works are considered to fall within the scale of development described in the initial description of operational development at the site as required under the legal case of *Finney vs Welsh Ministers* and would be consistent with the judgements made pre-Finney in application 4/01116/19/ROC (Amendments to Unit 4, Maylands Gateway, comprising changes to the external appearance of the building and siting of external plant to facilitate the use of the building as a data centre)

8.3 The use of the building as a data centre would fall within the permitted B8 (storage) use of the application premises. The principle of this use has been accepted and as such the main planning issues in this case would be the impact of the proposed works upon the visual amenity of the area, the impact of a reduction in car parking spaces in terms of highways safety and the impact of landscaping upon the overall appearance of the development.

Layout, Scale and Design

8.4 The layout of the site has been developed in consultation with officers and through the Councils pre-application service. This remains broadly in accordance with the approved plans with the main building footprint, means of access to the site and main elevation treatment as set out in original submissions.

8.5 The main changes to the layout and appearance of the site result from the need to provide power, ventilation and water to the building, particularly in the event of an emergency, and

the inclusion of plant, storage tanks and security measures to enable the use of the building as a data centre. A reconfiguration of the access and a reduction in the parking area associated with the development reflects the operational requirements of the proposed occupants. A number of security improvements are required in order to protect the building and its contents.

- 8.6 The proposals would introduce a higher security fence and water towers on the western (Maylands Avenue) side of the building together with an external gantry at roof level. The fence and water towers will be obscured by additional soft landscaping both to Maylands Avenue and within a reduced car parking area. This landscaped area will supplement a substantial hedge and line of trees retained at the edge of the site and shown within the initial planning approval for this site.
- 8.7 Four water towers would be introduced adjacent to the building behind a bespoke screen enclosure. The screen would be similar to that used on the brise soleil to the original office building on the corner of Maylands Avenue and Breakspear Way thereby providing a consistent design approach to the original scheme in this location.
- 8.8 A gantry has been carefully considered preserving the finish of the existing façade including the green feature band on the outer cladding elements.
- 8.9 A new fence line creates a defined manageable perimeter which minimises the amount of site entry points. It is important from a security perspective that the perimeter contains the data centre, car park and all of the assets that serve the data centre. Data centres have unique security requirements that exist to ensure both that the critical service it provides is always on 24hrs a day, 365 days a year free from risk of damage/vandalism but also that the sensitive data which they contain is secure and free from interference. An additional grid will therefore be added to the gabion wall adjacent the office component of the building together with a security handrail will be added to prevent access being gained by climbing up to the office area.
- 8.10 These minor works would not significantly detract from the overall appearance of the site nor character of the Maylands Industrial Area in accordance with Policies CS12 and CS34 of the Core Strategy.
- 8.11 The main changes to the appearance of the property are as a result of alterations within the approved service yard at the rear of the premises. These changes see the replacement of loading docks with generators, air coolers and a series of exhaust flues. The generator flues would be regularly spaced and would project some 25m in height (7m above the existing roof level). A loading bay has also been introduced at the southern end of this elevation. The acoustic fence to the service yard remains as approved but the applicants are proposing to introduce climbing plants to the exterior of the screen to soften its appearance.
- 8.12 The visual impact of the generators at the eastern elevation of the building will be mitigated through their enclosure within a shrouded compound. This shroud would incorporate the Prologis corporate colours with a subtle gradient in colour to soften views from Breakspear Way. It is necessary for associated flues to extend to some 25m in height (7m above roof level) in the interests of air quality and to ensure that generators operate efficiently.
- 8.13 A new security house building would be provided at the vehicular entrance to the site. This would be a modest single storey building constructed in cladding to match that on the main building. This building would be appropriate in scale and design reflecting its function.

- 8.14 The proposals are considered to be appropriate in terms of the site layout, scale, height and design and would utilise the existing colour palette and suitable materials to compliment the design of the existing building in accordance with Policies CS11, CS12 and CS34 of the Core Strategy.

Impact on Landscape

- 8.15 The majority of the soft landscaping to the site has already been provided in accordance with the approved landscaping plans and this will be retained for the duration of the development. Some minor changes are proposed including the provision of additional ornamental planting to the Maylands frontage and flowering lawns within the car parking area. The proposals would increase the existing soft landscaping to the site resulting in a more satisfactory appearance to the proposals in accordance with Policies CS12 and CS34 of the Core Strategy. Additional aquatic plants will be provided to the SuDs basin at the corner to Maylands Avenue/Breakspear Way improving biodiversity and increasing the ecological value of the pond in accordance with Policy CS26 of the Core Strategy.

Access, Parking and Highway Safety

- 8.16 The main vehicular access to the application site would remain via Blossom 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 Maylands Masterplan whilst a pedestrian access (controlled) would be retained to the Maylands Avenue frontage in accordance with the approved plans. The vehicular access has however been slightly reconfigured to provide additional security to the site through the provision of a second fence area inside the site and the creation of a Sally port. This will enable vehicles to be inspected prior to entry to the wider site and car park area.
- 8.17 Vehicle movements will be segregated with separate lanes for visitors and deliveries. HGV movements would be contained to the service yard at the rear of the property with adequate circulation space provided to allow vehicles to turn and back into the loading bays at the southern end of the site. This would provide safe access to and from the site in accordance with Policies CS8 and CS12 of the Core Strategy.
- 8.18 Staff and visitor parking would be provided on the western side of the building. The consented development proposed the provision of 275 car parking spaces (less than the 290 spaces required for a commercial use in this location) with 14 of these spaces designated for disabled parking (5%) 24 active EV charging spaces (9%) and 32 passive EV spaces (12%) provided. This car parking area will be substantially reduced as a result of the proposals reflecting the lower staffing numbers and limited visitor numbers associated with the use of the building as a data storage facility.
- 8.19 The car parking area on the western side of the property would now be reduced to provide 53 parking spaces with three disabled parking bays (5%) The applicants are proposing that 5 of the spaces would be provided with active EV charging points with all future spaces within the car parking area provided with the infrastructure for EV charging points to be provided at a later date. This would reflect the proportionate reduction in overall parking spaces against the approved scheme. It is accepted that the overall parking level would be below that required under the Car Parking Standards SPD (2020) however it is considered to be appropriate for the specific B8 use of the premises, the associated employee numbers and the level of investment/long term use of the site. There is a bus stop outside the site whose use should be encouraged in accordance with Policy CS8 of the Core Strategy. A condition requiring a Green Travel Plan to be provided prior to occupation would be utilised to highlight sustainable forms of travel to the site for employees. As such there is no objection in principle to a change in the number of parking spaces to serve this

development. The proposed alterations can be reversed should the need arise for additional parking in relation to the future use of the site with additional parking provided in newly landscaped sections of the site.

- 8.20 A turning head will be provided for emergency vehicles at end of the visitor and staff parking area. This is considered to be appropriate in terms of its scale and design.

Other Material Considerations

Drainage

- 8.21 The proposed works include the provision of an attenuation tank that will discharge to the existing drainage basin at the southern end of the site. This discharge will be controlled in accordance with the submitted drainage strategy. The approach to site drainage is in accordance with the approved details for the site and would be in accordance with Policy CS31 of the Core Strategy.

Air Quality

- 8.22 The application has been subject to an air quality assessment by ARUP (ARP-06). This has concluded that there are no significant impacts predicted from the proposed development at sensitive receptors (residential uses etc) and that there would be no likely exceedance of air quality objectives as a result of development. No mitigation is therefore required other than that embedded in the design of the generators and related flues. Accordingly there should be no objection under Policy CS32 of the Core Strategy

Noise

- 8.23 The application has been subject to an Acoustic Noise Impact Assessment by ARUP (ARP-08) This has tested a number of scenarios for the operation of plant at a number of receptors around the application site. It is only in the event of an emergency (all normal plant plus backup generators) that plant noise would marginally exceed acceptable noise levels at the residential receptors to the south of the site (R4 – Wellbury Terrace) It is considered that the small magnitude of the exceedance and the rarity of this event/short duration is unlikely to result in significant harm to the residential amenities of these properties in accordance with Policies CS12 and CS32 of the Core Strategy.

Representations

- 8.24 There have been no objections to the proposed development. The application site has already been subject to an assessment of contamination and where necessary this has been remediated and verified. There is no need to require any further investigation or works in view of the original action undertaken in the development of this site in accordance with Policies CS31 and CS32 of the Core Strategy.

Legal Agreement

- 8.25 All new developments are expected to contribute towards the on-site, strategic and local infrastructure requirements arising as a result of the development in accordance with Policy CS35 of the Core Strategy. The Council has previously secured payments from the development of the main building towards improvements to the Maylands Urban Public Realm. This has been paid to the Council and accordingly no further payments would be required as a result of this proposals.

Conditions

- 8.26 The Government Guidance document “Flexible Options for Planning Permissions” makes it clear that when considering applications for Minor Material Amendments a new Decision Notice may be issued to which new or amended planning conditions may be added. For the sake of clarity this Decision Notice should reinstate the conditions imposed on the earlier permission that continue to have effect.
- 8.27 An application under Section 73a of the Town and Country Planning Act 1990 (As Amended) cannot be used to vary the time limit for implementation of planning permission which should be consistent with the original permission. In this instance, development has already commenced at the site.
- 8.28 The following applications have been submitted discharging conditions to the original permission
- Condition 2 (Materials) – This was discharged under 21/00738/DRC
 - Condition 4 (Construction Management) – This was discharged under 21/00018/DRC
 - Condition 10 (Drainage) – This was discharged under 21/00017/DRC
 - Condition 11 (Archaeology) – This was discharged under 20/01580/DRC
 - Condition 12 (Archaeology Reporting) – This was discharged under 21/0407/DRC
 - Condition 13 (Remediation) – This was discharged under 20/0581/DRC
- 8.29 The original planning permission required the submission of a scheme to control noise from the site to be submitted, approved and provided prior to the occupation of the development. I am satisfied that given the information contained within the submitted noise assessment (ARP-08) that such a condition is no longer required.
- 8.30 The original approval also required details of landscape management to be submitted prior to the occupation of the development and the inclusion of this condition remains relevant to this case and given the changes to the landscaping thereto.

Chiltern Beechwood Special Area of Conservation (CBSAC)

- 8.31 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.
- 8.32 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CBSAC therefore an appropriate assessment is not required in this case.

9 CONCLUSION

- 9.1 The use of the proposed building as a data centre is acceptable in accordance with the original planning permission for this site and would be facilitated by the amendments proposed. The extent of works has a material change upon the overall character and appearance of the development and results in the addition of some minor buildings and plant. These do not detract from the overall character and appearance of the development which remains acceptable in accordance with Policies CS11, CS12 and CS34 of the Core Strategy. Further landscaping would be introduced in lieu of car parking spaces however this is not considered to be prejudicial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

10 RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the following conditions:

Condition(s) and Reason(s):

1. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

284474_ARP-00-01R-DR-A-00001 Revision P05 – Site Layout
284474_ARP-00-01R-DR-A-00010 Revision P05 – Proposed Site Plan
284474-ARP-00-00L-DR-A-00015 Revision P05 – Car Parking Layout
284474-ARP-00-XX-DR-A-00024 Revision P04 – Security Fence Layout
284474- ARP-00-00-DR-A-02000 Revision P05 – GA Ground Floor
284474-ARP-00-02R-DR-A-02250 Revision P04 – Roof Plan
284474_ARP-01-XX-DR-A-04000 Revision P04 – Colour Elevations
284474-ARP-01-XX-DR-A-04001 Revision P05 – Proposed Elevations
28744 -ARP-04-XX-DR-A-04002 Revision P02 – Security Hut
2874474 -ARP-00-XX-DR-A-02050 Revision P01 – First/Second floor admin block
284474-ARP-01-XX-DR-A-05000 Revision P05 – Sections
SK-ARP-CH-01 Revision P04 – Levels Plan
SK-ARP-CD-01 Revision P05 - SWD Plan
2255-22-01 Revision L– Landscape Concept Plan
2255-22-02 Revision C – Landscape Concept Sections
ARP -001- Planning Statement
ARP-002 – Design and Access Statement
ARP-003 – Landscape Design Statement
ARP-004 – Transport Assessment
ARP-005 – Flood Risk Assessment and Drainage Strategy
ARP-006 – Air Quality Assessment
ARP-007 Revision E – External Lighting Design Report
ARP-008 – Acoustic Noise Impact Assessment

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

2. All hard and soft landscape works shall be carried out in accordance with drawings 2255-22-01 Revision L (Landscape Concept Plan) 2255-22-02 Revision C (Landscape Section Plan) 284474-ARP-00-00L-DR-A-00015 P05 (Car Parking Layout) and 284474-ARP-00-XX-DR-A-00024 Revision P04 (Fence Layout). 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.

3. 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. 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.

4. **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. 284474_ARP-00-01R-DR-A-00001 Revision P05 and 284474-ARP-00-00L-DR-A-00015 Revision P05 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

5. **The development permitted shall not be occupied until the drainage works have been carried out in accordance with the Drainage Strategy (ARP-05) and drawing SK-ARP-CD-01 Revision P05**

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.

6. **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 and CS32 of the Core Strategy

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Constabulary	I am content that security has been considered for this development.
Hertfordshire Highways	<p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority wishes to restrict the grant of permission for the following reason(s):</p> <p>a) HCC Highways would like further clarity with regards to pedestrian access at the main site entrance identified in the Site Layout Plan (284474-ARP-00-01R-DR-A-00010). A zebra crossing is proposed and an indication of mobility impaired access is identified through markings, however it is unclear whether there is dedicated drop kerbs, tactile paving or how the proposals tie in with the existing highway. This needs to be clearer in the proposed site plan (and subsequently any other plan detail this) before being an accepted plan.</p> <p>b) In Table 3 of the supplied Transport Assessment, in support of discharging Condition 8, it is suggested electric vehicle charging shall be available as active points for five spaces and the remainder as passive. However, Car Park Layout plan 284474-ARP-00-00L-DR-A-00015 identifies only seven car parking bays as passive. In the interest of ensuring detailed plans are not accepted before development starts, this plan needs to be updated to confirm five</p>

parking spaces shall have active electric vehicle charging capability whilst the remainder is ready in the future as passive.

c) Further clarity is also requested on the exact number of cycle parking spaces to be provided further to “at least 6”.

d) Swept path analysis is referenced in the supplied TA but no plans provided. These shall need to be provided including access parking bays by a large standard car, a suitable commercial vehicle to use the service yard and a fire tender vehicle.

Analysis

The variation of condition application proposes effects the following conditions:

Condition 6 (Hard and Soft Landscaping)

Condition 8 (Parking Plan)

Condition 9 (Flood Risk Assessment)

Condition 10 (Surface Water Drainage)

Condition 16 (Approved Plans)

All attached to Planning Permission Application Ref: 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) to facilitate the use of the building as a Data Centre and the addition of ancillary buildings, substation and technical plant.

The following provides the highway specific comments relating to each condition.

Condition 6

Condition 6 of planning permission 4/01922/19/MFA states:

“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.”

HCC Response

In relation to transport the key change is that the originally proposed parking spaces along the western boundary is to be reconfigured with a significant percentage of the originally proposed spaces largely replaced by soft landscaping. Parking is however explicitly covered under Condition 8, therefore no further information is required for this condition from a highway perspective.

Condition 8

Condition 8 of planning permission 4/01922/19/MFA states:

“The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. 31161-PL-101B 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”

The S.73 Application proposes the following transport related changes:

- Amended layout of the site access
- A “Sally Port” has been proposed – only one vehicle at a time into the Sally Port is able to be admitted
- Separate entry lanes proposed for visitors/deliveries
- A reduction in the number of car parking spaces from 275 spaces to 53 spaces and electric vehicle charging points (EVCP)
- Originally 14 bays (5%) designated for Blue Badge holders. Now 3 bays (still 5%) have been proposed to be for Blue Badge holders.
- Originally 24 spaces were to be active EV charging and a further 32 passive EV charging. Now 5 bays are proposed as active and the remainder passive.
- Originally 32 cycle parking spaces were proposed. Now “at least 6” are proposed to be provided.
- Reduced due to the lower staffing levels and limited visitor numbers expected
- A standalone service/delivery yard for the building rather than multiple loading docks
- Original provision was for 38 HGVs and 26 Dock Levellers along the building’s eastern frontage. Two loading docks will now be accommodated on the eastern frontage

The Planning Statement notes that it is estimated that up to 50 staff will be on site at any given time.

HCC Response

The changed proposal is forecasted by the Transport Assessment to generate “significantly less traffic” than the presently approved planning permission. Based on the shift data presented by the transport consultant acting on behalf of the applicant, it is satisfactory to assume the level of trip generation is lower than that of the original proposals for this planning application. Furthermore, HCC Highways is satisfied the information supplied regarding the level of staff levels predicted is accurate.

In consideration of the anticipated level of staff on site at any one time, the level of parking proposed at 53 parking spaces is acceptable.

Clarity is also sought regarding the EV charging to be provided on site. The parking layout design shows 5 active EV charging bays and 7 passive charging bays. However, the Transport Assessment states the following: "Five spaces are equipped for active electric vehicle charging with all spaces identified for future expansion subject to demand and in line with the Operators sustainably commitments."

It would be requested that the parking plan is updated to reflect the proposals detailed in the TA.

Further clarity is also requested on the exact number of cycle parking spaces to be provided further to "at least 6".

Finally, swept path analysis is referenced in the supplied TA but no plans provided. These shall need to be provided including access parking bays by a large standard car, a suitable commercial vehicle to use the service yard and a fire tender vehicle.

Condition 9

Condition 9 of planning permission 4/01922/19/MFA states:

"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."

HCC Response

No further information is requested by us on this particular condition as the drainage strategy seeks to avoid any surface water drainage onto the highway.

Condition 10

Condition 10 of planning permission 4/01922/19/MFA states:

"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.”

HCC Response

No further information is requested by us on this particular condition as the drainage strategy seeks to avoid any surface water drainage onto the highway.

Condition 16

Condition 16 of planning permission 4/01922/19/MFA states:

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

- 31161-PL-100-Location Plan
- 31161-PL-101B-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.”

HCC Response

HCC Highways would like further clarity with regards to pedestrian access at the main site entrance identified in the Site Layout Plan (284474-ARP-00-01R-DR-A-00010). A zebra crossing is proposed

	<p>and an indication of mobility impaired access is identified through markings, however it is unclear whether there is dedicated drop kerbs, tactile paving or how the proposals tie in with the existing highway. This needs to be clearer in the proposed site plan (and subsequently any other plan detailing this) before being an accepted plan.</p> <p>Summary Following the above review of all planning conditions submitted for variation, HCC Highways requests further information regarding the discharge of Condition 8 and Condition 16.</p> <p>Signed Chris Carr 18 May 2022</p>
<p>Conservation and Design</p>	<p>No objections.</p>
<p>Environment Agency</p>	<p>Thank you for consulting us on this application. 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.</p> <p>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.</p> <p>Where land contamination may be an issue for a prospective development, we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.</p> <p><u>Advice for LPA/Applicant</u></p> <p><u>Groundwater</u></p> <p>We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are 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. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.</p> <p>In order to protect groundwater quality from further deterioration:</p> <ul style="list-style-type: none"> • No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can

remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).

- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide [LCRM](#), when dealing with land affected by contamination.

2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.

3. 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. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see [here](#).

4. Refer to the [contaminated land](#) pages on Gov.uk for more information.

5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
- Use MCERTS accredited methods for testing contaminated soils at the site;
- Guidance on the design and installation of groundwater quality

monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at:

<https://sobra.org.uk/accreditation/register-of-sobra-risk-assesors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance:

<https://www.gov.uk/guidance/land-contamination-groundwater-compliance-pointsquantitative-risk-assessments>

- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be

	<p>completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.</p> <p>The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.</p> <p>We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.</p> <p><u>Water Resources</u></p> <p>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.</p> <p>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.</p> <p>Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.</p> <p>We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.</p> <p>We also recommend you contact your local planning authority for more information.</p> <p><u>Final comments</u></p> <p>Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p>
Thames Water	<p>Waste Comments</p> <p>Thank you for consulting Thames Water for the variation of conditions relating to FOUL WATER networks. Thames Water confirms the foul water condition referenced, can be varied based on the information submitted.</p>

	<p>Thank you for consulting Thames Water for the variation of conditions relating to SURFACE WATER networks. Thames Water confirms the Surface water condition referenced, can be varied based on the information submitted.</p>
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