

<u>Location:</u>	<b>Land West Of Avenue One Letchworth Garden City Hertfordshire SG6 2WW</b>
<u>Applicant:</u>	<b>Wheatley Group Developments Ltd</b>
<u>Proposal:</u>	<b>Erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping.</b>
<u>Ref. No:</u>	<b>23/02706/FP</b>
<u>Officer:</u>	<b>Melissa Tyler</b>

### **Reason for Delay**

**COMMITTEE CYCLE – extension of time agreed**

### **Reason for Referral to Committee**

The development provides greater than 500sq. metres floorspace on a site of more than 1 hectare or other operational development with a site area of 1 hectare or greater.

## **1.0 Policies**

### **National Planning Policy Framework**

- 1.2 Section 2 – Achieving sustainable development  
 Section 6: Building a strong, competitive economy  
 Section 9 - Promoting sustainable transport  
 Section 11 – Making effective use of land  
 Section 12 – Requiring good design.  
 Section 14 – Meeting climate change  
 Section 15 - Conserving and enhancing the natural environment  
 Section 16 - Conserving and enhancing the historic environment

## **1.3 Supplementary Planning Document.**

- 1.4 Design Supplementary Planning Document 2011

## **1.5 North Herts Local Plan 2011-2031 Local Plan and Proposals Map**

- 1.6 SP1: Sustainable development in North Hertfordshire  
 SP3: Employment  
 SP6: Sustainable transport  
 SP9: Design and sustainability

SP11: Natural resources and sustainability  
SP12: Green infrastructure, landscape and biodiversity  
SP13: Historic environment  
ETC1: Appropriate Uses in Employment Areas  
T1: Assessment of transport matters  
T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
NE2: Landscape  
NE4: Biodiversity and geological sites  
NE7: Reducing Flood Risk  
NE8: Sustainable drainage systems  
NE10: Water conservation and wastewater infrastructure  
NE11: Contaminated land  
HE4: Archaeology

## 2.0 **Site History**

- 2.1 20/00441/FP Erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping. **CONDITIONAL PERMISSION**
- 2.2 23/00812/S73 Variation to Condition 2 (revised plans) of planning permission 20/00441/FP granted on 05.08.2020 for erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping. **WITHDRAWN**

## 3.0 **Representations**

- 3.1 **Lead Local Flood Authority** – Await further representations following amended Drainage Strategy.
- 3.2 **Highways – No objection – Conditions recommended.**

*The proposal is for two buildings comprising a combination of 1,208sqm office (E(g)(i), former B1(a)), 265sqm light industrial (E(g)(iii), former B1(c)) and 530sqm storage/distribution (B8) uses with 36 car parking spaces and 20 long-term staff cycle spaces and 10 short term visitor cycle spaces covered and are secure by virtue of being in a gated car park.*

*The proposed car parking provision is the responsibility of the LPA to determine the level and suitability of the car parking proposals, however, it is essential that it is operated in efficient and safe manner to minimise the impact on the local highway network which is the responsibility of the HCC HA.*

*The HA has reviewed the TS and acknowledges based on the appraisal undertaken the proposed development is not expected to have any significant/detrimental impact on the operation and safety of the local highway network.*

*Furthermore, given that the site is located within an existing industrial estate. the HA also acknowledges that the site is sustainably located with easy access to the town centre and nearby local facilities by sustainable modes of transport and facilities provided to encourage their greater use (Travel Plan).*

*In view of the above comments, the HA raises no objection subject to the listed conditions.*

**3.3 Environment Agency - Conditions recommended.**

*Considering the information provided, we have no objection to the proposed development subject to the inclusion of the following conditions on any grant of decision notice. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.*

**3.4 Environmental Health (Contaminated Land) - Conditions recommended.**

*Although the proposed application is for a relatively low-sensitivity use, (offices, workshop, storage). It is in an area which has been subject to many industrial uses, and therefore there is a high potential for the presence of contamination in soil beneath, and close to, the site. Also, the groundwater regime in soil beneath the site is considered to be sensitive to contamination. In view of this historic commercial use, it is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. For these reasons, I would recommend that the following condition is attached.*

**3.5 Environmental Protection (noise and other nuisances) – Conditions recommended.**

*Construction/Demolition – considering the scale of the proposed development the following condition is recommended.*

**3.6 Environmental Protection (Air Quality) - Conditions recommended.**

*Local Air Quality The following conditions are recommended in line with the NHDC Air Quality Planning Guidance as issued in October 2018. An approach to considering the impact of a development on air pollution and the potential mitigation of such is in place in the form of the air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-andplanning>. Application of the guidance to a development of this scale is defines the proposal as being a Minor scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.*

**3.7 North Herts Waste and Recycling – Conditions recommended.**

**3.8 Anglian Water – Conditions and Informatives recommended.**

**4.0 Planning Considerations**

#### 4.1 **Site & Surroundings**

- 4.1.1 The site is a commercial site on the western side of Avenue One and currently consists of a vacant plot. The site is bounded to the rear by commercial units on Dunhams Lane and on Avenue One it has the post Office Sorting Office to the northern Boundary and Kite building to the south.
- 4.1.2 The site is within an industrial/employment area with surrounding sites being uses consistent with this character. In the adopted Local Plan the site is within Employment Area LE1.

#### 4.2 **Proposal**

- 4.2.1 The proposal is for a headquarters building for Wheatley Group Developments Ltd, with workshop and storage facilities and associated car parking and landscaping. The Headquarters Office building would be sited back from the Avenue One pavement. The access to the car parking area and rear workshop/storage building would be gained along the southern boundary along the side of the office building. The Workshop/storage building would be set behind the front office building.

#### 4.3 **Key Issues**

- 4.3.1 The key issues in the determination of this application are:

- Principle;
- Design and visual impact;
- Neighbour amenity;
- Highways and parking;
- Flooding and drainage;
- Archaeology;
- Landscaping;
- Environmental impacts;
- Climate change.

##### **Principle**

- 4.3.2 Full planning approval was granted for a head office and warehouse under application number 20/00441/FP on 5 August 2020. The principle of development on this site was determined within that application as in accordance with the applicable local plan policies.
- 4.3.3 Since the previous approval the Local Plan has been adopted. The site lies within an Employment area where Policy SP2 states: ***The Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer.***

- 4.3.4 The site is within an Employment Area in the adopted Local Plan. Local Plan policy ETC1 supports business / industrial applications within the employment land areas. Policy ETC1 states that within employment land areas planning permission will be granted for office, research and development, industrial processes, industrial and storage and distribution uses. It goes on to state that planning permission for other uses will be granted as an exception provided they are:
- I. Ancillary to the uses listed above;
  - II. Essential to the continued operation of an established premises;
  - III. Would bring comparable benefits to office, research and development, industrial process, industrial and storage and distribution uses in the same location; or
  - IV. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.
- 4.3.5 The proposal would support a local business and would accord with the purpose of the planning system to contribute to sustainable development and the objectives set out in the National Planning Policy Framework. Furthermore, the application would accord with the policies set out in the Local Plan in regard the location of the development.

#### **Design and visual appearance**

- 4.3.6 There are no buildings currently on this site and those in the surrounding area are typical of the local industrial/business use landscape. There are some variations in heights of structures in the area and a variety of finished materials. In general units along Avenue One benefit from a front buffer zone of landscaping to the highway boundary. An appropriate development would have the potential to enhance the site given that it is not occupied and is currently unkempt.
- 4.3.7 The proposed development consists of two buildings, the frontage building being the offices, with a warehouse and workshop building set to the rear of the site. Between these structures would be the car parking and service areas with landscaping illustrated within these zones. The rear building would be similar to other industrial and warehouse buildings in the vicinity. It would have a shallow pitched roof and materials would be of Metal composite cladding roof and side panels with roller shutter doors. The siting is such that it would have little impact upon the character or appearance of Avenue One and would not be readily visible from Dunhams Lane. Existing structures flanking the site would on the whole screen this part of the development.
- 4.3.8 The most prominent structure would be the main HQ building to be located along Avenue One. This would be of a more innovative design utilising three floors of accommodation. Materials include brick and a feature stone panelling at the entrance of the building and metal cladding roof with aluminium windows. The detached building would not add an element of design innovation that I would consider to be within the spirit of the Garden City. The DAS states that it is intended to create a "landmark" building and I would concur that this is achieved in the design approach. I consider that the development would be acceptable in this employment area and will not appear out of place. A further benefit would be the provision of a new facility meeting modern standards and the consequent provision of new employment and benefits to the economy.

### **Neighbour amenity**

- 4.3.9 Adjacent land to the side and rear boundaries is occupied by other businesses in the employment area, which won't be affected by the proposal.
- 4.3.10 The layout of the site, with parking and loading/unloading taking place to the rear and behind the front office structure would reduce the impact of day to day activities on the highway frontage.  
The development is proposed to operate Monday to Friday only from 8am to 5pm, where it would be reasonably expected that loading/unloading would take place during these hours. These operating hours are not considered unreasonable for an industrial development. I do not feel that a condition for operating hours is necessary in this instance given the sites location and surroundings. The Council's Environmental Health Officer has not objected to the proposal on the grounds of adverse noise or other impacts. No objections or other comments were received in relation to noise issues. It is considered that no loss of amenity would be caused as a result of this development.

### **Public highways and parking**

- 4.3.11 The development would provide disabled parking bays, cycle parking and adequate off-street parking to meet the needs of the development. The total parking provision is considered reasonably close to the maximum, with any additional parking not considered likely to adversely affect the public highway.
- 4.3.12 Internally the site is considered to provide sufficient space for manoeuvring of cars and larger vehicles. The County Council as local highways authority have not objected subject to the imposition of conditions to safeguard the new vehicular access and a Construction Traffic management Plan to be submitted, and there are no reasons evident for officers to take a different view.

### **Flooding/drainage**

- 4.3.13 In regards to the previous planning application the Lead Local Flood Authority (LLFA), following initial advice and re-consultation upon additional details, had not objected to the proposal on flood risk grounds and consider the site would be drained adequately and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.
- 4.3.14 Following consultation under this application, the LLFA sought additional information. The applicant has also provided new plans relating to details of drainage measures that the LLFA have been consulted on, but they have not yet responded. It is considered that any outstanding matters relating to these new plans are technical and can be dealt with by condition as necessary. This matter is addressed in the recommendation at 6.1 a) of this report.
- 4.3.15 The Environment Agency were consulted on the Flood Risk Assessment provided. They comment that ***“The proposed development site is located upon a principal aquifer within source protection zone 1 (SPZ1). It has been subject to potentially contaminative previous industrial uses, as part of a steel and engineering works, and as part of an unspecified works.*”**

**We are also aware from other information sources that groundwater in the vicinity of this site is impacted by a range of contaminants including PFAS, chlorinated solvents and metals. In spite of this, the contamination assessment reports submitted do not provide sufficient confidence that the site itself is not a source of such contaminants to groundwater. Given the site is in a highly sensitive location for the water environment, potential pollutant linkages could present a risk to controlled waters if not properly managed.**” They consider that the imposition of three conditions would be appropriate to safeguard against potential unacceptable risk of water pollution.

The advice they have provided has been passed on the applicants agent with regard to the details required for eventual formal discharge of these conditions as set out in my recommendation below.

- 4.3.16 The detailed comments received from Anglian Water suggest that the scheme is acceptable subject to a condition and a series of informatives. The advice from Anglian Water ties in with the conditions previously advised by the LLFA and currently advised by the Environment Agency to ensure appropriate drainage at the site and prevention of pollution.

### **Archaeology**

- 4.3.17 The Historic Environment Advisor previously commented under the previous application confirms that **“the proposed development site is located less than 500m to the south of the course of the Icknield Way [Historic Environment Record No. 4182], which is an ancient route along the Chiltern ridge, parts of which were re-engineered in the Roman period. The site is also c.100 metres to the south of an undated inhumation burial [HER no. 1301] that was discovered in the north east corner of a factory owned by Shelvoke and Drewry Ltd during the Second World War. Several Roman coins [HER no’s 1257, 1258, 1278] have been found nearby.”**

Details provided with the application suggest that the construction of the existing hard standing may have involved only limited ground disturbance and in the absence of a report on ground investigations this is not certain. It is therefore advised that the development may have an impact on heritage assets. The County Archaeologist recommended that conditions be imposed in this instance in order to provide properly for the likely archaeological implications of this proposed development.

- 4.3.18 As part of the current application the Historic Environment Team were consulted but they have not yet responded. I therefore have proposed that the previous conditions that were required as part of the previous application be recommended (Conditions 18-20).

### **Landscaping**

- 4.3.19 The proposal shows indicative landscaping to the site and currently there are no trees here that would be removed. The indicative details need to be expanded upon and solidified. Conditions are suggested that would achieve this. The conditions suggested have been agreed by the applicant and would in my view be appropriate to the development.

## **Environmental Impacts**

- 4.3.20 The Councils Environmental Protection Officers have considered the scheme and recommend conditions and informatives to safeguard, air quality, land contamination, noise and nuisance. I consider these measures to be wholly appropriate for the scale and nature of the development and reasonable to secure the finished scheme.
- 4.3.21 With regard to waste management, I have added a further condition which relates to on-site storage facilities for waste and recycling at the site. Currently the plans show an allocated area for bins but this does not clarify waste management for the whole site. The applicants agent has agreed to this condition.

## **Climate change**

- 4.3.22 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.
- 4.3.23 If permission were granted, I would recommend a condition that a sustainability Report outlining the renewable energy and energy saving functionality be submitted and approved prior to commencement (Condition 21).
- 4.3.24 Appropriate climate change mitigation measures are considered to be a requirement by condition for electric vehicle charging points. The provision of cycle parking can encourage more sustainable travel. The buildings will be built to more modern efficient standards, and this expected to reduce carbon emissions.

## **Biodiversity net gain**

- 4.3.25 The Local Plan sets out a clear strategic approach for the protection, enhancement, creation and management of networks of green infrastructure. This is detailed in Policy SP12 (Green Infrastructure, landscape and biodiversity). Policy NE4 (Biodiversity and geological sites) states that planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with SP12.
- 4.3.26 This application was submitted prior to the legal requirement exempt from BNG as per Legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **4.4 Conclusion**

- 4.4.1 The development proposed would have an acceptable visual impact and it is considered that they would not have an adverse impact on highways safety or parking. The proposal would not have an adverse impact in terms of, archaeology or contamination subject to the recommended conditions. I am satisfied that the details provided and the additional conditions and informatives to be imposed are satisfactory to ensure an acceptable standard of development that would not occasion harm to this locality.



In the absence of any material or sustainable grounds for objection I have framed a favourable recommendation accordingly.

#### 4.5 **Alternative Options**

- 4.5.1 None applicable in this instance given that the scheme presented in its present form is considered acceptable.

#### 4.6 **Pre-Commencement Conditions**

- 4.6.1 I can confirm that the applicant is in agreement with all the pre-commencement conditions that are proposed.

#### 5.0 **Recommendation**

- 5.1 That planning permission is resolved to be **GRANTED** subject to the following:

A) The resolution of the LLFA matters to the satisfaction of the Local Planning Authority with the imposition of planning conditions or amendment of planning conditions as necessary with any actions required pursuant to LLFA response being devolved to the Development and Conservation Manager and Chair of the Planning Control Committee; and

B) Conditions and Informatives as set out below:

#### **BNG**

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

#### **Standard**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

## **Materials**

3. The office building hereby permitted shall only be finished in buff colour brick, shoulder course brick, and stone finish panelling, Grey colour cladding mansard roof, Grey colour Aluminium frame window and the Warehouse shall be finished in Vertical metal composite cladding panels metal composite panel roof, Grey colour Aluminium frame window as stated on the application form thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the building is in-keeping with the host property and to protect the visual amenities of the locality and to comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011 to 2031.

## **Landscaping**

4. Before any development commences on site full details the hard and soft landscaping shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved details can be implemented on site. The details must include:
  - a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - d) details of any earthworks proposed

Reason: To safeguard and enhance the appearance of the completed development and the biodiversity and visual amenity of the locality and to enhance biodiversity including any species and their habitats and in accordance with the NPPF and Policies NE2 in the Local Plan.

5. The approved landscaping details shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2 in the Local Plan.

## **Waste**

6. Prior to the commencement of groundworks for each of the individual units of development, full details of the on-site storage facilities for commercial waste, including waste for recycling for that particular unit of development shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure that waste is adequately managed in the interests of visual amenity in accordance with policy D1 of the Local Plan

7. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied.

No part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections in accordance with policy D1 of the Local Plan

## **Environment Agency**

### **Remediation Strategy**

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework.

### **Unsuspected Contamination**

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.

### **Piling**

10. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework

### **Highways**

11. The cycle parking shall be constructed and laid out in accordance with the approved plans, agreed details and completed prior to occupation of the development hereby approved and shall thereafter be retained and maintained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.

- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- 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 and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

## **Environmental Health**

### **EV Recharging Infrastructure Condition**

13. Prior to occupation, the proposed new development shall incorporate Electric Vehicle (EV) ready domestic charging points on the following basis: A minimum of 10% of parking spaces designated for EV charging, which may be phased with 5% initial provision and the remainder at an agreed trigger level based on usage. The final provision and EV specification should be submitted to and agreed with the Council on the basis of a detailed proposal. The Electric Vehicle Charging Points and associated infrastructure details forming part of the planning application submission and indicated on the approved plans shall be implemented and brought into operation prior to the occupation of any commercial use hereby approved commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality in accordance with Policy D4 of the Local Plan and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

## **Construction/Demolition**

14. Prior to the commencement of the development the applicant shall submit in writing a demolition and construction management plan to the local planning authority for approval. Within the construction management plan, it must consider the but not be limited following requirements:

- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974);
- Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).

Reason: To protect the interests of the amenity of surrounding locality residential/business premises in accordance with Policy NE11 of the Local Plan.

## **Contamination**

15. No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

- Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.
- Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment, and controlled waters in accordance with Policy NE11 of the Local Plan.

### **Anglian Water**

16. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy NE8 of the Local Plan.

### **Archaeology**

17. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological 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 results
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 Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan.

18. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (18).

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan.

19. The development shall not be occupied/used 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 (18) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan.

### **Sustainability Strategy**

20. Prior to commencement a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 in the local plan.

### **Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **HIGHWAY INFORMATIVES:**

The Highway Authority recommends 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.

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 1234047.

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> telephoning 0300 1234047.

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 1234047.

## **Environmental Health**

### **Air Quality**

- 1) EV Charging Point Specification: A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)
  - A separate dedicated circuit protected by an RBCO should be provided from the main distribution board to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
  - The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
  - If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g., in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
  - A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles> • UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.
  
- 2) The above condition is considered relevant and reasonable for the following reasons:
  - Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).

- Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra-low emission vehicles.
- HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to ‘preserve the character and quality of the Hertfordshire environment’ and ‘make journeys and their impact safer and healthier’, as well as its Emissions Reduction Policy 19.
- It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

## **EH Noise Informative**

- i. If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors the Environmental Protection Team at the Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.
- ii. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- iii. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- iv. Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency
- v. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- vi. All site lighting shall be located, shielded, or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- vii. Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise & Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.
- viii. Please note that where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements.

## **Anglian Water Informatives**

1 INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2. INFORMATIVE -Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.