

DRAFT COMMITTEE MINUTE 17-09-14

3/13/1925/OP – Outline permission for the demolition of former depot and development of mixed use scheme comprising 316 dwellings of mixed size and tenure (all matters reserved with the exception of access, layout and scale dwellings), 2ha. of land for employment purposes including development within B1(c) (light industry), B1(a) (offices) and/or D1 (non-residential institution) (all matters reserved with the exception of access) with ancillary parking, public open space and landscaping including new vehicular access from London Road; retention of sports club including club house and sports pitches.at the former Sainsbury's Distribution Depot, London Road, Buntingford, SG9 9JR for Fairview New Homes

(A) That subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:-

- A financial contribution towards Nursery, First, Middle and Upper Education, Childcare, Youth and Library services to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
- A financial contribution of up to £10,000 towards a study into the availability of sites for the delivery of a 2FE First school, and no more than 174 dwellings shall be occupied prior to the identification of a suitable and available First school site;
- A financial contribution of £213,000 towards Sustainable Transport;
- A financial contribution of up to £25,000 to fund additional transport modelling commissioning, scope and timescales for completion to be agreed. No more than 100 dwellings shall be occupied prior to completion of the modelling, and if the modelling identifies the need for further transport infrastructure works or contributions towards other measures, contributions towards these will be sought through any subsequent planning applications;
- A financial contribution towards Outdoor Sports facilities to East Herts Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Document 2008;
- A financial contribution of £621 per dwelling towards general medical services;
- The provision of 22% affordable housing - 76% to be social rented and 24%

to be shared ownership. Reassessment of viability appraisal and the percentage of affordable housing (not to decrease below 22%) shall be undertaken in accordance with a timescale to be submitted and agreed;

- The submission of a Business and Employment Strategy to include delivery timescales, type of units, marketing plan and implementation plan;
- Monitoring fee.

(B) The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Outline permission time limit (1T03)
2. Phasing of Development (1T11)
3. Details of the appearance and landscaping (hereinafter called 'the reserved matters') of the residential element of the development shall be submitted to and approved in writing by the local planning authority before any development begins (excluding demolition and site clearance) and the development shall be carried out as approved.

Reason

To comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

4. Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') of the employment element of the development shall be submitted to and approved in writing by the local planning authority before any development begins (excluding demolition and site clearance) and the development shall be carried out as approved.

Reason

To comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

5. Programme of archaeological work (2E02)
Amended to include '(excluding demolition)'
6. Levels (2E05)
Amended to include 'of the residential element of the development (excluding demolition or site clearance)'
7. Boundary walls and fences (2E07)
8. Approved plans (2E10)
Insert 'FNH407/P/101; 061312-FAIR-P-01 Rev B; 061312-FAIR-P-02 Rev C; 061312-FAIR-P-03 Rev B; 061312-FAIR-P-05 Rev B; PL13/19/07-200 Rev P1; FNH407 OFF-SITE 01 Rev A; 130947/A/09 Rev B.

9. Materials arising from demolition (2E32)
10. Prior to the first occupation of any part of the development hereby approved, details of the layout of each play space and the play equipment to be provided including a timetable for the implementation of the agreed details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and the areas shall not be used for any purpose other than as a play area.
Reason
To ensure adequate provision of play space within the estate, in accordance with policy LRC3 and Appendix 4 of the East Herts Local Plan Second Review April 2007.
11. Bats (2E41)
Amended to include 'Bat Mitigation Strategy September 2013 (RT-MME-114778-02)'
12. Prior to the commencement of the development hereby approved, the site should be resurveyed for evidence of badgers and reptiles, and the results of those surveys shall be submitted to and approved in writing by the Local Planning Authority, and any mitigation measures shall be implemented in accordance with the agreed details.
Reason
To protect the habitats of existing wildlife, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.
13. No removal of trees, scrub or hedges, shall be carried out on site between 1 March and 31 August inclusive in any year, unless searched beforehand by a suitably qualified ecologist and confirmed absent from nesting activity.
Reason
To protect the habitats of existing wildlife, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.
14. Sustainable drainage – surface water management (2E43)
15. Prior to the commencement of the development (excluding demolition) hereby approved, a scheme that includes the following measures to deal with the risks associated with the contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
 1. A site investigation scheme, based on the details contained in the submitted Geotechnical and Geoenvironmental interpretative report and remediation strategy (ref. CG/08376A) October 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

2. The results of the site investigation and detailed risk assessment referred to in 1. And, based on these, an options appraisal and remediation strategy giving full details of the remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy 2. are complete and identifying any requirements for longer term monitoring of pollutants linkages, maintenance and arrangements for contingency action.

Thereafter the scheme shall be implemented in accordance with the details submitted to and agreed by the Local Planning Authority.

Reason

To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

16. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

17. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

18. 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 minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

19. The development hereby permitted (excluding demolition and site clearance) shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

20. Tree/hedge Protection (4P05)

21. Tree/natural feature protection: fencing (4P07)

22. Tree Protection: excavations (4P09)
Amended to include '(excluding demolition or site clearance)'

23. Tree Protection: Earthworks (4P10)

24. Construction hours of working – plant and machinery (6N07)

25. No development shall take place, including any works of demolition and site clearance, until a Demolition Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide for:

1. details of vehicle movements and vehicle access arrangements in association with the demolition;
2. the parking of vehicles of site operatives and visitors;
3. loading and unloading of plant and materials;
4. storage of plant and materials used in the demolition of the existing buildings;
5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
6. wheel washing facilities;
7. measures to control the emission of dust and dirt during demolition;
8. a scheme for recycling/disposing of waste resulting from demolition works.

Reason

In the interests of neighbour amenity and highway safety in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

26. Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan must set out:
- the phasing of construction and and construction programme;
 - the hours of operation and delivery and storage of materials within the site including: proposed hours in which vehicles will arrive and depart; numbers of daily construction vehicles; vehicle sizes, routing, access and parking arrangements for all construction related vehicles within the site;
 - details of any highway works necessary to enable construction to take place;
 - parking and loading arrangements;
 - details of any hoardings;
 - details of how pedestrian and cyclist safety will be maintained;
 - management of traffic to reduce congestion;
 - control of dirt and dust on the public highway;
 - provision for addressing any abnormal wear and tear to the highway;
 - details of consultation with local businesses or neighbours;
 - details of any other Construction Sites in the local area;
 - waste management proposals.

Thereafter, the development shall accord with the approved Construction Management Plan.

Reason

In the interests of neighbour amenity and highway safety in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

27. Pedestrian and vehicular access to the sports fields to the south of the site shall be maintained at all times, both during construction and operation of the site.

Reason

To ensure the continued access to the sport and recreation land to the south of the site.

28. Prior to the construction of plots nos. 256-259, 317-321, 324-327 and the pumping station as shown on plan ref. 061312-FAIR-P-03 Rev B, a scheme of ball protection for the dwellings and buildings adjoining the football ground, including details of protective measures that are to be utilised in the construction of the buildings to protect the structure and occupants from ball damage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall accord with the approved scheme which shall be implemented prior to the first occupation of any dwellings in Phase 4 of the development.

Reason

In the interests of the safety of the occupant of the proposed dwellings.

29. Prior to the commencement of the residential element of the development (excluding demolition and site clearance), detailed plans of the roads, footways, cycleways, and foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the development shall accord with the approved details.

Reason

To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

30. Prior to the commencement of the development hereby approved (excluding demolition and site clearance) a phasing plan for the development and associated highway works shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Thereafter the development shall accord with the approved phasing schedule.

Reason

In order to ensure that the approved development takes place in a coordinated manner having regard to highway safety and accessibility.

31. Prior to the commencement of each phase of the development as outlined in the phasing plan agreed by condition 29, detailed plans of all proposed new highway infrastructure or modifications to existing highway infrastructure shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This includes, but is not limited to, the following, both within and outside the site:

- i) Roads, footways, cycleways;
- ii) Foul and surface water drainage;
- iii) All new and modified junctions and access arrangements, including visibility splay information;
- iv) Parking provision/layouts in accordance with adopted standards;
- v) Loading areas;
- vi) Turning areas;
- vii) Internal bus stops to be fully DDA compliant.

Designs must be compliant with Hertfordshire County Council's Roads in Hertfordshire - Highway Design Guide.

Reason

To ensure that all highway works and internal roads are built to Highway Authority standards and requirements.

32. No part of the development shall be occupied until the approved access arrangements from the public highway have been fully implemented, and each phase of the development (as agreed by condition 29) shall not be occupied until the other relevant road works both within and outside the site as agreed by condition 30 have been implemented. This includes (but is not

limited to) physical mitigation measures and internal access roads, forecourts, garages, carports and external parking spaces.

Reason

In the interests of highway safety and accessibility.

33. Prior to the commencement (excluding demolition and site clearance) of each phase (agreed by condition 29) of the residential element of the development hereby approved, details of all materials to be used for hard surfaced areas within the site, including roads, drainage details, driveways and car parking areas shall be submitted to the Local Planning Authority for approval in writing. Thereafter the development shall accord with the approved details.

Reason

To ensure that internal roads, drainage and parking areas are built to Highway Authority standards and requirements.

34. Wheel washing facilities (3V25)

35. Prior to the commencement of the development hereby approved (excluding demolition and site clearance) a plan detailing the proposed new highway boundary(ies) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To clarify the extent of the highway and prevent structures being erected within the highway boundary.

36. Prior to the first occupation of any part of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, together with a timetable for its implementation. Such a Travel Plan shall accord with Hertfordshire County Council's document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development'

Reason

To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.

37. Prior to commencement of the development hereby approved (excluding demolition and site clearance) details of the existing watercourse/drainage ditch and proposals for accommodating this feature within the design of the priority access junction on to London Road shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the development shall accord with the approved details.

Reason

To ensure construction of a satisfactory access and in the interests of highway safety.

38. No part of the development hereby approved shall be occupied until the permitted visibility splays measuring 4.5 x 90 metres are secured and protected via appropriate waiting restrictions on each side of the proposed priority access junction on London Road. The splays must be maintained at all times, free from any obstruction between the heights of 600mm and 2m above the level of the adjacent carriageway.

Reason

In the interests of highway safety.

39. Prior to the first occupation of any part of the development hereby approved, details and arrangements for a gated emergency access to the site shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

Reason

To secure a satisfactory emergency access appropriate to the development, in the interest of public safety and convenience.

Directives

1. Highway Works (06FC2)
2. Planning Obligation (08PC)
3. Street Naming and Numbering (19SN)
4. Bats (32BA)
5. Unsuspected Contamination (33UC)
6. Protected Species (36PS)
7. 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:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047
8. 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:

<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.

9. Prior to commencement of relevant highway works the applicant shall promote and obtain all necessary permanent and temporary Traffic Regulation Orders. This is to ensure adequate safety measures are provided during construction and use of the development.
10. Before commencement of the development the applicant shall submit to the relevant road and foul drainage authorities, details of the design, construction and adoption of the proposed drainage systems. This is to ensure that the development's drainage is built to the appropriate standards and legislation.
11. 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:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.
12. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DN. The telephone number is 0300 1234047.
13. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.

14. The applicant is advised that the internal layout of this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.
15. In respect of highway design, the applicant will need to contact the Safety Engineering Team, and the street lighting team at Hertfordshire County Council to obtain their requirements. These teams are based at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).
16. In respect of the required Travel Plan, the applicant will need to contact the Travel Plan Team to obtain their requirements, based at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).
17. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
18. Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbounded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from the site. If unbounded asbestos is found the health and Safety Executive should be contacted and the asbestos shall be removed by a licensed contractor.
19. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
20. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within eight meters of the top of the bank of Hayley Hall Ditch, designated a 'main river'.

- (C) That the Head of Planning and Building Control, in consultation with the Chairman of the Committee and a minimum of one of the two local ward Members (whilst informing both ward members at all stages of any relevant action or decision) be authorised to make amendments to the heads of terms and all related matters in relation to the legal agreement and to add or remove conditions and directives and make such changes to the wording of them as may be necessary to ensure a satisfactory development.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.