

## DEVELOPMENT MANAGEMENT COMMITTEE – 5 APRIL 2017

<b>Application Number</b>	3/14/0395/FP
<b>Proposal</b>	Change of use of land to east of Farnham Road from disused quarry/lime works to animal rescue centre and associated landscaping. Redevelopment of Old Lime Works building to caretaker accommodation. Erection of new kennel and cattery building and associated outbuildings, parking areas and access roads. Erection of field shelter and outdoor cattery area.
<b>Location</b>	The Old Lime Works, Farnham Road
<b>Applicant</b>	The Animal Rescue Charity
<b>Parish</b>	Bishop's Stortford
<b>Ward</b>	Bishop's Stortford Meads

<b>Date of Registration of Application</b>	06 March 2014
<b>Target Determination Date</b>	05 June 2014 (but subject to ETA)
<b>Reason for Committee Report</b>	Major Planning application
<b>Case Officer</b>	Martin Plummer

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The site is located within the Metropolitan Green Belt and the proposal represents inappropriate development. In addition to the harm by inappropriateness, some other harm is associated with a limited loss of openness; and a change to the character and appearance of the site. However, the harm caused in respect of these matters has to be weighed against the positive impacts of the proposal which in this case relate to the provision of alternative accommodation and facilities for a nearby local animal charity and the associated employment generation.
- 1.2 On balance, it is considered that the benefits of the proposal are sufficient to clearly outweigh any harm to the Green Belt such that very special circumstances can be said to exist to justify the proposed development.

#### **2.0 Site Description**

- 2.1. The site is shown on the attached OS extract and is located to the north of Bishop's Stortford on Farnham Road, just north of the A120. The site

was formerly occupied by an old Lime Works and the western part of the site contains a cluster of disused buildings associated with that historical use. The eastern part of the site is generally open and comprises an area of scrub with trees and various landscape features which have grown in an unmanaged way through the passage of time.

### **3.0 Background to Proposal**

- 3.1 As noted above, the site was formerly occupied by the Old Lime Works associated with the extraction of raw material from the land (chalk) and converting it into a usable commercial material (lime). The use of the land for such purposes ceased in the 1960s.
- 3.2 Various planning applications have been submitted (as summarised in section 9 below) for alternative uses of the site including the change of use of the lime work buildings for use associated with a nearby animal rescue centre. The more recent planning applications have granted permission for the use of the buildings to the west of the site as an animal rescue charity and temporary permission for the provision of a mobile home to provide security for the site. This permission has been implemented and the western part of the site is in use by the applicant, the Animal Rescue Centre (ARC), for that use.
- 3.3 The ARC currently also occupies the site known as Foxdells Farm, to the south of the application site and accessed from Rye Street via Foxdells Lane. ARC take in strays and unwanted animals and lease the buildings at Foxdells Farm from the current owner, Bovis Homes and Taylor Wimpey.
- 3.4 Foxdells Farm forms part of Bishop's Stortford North which has been granted planning permission under LPA reference 3/13/0075/FP for significant housing development (some 2,200 dwellings) and associated infrastructure which includes the reuse of Foxdells Farm for community purposes or for a commercial use such as a restaurant with additional community space.
- 3.5 The Section 106 agreement which forms part of the planning permission for Bishop's Stortford North, includes a financial contribution from the developers towards assisting ARC in the relocation of their operation to an alternative site (the site the subject of this current planning application). The financial contribution was considered necessary to secure the retention of the public service provided by the ARC in rescuing animals in the town and surrounding areas.

- 3.6 This planning application seeks permission for the use of the entire Old Lime Works site as an animal rescue centre incorporating, towards the eastern side of the site, the erection of a new building for kennels and a cattery with associated dog runs and ancillary outbuildings for storage, together with visitor parking. The central part of the site would comprise enclosed paddocks and timber sheds; a woodland garden of remembrance; a woodland walk, and a cattery for long term resident cats. The plans also show the provision of a future visitors centre within the old buildings to the western side of the site with associated parking but this does not form part of these current proposals.
- 3.7 The plans include the retention of the vehicle access to the south of the site, which would then link to the east of the site, to the kennel and cattery building and visitor parking. A single access track is proposed around the north of the application site to a vehicle access to the north onto Farnham Road.
- 3.8 The north eastern corner of the site lies within the administrative boundary of Uttlesford Council and a similar planning application to this current planning application has been submitted to that Authority for determination
- 3.9 Members will note that the application has been with the Council for a significant period of time. During the initial stages of the consultation period, objections were received from the Environment Agency in respect of the risks associated with the development on ground water protection. As noted in the consultation response below from that consultee, the site is particularly sensitive to ground water contamination. Officers have therefore sought to work proactively with the applicant to address this matter and other related matters and these have now been resolved.

#### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the East Herts Local Plan Second Review April 2007 and the Bishop's Stortford Town Council Neighbourhood Plan Silverleys and Meads.

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>NP</b>
The appropriateness of the development in the Green Belt	87, 88 and 89	GBC1	

Impact on openness of the Green Belt and other harm	Section 9	GBC1	
Impact on the character and appearance of the site, the NP 'green lung' and surrounding area	76, 77, 78	ENV1	GIP1
Contaminated land issues			
Impact on Ecology	118	ENV16	GIP4
Impact on trees within and adjacent to the site	58	ENV2 and ENV11	
Car parking provision and access	39, 75	TR7, LRC9	TIP8, GIP5
The case in support of the application	69, 70, 73, 81,		SP1, SP2
Impact on neighbour amenity		ENV1	
Surface water drainage matters	103	ENV21	

## **5.0 Emerging District Plan**

- 5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.

## **6.0 Summary of Consultee Responses**

- 6.1 Hertfordshire County Highways comment that they make no objection to the development proposals. The development uses an existing vehicle access where appropriate visibility splays can be provided. The northern access is not suitable for access to the site and a planning condition is recommended to ensure that it is used for exits only. A suitable level of parking and space for vehicle turning is provided within the site and the proposal and traffic generation is unlikely to be significantly over the existing use.
- 6.2 The Environment Agency originally objected to the application on the basis of the significant risk to groundwater resources from which potable water is obtained; inadequate provision for foul drainage, and risk to groundwater and flood risk.

Through the submission of additional information during the process of the application, it comments that the Flood Risk Assessment is now sufficient to address flood risk concerns subject to a detailed drainage scheme condition.

It comments that the previous use of the site as a former landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters which are particularly sensitive in this area. The information submitted to date with the application provides sufficient information to ensure that the risk can be adequately managed. Various planning conditions requiring the submission of additional information are recommended.

- 6.3 Herts Ecology comment that the site is identified as a County Ecology Site and the site is described as having an exposed quarry face and areas of calcareous grassland and scrub that have some ecological value.

Having regard to the development as a whole, to prevent possible harm to protected species an ecological appraisal of the whole site should be undertaken which, given that no European protected species are known to be evident on the site, can be dealt with through the provision of a planning condition.

- 6.4 Environmental Health Advisor recommends that a planning condition relating to a contaminated land survey be included with any planning permission granted.
- 6.5 Herts Police Crime Prevention Advisor comments that the application does not show what security measures are being put in place, in conflict with the NPPF, and states that the development should achieve Secured by Design Part 2 as a minimum.
- 6.6 Natural England comment that the proposal is unlikely to affect any statutory protected sites or landscapes and reference is made to statutory advice in respect of protected species. It comments that the development has potential to improve green infrastructure, biodiversity and landscape enhancements.

## **7.0 Town Council Representations**

- 7.1 Bishop's Stortford Town Council object to the application and comment that the development is contrary to the Neighbourhood Plan Policy GIP1c).

## 8.0 Summary of Other Representations

8.1 One representation has been received from the house builder, Countryside Properties, who are implementing residential development at Bishop's Stortford North – ASR5. Countryside Properties acknowledge the positive work that is undertaken by the Council but comment that without proper controls of the future occupation and onsite management, the proposals could result in impact on future residents of ASR5, particularly in respect of noise from animals and associated smells.

## 9.0 Planning History

9.1. The following planning history is of relevant to this proposal:-

Ref	Proposal	Decision	Date
E/836-49	Surface mineral working	Approved with conditions	13.09.1949
E/1050-64	Construction of rifle range	Approved with conditions	13.06.1964
E/3827-71	Land for mineral workings	Approved with conditions	
3/4661-73	Ready mix concrete distribution centre	Refused	25.02.1974
3/06/0935/FP	Change of use to animal sanctuary	Withdrawn	28.11.2006
3/07/0866/FP	Change of use of former limeworks building to use associated with nearby animal rescue sanctuary	Refused	21.06.2007
3/09/1189/FP	Change of use of former limeworks building to use associated with nearby animal rescue sanctuary and formation of staff and visitor parking area off existing site access	Approved	21.12.2009
3/12/0372/FP	Two year temporary change of use from car park to residential use for mobile motor home	Refused / allowed at appeal	21.07.2016

3/15/0466/FUL	Temporary change of use from car park to residential use for mobile motor home. Continuing two year temporary change of use, application reference 3/12/0372/FP	Approved with conditions	15.05.2015
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## 10.0 **Consideration of Relevant Issues**

10.1 The main issues are as follows:

- a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Development Plan (which includes the East Herts Local Plan Second Review April 2007); the Neighbourhood Plan and the NPPF;
- b) Other harm – including the effect of the proposed development on openness, the character and appearance of the area; and on the NP designated ‘green lung’
- c) Contamination issues;
- d) Highway and parking matters;
- e) Drainage and ecological issues;
- f) The impact on neighbour amenity;
- g) The positive benefits of the development proposals

### Development in the Green Belt

- 10.2 The NPPF states that the essential characteristic of the Green Belt is its openness and permanence. Inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. The NPPF requires that Local Planning Authorities attach substantial weight to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.3 The NPPF sets out a range of development which is not inappropriate development in the Green Belt. Policy GBC1 of the Local Plan is broadly consistent with the NPPF and therefore full weight can be attached to that policy.
- 10.4 The provision of development comprising of a change of use of the majority of the site, including the erection of buildings and other associated enclosures relating to an animal rescue centre, represents

inappropriate development in the Green Belt and is in conflict with policy GBC1 of the Local Plan and the NPPF. Emerging policy GBR1 expressly refers to the NPPF and is therefore consistent with the NPPF and can be afforded significant weight. As

- 10.5 The proposed development must therefore be considered as an inappropriate form of development in the Metropolitan Green Belt and, should not be approved unless there are other material considerations which would clearly outweigh the harm caused by inappropriateness, and any other harm, such as to provide the very special circumstances necessary to justify the development.
- 10.6 It is therefore necessary to consider whether any other harm would result from the development and whether that harm is clearly outweighed by the positive impacts of the proposal.

#### Other harm

##### Impact on openness

- 10.7 The proposed development forms three parts – the change of use and erection of buildings to the east of the site to form kennels and cattery, ancillary outbuildings and a visitor parking area; the change of use of the central part of the site to form paddocks and an open woodland walk and garden of remembrance and; the change of use and operational development to the west of the site relating to the provision of an overflow car park and future visitor centre adjoining Farnham Road.
- 10.8 The plans submitted with the application indicate that the area proposed for the new kennel and cattery will be located in a shallow depression which is approximately 3.5 metres below the surrounding ground level of adjoining agricultural fields. The height of the proposed building would be a maximum of 3.4 metres and will therefore sit within the existing land levels around this part of the site without being unduly visible from any public vantage point. Officers are therefore of the view that this element of the application will have only limited impact on the openness of the Green Belt.
- 10.9 The provision of open paddocks within the centre of the site and use of the land for a garden of remembrance and woodland walk would not incorporate any significant operational development and will therefore maintain openness. The plans indicate new field shelters and means of enclosure for the paddocks and this element has the potential to result in some, albeit limited, harm to the openness of the Green Belt. There



is less information regarding the proposals for a long term cattery which is within the central part of the site – the plans indicate that this will comprise of a series of small buildings. There is potential for impact on openness associated with this element of the application and this does therefore weight against the proposals. However, this impact can be mitigated and controlled by planning condition.

- 10.10 To the west of the site the plans indicate the potential reuse of the existing Lime Work buildings as a visitor centre. These buildings have planning permission for use by the ARC but any further change in the use of the buildings would need to be subject of a further application and an informative is suggested to ensure that the applicants are made aware of this.
- 10.11 The proposed overflow car park is located in the position of an existing open space which is used for parking and where a mobile home is currently located. The area proposed is not large and, given the existing development on this part of the site, impact on openness in this location is considered to be neutral in the balance of considerations.

Character, appearance and impact on NP 'green lung'

- 10.12 The site was previously used for mineral extraction and there would historically have been a more intensive use of the land associated with that use. However, over the passage of time, the previous use has blended into the landscape, and the site character now comprises various overgrown shrubs, trees and other landscape features.
- 10.13 The proposals will inevitably result in a change to the character of the site and this weighs, to some extent, against the proposals. The Town Council has objected on the grounds that the proposal is contrary to policy GIP1(c) of the Neighbourhood Plan. That policy states that any development within identified 'green lungs' in the NP Area will principally be used for recreation and open space and that the layout of any new development will be expected to incorporate these open spaces into their design.
- 10.14 The frontage of the site lies within a narrow strip of land that forms part of one of the designated 'green lungs'. However, the majority of the application site falls outside the area.
- 10.15 New building on the site is proposed to be to the east of the site and away from the designated 'green lung' area as defined in NP policy GIP1. Furthermore, the layout of the proposed development is such that the majority of the site will remain open and, subject to a robust

landscaping scheme, it is considered that it would not result in any significant harm to the identified 'green lung'. That designated area is appropriately incorporated into the proposed layout of this development and conditions can secure that a robust landscaping scheme is provided.

- 10.16 On balance, therefore, whilst there will be a change in the character and appearance of the site it is considered that this can be satisfactorily mitigated. The development incorporates the erection of several buildings of various sizes, the subdivision of the site for different uses and enclosures for animals, roads, tracks and parking areas. The more significant element of the application however (the kennel and cattery) and associated visitor parking and ancillary outbuildings is located in a depression within the site which, as acknowledged above, will mean that there are limited, if any, public views of this element of the application. The more visible areas are to the west of the site and the central part – those elements are, however, more low key and respond positively to the landscape character through allocating uses (woodland walk and garden of remembrance) which will retain or reinforce existing landscaping.

#### Contamination

- 10.17 As noted above, the Environment Agency originally objected to the application which, when originally submitted included a pet cemetery. The Environment Agency were concerned with the impact of that use together with foul drainage impact on groundwater protection. The site is located within a source protection zone on a vulnerable chalk aquifer used for potable water. Any contaminants entering the groundwater would reach a public drinking water abstraction point. The site is also in a European Union Water Framework Directive drinking water protection area.
- 10.18 Various and ongoing discussions have taken place between the applicant and the Environment Agency who now advise that it is possible to suitably manage the risk to groundwater and various conditions are recommended in this respect. Having regard to that advice the development is considered to be acceptable in terms of the risk of contamination to the environment and human health and the planning conditions recommended by the Environment Agency are, in this respect, considered to be necessary and reasonable. This matter has a neutral weight in the balance of considerations.

### Ecology

- 10.19 The site does not form part of a statutorily designated site and, as confirmed by Herts Ecology, there are not known to be any European Protected species. Accordingly there is no statutory requirement for survey information to be submitted or considered as part of the decision making process of the application, but there is some potential for impact on reptiles, birds and other important plants and it is necessary and reasonable for a planning condition to be attached with any grant of planning permission requiring an ecological appraisal and provision of any related mitigation measures.
- 10.20 Having regard to the advice received, Officers do not consider that the development will result in significant or material harm to any protected species such that would warrant the refusal of the application. However, there is an opportunity for enhancement of ecology which can be secured by planning condition. This matter is assigned neutral weight in the balance of considerations.

### Neighbour amenity

- 10.21 There are no currently no nearby residential dwellings to the site that will be impacted by the development. However, as development proceeds on ASR5, the site will become closer to new residential development and the comments of the developer of ASR5 are noted in this respect. However, the siting, orientation and distance to that development site is such that there would be no significant or material harm to the living conditions of future residents or indeed to existing dwellings further to the south along Farnham Road. The main building associated with the development for kennels and cattery is, as noted above, sited within a shallow depression within the Old Lime Works which will reduce the impact further. This matter is assigned neutral weight in the balance of considerations.

### Flood risk – drainage

- 10.22 The site is located within flood zone 1 – a low risk of fluvial flooding. The Environment Agency surface water flood risk maps show that there is a small area of low flood risk in the area proposed for the new building for kennels and cattery and an area of low/medium to the west of the site located around the existing buildings.
- 10.23 The application is supported by a flood risk assessment which concludes that the site is at a low risk of flooding and the proposed

development is considered to be suitable assuming appropriate drainage can be maintained for the lifetime of the development.

- 10.24 The plans submitted show the provision of a balancing pond and the supporting documentation indicates that rainwater will be recycled throughout the building including wash down for kennels and hard surfaced areas will use permeable materials.
- 10.25 The information provided indicates the provision of appropriate sustainable methods of dealing with surface water which will have some benefit in terms of improving the quality of the water and some additional biodiversity enhancements associated with the balancing pond. Given the low levels of risk associated with surface water across the site as a whole, the level of information provided is acceptable and demonstrates the provision of appropriate quality SuDS. A planning condition requiring further information in respect of the provision of SuDS and connection of drainage matters is recommended, which is consistent with the consultation response from the Environment Agency. This matter is also assigned neutral weight in the balance of considerations.

#### Parking and highways

- 10.26 The development includes retention of the existing southern access for ingress and egress to the site which the Highway Authority advise is acceptable. A northern access is proposed for egress only which is also considered to be acceptable by the Highway Authority. Having regard to the advice received, Officers consider that appropriate access to the site can be achieved.
- 10.27 The application form proposes the provision of 18 parking spaces, although this is not clearly shown on the proposed plans. The plans submitted show two reasonable areas for parking where such a level of parking could reasonably be provided. The provision of such a level of parking is considered to be appropriate for the use and scale of development proposed and this matter is assigned neutral weight in the planning balance.

#### Planning balance

- 10.28 In summary, the proposal is considered to be inappropriate development in the Green Belt and some additional harm is identified in respect of a limited loss of openness and a change in the character and appearance of the site.

- 10.29 Against that harm, there is a need to balance the positive impacts of the development.
- 10.30 It is a material consideration that the Council have granted planning permission for the redevelopment of the applicants existing premises as part of ASR5 and that, within the considerations relating to that application, financial contributions were secured in order to ensure that a suitable alternative site could be found for the charity. The current application site was expressly referred to in that application. The proposed development would enable a local and very valued charity to continue to undertake their work in the District, in the housing and care of animals. This Local Authority and other Authorities make use of the ARC work and it performs a valuable public service. The provision of a dedicated facility which will allow the ARC to continue with their charitable work is a material consideration which weighs substantially in favour of the application.
- 10.31 The application form indicates that the development will provide full time employment for two people and part time employment for 12 people. It would also have some benefit in terms of the short term building works associated with implementation of the development. The NPPF supports the provision of sustainable economic development as a core principle and the provision of a development which will achieve this through job creation weighs in favour of the application.

## **11.0 Conclusion**

- 11.1. The proposal constitutes inappropriate development within the Green Belt and some, albeit limited, harm would be caused by loss of openness and a change in the character of the site.
- 11.2. However, having regard to the other considerations outlined above and the benefits that the proposal would bring in providing replacement, high quality accommodation for a valued local charity, Officers consider that the harm caused by reason of inappropriateness and the other harm that has been identified is clearly outweighed by the benefits of the proposal. Very special circumstances exist therefore to justify the grant of permission in this case.
- 11.3. It is recommended that planning permission can be granted in this case, subject to conditions.

### **Conditions**

1. Three year time limit (1T121)

2. Approved plans (2E103)
3. Hard surfacing (3V211)
4. Wheel washing (3V251)
5. Materials of construction (2E11)
6. Prior to the first use of the land as hereby permitted, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. The development shall not be occupied until the northern vehicle access has been signed as 'no entry' with durational signage to the entry access and traffic flow plates installed on the private access.

Reason: In the interests of highway safety.

8. Provision and retention of parking spaces (3V23)
9. The use of the land and the buildings hereby permitted shall be as an animal rescue centre only and for no other purposes whatsoever without the prior permission of the local planning authority.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the character and appearance of the Green Belt ;highways safety or the amenities of occupants of adjoining premises in accordance with policies GBC1, ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

10. The caretaker accommodation hereby permitted shall be occupied solely in connection with the animal rescue centre and not as a separate unit of residential accommodation.

Reason: To ensure that the development, approved on the basis of the existence of very special circumstances, continues to provide the benefits which have been found to outweigh harm to Green Belt in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

11. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 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 off site.
  - 3) The results of the site investigation and 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 express written consent of 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.

12. No occupation or use of any part of the permitted development shall take place until a verification report demonstrating completion of 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.

13. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing 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.

14. 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.

15. No drainage systems for the infiltration of surface water drainage into the ground is 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 controlled waters. 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.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. 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.

17. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation or use of any part of the permitted development.

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. The development hereby permitted shall not be commenced until such time as a scheme for the following has been submitted to, and approved in writing by, the local planning authority:

- 1) A full plan for the disposal of foul and surface water with costed justification for not connecting to the foul sewer system
- 2) roof drainage – sealed at ground level  
Non mains drainage will need to include the following specific mitigation measures:
  - i. Infiltration systems to be constructed to BS6297:2007 and A1:2008 (amendment May 2008 and corrigendum August 2008).
  - ii. No connection to watercourse or land drainage system and no part of the infiltration system is within 10 metres of any ditch or watercourse.

- iii. No siting of the septic tank or package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.

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. Prior to the commencement of any above ground building work, landscape design proposals shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a) finished levels or contours; b) planting plans; c) Written specifications; d) schedules of plants noting species, planting sizes and proposed numbers and densities and; e) implementation timetables. Any such trees or plants that, within a period of five years after planting are removed, die or, in the opinion of the Local Planning Authority, are seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and section 7 of the National Planning Policy Framework.

20. Landscape works implementation (4P13)

#### Informatives

1. Unsuspected contamination (33UC)
2. For the avoidance of doubt, this permission does not relate to any future use of the site as a visitors centre as shown on submitted drawing 1158/P/03 B. It is likely that a separate planning permission will be required for that use and the applicant is encouraged to submit details of any proposed use to the Council through its published pre-application advice service before any works commence in this respect.

#### 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; the National Planning Policy Framework and in accordance with the Town and

Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and the very special circumstances that exist in this case is that permission should be granted.

**KEY DATA****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
Animal Rescue Centre (sui generis)	1,141 sqm

**Non-residential Vehicle Parking Provision**

<b>Use type</b>	<b>Standard</b>	<b>Spaces required</b>
Sui generis	None – dependant on nature of use  2 Full time employees and 12 part time (4 Full Time Equivalent)	N/A
Total required		N/A
Proposed provision	18 spaces	