

THREE RIVERS DISTRICT COUNCIL

APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED): SECTION 70

Mr N Lawrence
CgMs
Morley House
26 Holborn Viaduct
London
EC1A 2AT.

Our Ref : 10/0165/DIS
Your Ref :
Date : 1 December 2010
Contact : Laurence Moore
Tel No : 01923 776611
Department : Community and Environmental
Services

Dear Mr Lawrence

Site Address: Former The Happy Man, Berry Lane, Mill End, Hertfordshire

Planning Application Reference: 10/0329/FUL

Development: Redevelopment of the site to provide a Class A1 (retail) unit at ground-floor level as a convenience goods store with 4 no. 2 bedroom residential flats at first floor level with associated access, parking and landscaping

I refer to your letter and application dated 4th October 2010 received in this office with the appropriate fee on 5th October 2010, regarding details pursuant to conditions 11 and 22 of planning permission 10/0329/FUL. I also refer to your email dated 24th November 2010. All conditions are detailed below.

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

This requires the development to be commenced before 11th July 2013 providing all pre-commencement conditions have been discharged in writing by the Local Planning Authority beforehand.

- 2 Prior to the commencement of the development hereby permitted, details of all materials shall be submitted for approval in writing to the Local Planning Authority and samples shall be made available for inspection on site for the external materials for the proposed buildings.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 3 Prior to the commencement of development, details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 4 The store hereby permitted shall only be open for trading between the hours of 7am and 11pm.

I trust that your client will meet the requirements of this condition.

- 5 Deliveries to the store shall only take place between the hours of 8am and 4pm Monday to Saturday and between the hours of 9am and 2pm on Sundays and Public Holidays.

I trust that your client will meet the requirements of this condition.

- 6 The development shall not begin until details of the layout and construction of the altered access to Tudor Way have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the access has been laid out and constructed in accordance with the approved details.

I note that details have been submitted by you on 6th November 2010. The Local Planning Authority will respond to your submission by 4th January 2011. However, I have received the following comments from Hertfordshire County Council's Transportation Planning and Policy Section:

The applicants indicate the alteration of the access, including relocation of the bus stops, is being dealt with by a S278 agreement and the plan was submitted on 8 November. As far as I am aware the details have not been approved and the agreement is not completed. This condition can not be discharged.

- 7 The development shall not begin until details of the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use or occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 8 Within one month of the new access being brought into use, all other existing access points not incorporated into the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway, verge and highway boundary to the same line, level and detail as the adjoining footway, verge, and highway boundary.

I trust that the requirements of this condition will be met by your client. This is of course subject to the other 'highway and means of access' conditions being acceptable.

- 9 The development shall not be occupied until the scheme for parking and manoeuvring has been laid out as indicated on the submitted plan 3291 (P) 1501 Revision C (or any subsequent drawing and/or amendment) agreed in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose.

I trust that the requirements of this condition will be met by your client.

- 10 No building shall be occupied until space for parking bicycles has been provided in accordance with the approved drawing no 3291 (P) 1501 Revision C (or any subsequent drawing and/or amendment). The cycle parking shall be permanently retained thereafter.

I trust that the requirements of this condition will be met by your client.

- 11 Prior to the commencement of demolition works details of the method of washing of vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed method shall be operated at all times during the period of site works.

Details have been submitted with your application dated 4th October 2010. Further details were submitted by you in response to comments made by Hertfordshire County Council's Transportation Planning and Policy Section in your email dated 24th November 2010.

In response to your email 24th November 2010, I have received the following comments from in response from Hertfordshire County Council's Transportation Planning and Policy Section:

With reference to the response from the applicant I have the following comments.

Condition 11 (wheel wash): response 'We propose to remove the connections of the existing yard gullies to the mains sewer so that no contaminated water can enter the public sewer from the existing drains. We will further employ the use of a Petrol Interceptor as a temporary measure to allow for contaminates, to be separated from the clean surface water before entering the sewer'. This is confusing. Will the connections be removed so no contaminated water can enter the public sewer or will a Petrol Interceptor be used to separate contaminates before water enters the sewer.

Response 'The use of a wheel wash facility will always be considered as a last resort and the use of a Road Sweeper will be in place to maintain the cleanliness of the Public Highway'.

All vehicle wheels must be clean before they leave the site to prevent any mud or other debris being deposited on the highway. The wheel wash should be the first resort and the use of a Road Sweeper to clean the Public Highway should be considered a last resort.

Response 'the condition only requires details of the method of washing of vehicle wheels exiting the site and the highways officers request for additional information goes beyond what is required'.

Water used to wash vehicle wheels can become contaminated by oils etc from the vehicles and the disposal of this contaminated water is an integral part of the wheel washing procedure. The disposal of this contaminated water is therefore part of the method and does not go beyond what is required. If the contaminated water is to be drained to a soakaway or sewer confirmation, with copies of letters, that this method of disposal is acceptable to the Environment Agency/Water Authority must be provided. This condition can not be discharged.

Because the Local Planning Authority has to determine your application seeking to discharge this condition within 8 weeks of the submission, the decision is that the details are unacceptable and this condition cannot be discharged. I do however suggest that a meeting is held between you, your transport consultants and representatives from Hertfordshire County Council's Transportation Planning and Policy Section at the earliest opportunity at Three Rivers District Council prior to resubmitting formal details pursuant to this condition.

- 12 No deliveries to the store shall be undertaken by vehicles that exceed 10.35 metres in length.

I trust that your client will meet the requirements of this condition.

- 13 No deliveries to the store shall be undertaken by articulated vehicles.

I trust that your client will meet the requirements of this condition.

- 14 Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this site investigation shall be agreed with the Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of ground water and surface water including provisions for monitoring shall then be submitted to and approved in writing by the Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 15 No soakaways shall be constructed in contaminated ground.

I trust that your client will meet the requirements of this condition.

- 16 The development shall not commence until full details (including design, materials, height and type of all boundary treatment(s) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the flats and prior to the retail store opening. The approved scheme shall be maintained thereafter at all times.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 17 The development shall not commence until details are submitted to and approved in writing to the Local Planning Authority for screens to be provided to the roof garden. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 18 The first floor windows to the south west elevation (Elevation E on Drawing 3291 (P) 1202) shall be fitted with purpose made obscure glazing and shall be provided prior to the first occupation of the development hereby permitted and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

I trust that your client will meet the requirements of this condition and that future occupiers of the development will be made aware of the requirements in respect of this condition.

- 19 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the residential flats and the opening of the retail store building(s) hereby approved and retained.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 20 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the occupation of the residential flats and the opening of the retail store; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

I trust that the requirements of this condition will be met by your client and future occupiers.

- 21 A landscape management plan including long term design objectives, management, responsibilities, and maintenance schedule for all landscape areas other than small privately owned domestic gardens shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The landscape management plan shall be carried out as approved.

I note that details have been submitted by you on 5th November 2010. The Local Planning Authority will respond to your submission by 3rd January 2011.

- 22 No development or other operation shall commence on site until a CONSTRUCTION MANAGEMENT PLAN has been submitted to and approved in writing by the Local Planning Authority. This management plan shall include details of timetables of works, method of demolition, areas for parking and storage and delivery of materials associated with the construction of this development, parking of vehicles for contractors and employees associated with the construction of the development, removal of material from the site, importation and storage of building materials on the site, details of construction vehicle movements and construction access arrangements, details and depths of underground service routes, methods of excavation and construction methods, and the method of washing of vehicle wheels exiting the site. The development shall only be implemented in accordance with the approved management plan.

Details have been submitted with your application dated 4th October 2010. Further details were submitted by you in response to comments made by Hertfordshire County Council's Transportation Planning and Policy Section in your email dated 24th November 2010.

In response to your email 24th November 2010, I have received the following comments from in response from Hertfordshire County Council's Transportation Planning and Policy Section:

'To begin with there will be 10 allocated site car parking spaces and this will be increased to 15 spaces (refer to construction phasing plan 1), we anticipate that the maximum labour force at its peak will be in the region of 15-20 persons. The car parking provided on site will be adequate for this number of people' and 'the size of the delivery Lorries will be no larger than 10.35m and will reverse onto the site safely with a banksman and leave in a forward gear. There are likely to be approximately up to 5 deliveries a day'.

If the site operates as described and the applicant ensures all vehicles associated with this development park within the site and no vehicles park on the adjacent highway there is unlikely to be a significant impact on the safety and operation of the adjacent highway.

Response: 'Vehicles will use the existing Bus Route as a means of access & egress from site by all construction vehicles (refer to road map plan attached). This will be circulated in advance to all our Construction Team and Suppliers. Vinci Construction will install delivery arrows along this route as agreed with the Highways Authority' and 'As you are aware the condition only requires details of the construction management plan and the highways officers request for additional information goes beyond what is required. Therefore, we believe the information above and previously submitted is adequate to discharge this condition'.

The condition requires that no development shall commence until the plan, including details of construction vehicle movements and construction access arrangements etc, is approved. Previous submitted details appeared to show vehicles will enter and leave the site in either direction. The current details indicate vehicles will use the existing Bus Route and Vinci Construction will install delivery arrows along this route as agreed with the Highways Authority however no details of the location or layout of the signs have been provided. As far as I am aware the Highway Authority has not agreed the route or the proposed signage. This condition can not be discharged.

Because the Local Planning Authority has to determine your application seeking to discharge this condition within 8 weeks of the submission, the decision is that the details are unacceptable and this condition cannot be discharged. This is a sensitive site and a matter which has attracted significant third party and public interest. In view of this, I suggest that a meeting is held between you, your transport consultants and representatives from Hertfordshire County Council's Transportation Planning and Policy Section at the earliest opportunity at Three Rivers District Council prior to resubmitting formal details pursuant to this condition.

- 23 No development shall take place until full details of the refuse storage and collection arrangements for both the residential and retail elements of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved provision shall be made prior to the occupation of the development and be retained thereafter to the satisfaction of the Local Planning Authority.

I note that details have been submitted by you on 6th November 2010. The Local Planning Authority will respond to your submission by 4th January 2011.

- 24 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity.

I trust that your client will meet the requirements of this condition and that future occupiers of the development will be made aware of the requirements in respect of this condition.

- 25 No development shall take place until a SERVICE MANAGEMENT PLAN for the retail premises hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the times when deliveries shall take place, signage, the operation and management of the service bay; the storage of cages and trolleys used. The development shall be carried out in accordance with the approved details and the Plan shall be adhered to during the lifetime of the development hereby permitted.

I note that details have been submitted by you on 6th November 2010. The Local Planning Authority will respond to your submission by 4th January 2011.

- 26 The 2 No. Mitsubishi Heavy FDCA 501 HESR sales floor Air Conditioning Units and 1 No. Mitsubishi Heavy SRC 28 CD-5 Cash Office Air Conditioning Units shall only operate between 0700 and 2300 hours.

I trust that your client will meet the requirements of this condition.

- 27 No development shall commence until details for energy saving measures and a sustainability design and management plan for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently maintained thereafter.

To date, no details have been submitted to meet the requirements of this condition. I look forward to receiving details from you shortly.

The details submitted pursuant to conditions 11 and 22 with your letter and application dated 4th October 2010 for the reasons set out above are unacceptable and cannot be discharged.

I acknowledge there is a desire from your client and the Council to have the former public house demolished at the earliest opportunity. However, due to the comments received from the Transportation Planning and Policy Section at Hertfordshire County Council as well as taking account of the site's location near to a crossroads and bus stops, with construction traffic passing through residential streets, the conditions cannot be discharged until these matters have been addressed.

I note that further submissions have been made regarding conditions 2,3,6,7,14,16,17,19,21,23 & 25 and the Council will respond to these shortly. As noted above, details remain to be submitted pursuant to condition 27.

Please find enclosed a receipt for £85.00 for the Local Planning Authority's consideration of your submission dated 4th October 2010.

Please note that an additional fee is required for each submission.

Yours sincerely


Geof Muggeridge
Head of Development Management and Environmental Health

*CSC
DD
online payment.*

Application for approval of details reserved by condition.
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

05 OCT 2010

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number: Country Code: National Number: Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number: Country Code: National Number: Extension Number:

Mobile number:

Fax number:

Email address:

3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: Suffix:
House name: THE HAPPY MAN
Street address: BERRY LANE

Town/City: RICKMANSWORTH
County: HERTFORDSHIRE
Postcode: WD3 7HR

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: 504519
Northing: 194628

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Redevelopment of site to provide a Class A1 retail unit at ground floor level as a convenience goods store, with 4no. two bedroom flats at first floor level with associated access, parking and landscaping.

Application reference number: 10/0329/FUL Date of decision: 12/07/2010

Please state the condition number(s) to which this application relates:

Condition number(s): 11, 22

Has the development already started? Yes No

6. Discharge of Condition(s)

Please provide a full description and/or list of the materials/details that are being submitted for approval:

Refer to covering letter and additional information provided.

7. Part Discharge of Condition(s)

Are you seeking to discharge only part of a condition? Yes No

8. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.



Date: 04/10/2010

05 OCT 2010



Our Ref: NL/8314
Direct Dial: 020 7832 0274
Email: nick.lawrence@cgms.co.uk

Morley House
26 Holborn Viaduct
London EC1A 2AT

Tel: 020 7583 6767
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www.cgms.co.uk

Offices also at:
Birmingham, Cheltenham
Kettering, Newark

F.A.O Mr. L. Moore
Planning Department
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire WD3 1RL

4 October 2010

Dear Mr Moore,

APPLICATION TO DISCHARGE CONDITIONS 11 AND 22 OF PLANNING CONSENT LPA REF: 10/0329/FUL FOR PROPOSED REDEVELOPMENT OF SITE TO PROVIDE RETAIL USE AT GROUND FLOOR LEVEL AND 4 RESIDENTIAL FLATS ON FIRST FLOOR AT HAPPY MAN FORMER PUBLIC HOUSE, BERRY LANE, RICKMANSWORTH

I write on behalf of our client, Tesco Stores Limited, with regard to the above site.

Further to the grant of planning consent LPA Ref: 10/0349/FUL, we now wish to discharge conditions 11 and 22 and provide the relevant information to successfully discharge the condition.

Discharge condition 11 of planning consent LPA REF 10/0329/FUL

Condition 11 of planning consent LPA Ref 10/0329/FUL states:

'Prior to the commencement of demolition works details of the method of washing vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed method shall be operated at all times during the period of site works'.

In response, we provide a Statement for Council on management of mud on the road below:

Where practicable site fencing will be erected and maintained throughout the Contract Period.

Hard surfacing of heavily used areas will be installed and kept clean by brushing and dampening down with water regularly.

The area around the site, including the public highway will be regularly swept and cleaned to prevent any accumulation of dust or dirt especially during the muck shifting process.

Inspection of vehicles leaving site, with cleaning carried out as appropriate in a dedicated area of the site with the use of Powered jet wash equipment.

Discharge condition 22 of planning consent LPA REF 10/0329/FUL

'No development or other operation shall commence on site until a CONSTRUCTION MANAGEMENT PLAN has been submitted to and approved in writing by the Local Planning Authority. This management plan shall include details of timetables of works, method of demolition, areas for parking and storage and delivery of materials associated with the construction of this development, parking of vehicles for contractors and employees associated with the construction of the development, removal of material from the site, importation and storage of building materials on the site, details of construction vehicle movements and construction access arrangements, details and depths of underground service routes, methods of excavation and construction methods and the method of washing of vehicle wheels exiting the site. The development shall only be implemented in accordance with the approved management plan'.

In response, we attach the following documents:

- i) a method statement for the demolition works;
- ii) a construction management plan; and
- iii) site set-up, traffic management and construction phasing plans.

For ease of reference I also detail below the details as requested in the condition:

- Details of timetable of works;
Demolition works to start immediately; construction works to start once pre-commencement conditions have been discharged.
- Areas for parking and storage and delivery of materials associated with the construction of this development;
A site set-up plan is attached to this letter, which provides details.
- Parking of vehicles for contractors and employees;
A site set-up plan is attached to this letter, which provides details. All vehicles will be parked on-site.
- Removal of material from the site;
Recycle the demolition material by crushing the brick and concrete and using it as hardcore, to be retained on site.
- Importation and storage of building materials on the site;
Materials will be stored in containers or neatly in spaces allocated on the site plan.
- Details of construction vehicle movements and construction access arrangements;
Refer to attached site traffic management plan.

- Details of depths of underground service routes;
A radar survey is being undertaken and will be available shortly.
- Methods of excavation and construction methods;
Traditional strip and pad foundations will be used.
- Method of washing of vehicle wheels exiting the site.
Refer to information submitted with regard to the discharge of condition 11 above.

The fee for the application in the amount of £85.00 to cover the planning fee has been paid via the planning portal. The relevant planning form has been submitted via planning portal.

I trust that you have all the information you require to register the application. If you have any queries please do not hesitate to contact me at this office. I look forward to receiving confirmation of the registration of the application.

Yours sincerely,



Nick Lawrence
Associate Director

Enc.