

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 : 10/0197/DIS & 10/0198/DIS  
Your Ref :  
Date : 23 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 5<sup>th</sup> November 2010 received in this office with the appropriate fee on 9<sup>th</sup> November 2010, regarding details pursuant to conditions 2,3,7,14,16,17,19 & 21 of planning permission 10/0329/FUL. I also refer to your email dated 16<sup>th</sup> December 2010.

I also refer to your separate letter and application dated 8<sup>th</sup> November 2010 received in this office with the appropriate fee on 9<sup>th</sup> November 2010, regarding details pursuant to conditions 6,23 and 25 of planning permission 10/0329/FUL. I refer to your email dated 16<sup>th</sup> December 2010 in which you have formally withdrawn your application to discharge the details pursuant to condition 6.

For completeness, I have referred to all the conditions 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 11<sup>th</sup> 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.

Details were submitted on 5<sup>th</sup> November 2010. I can confirm that the details submitted and shown on Drawings 3291(P) 1501 D and 3291 (P) 1201 B are acceptable. I trust the approved details will be used in the construction of the development hereby approved.

- 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.

Details were submitted on 5<sup>th</sup> November 2010. I can confirm that the details submitted and shown on Drawings 03508S/1 and 3291 (T) 302 are acceptable. I trust that the development will be constructed in accordance with the approved details.

- 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.

Details were submitted on 5<sup>th</sup> November 2010. However, in your email dated 16<sup>th</sup> December 2010 you have withdrawn the application to discharge the details submitted pursuant to this condition.

For reference, I have set out the comments made in my letter 1<sup>st</sup> December 2010 below:

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

Details were submitted on 5<sup>th</sup> November 2010 and shown on Drawing 100804-201. The Environment Agency has made the following comments:

*We would not recommend the discharge of Condition 7 which relates to the disposal of surface water. The GeoEnvironmental Assessment Report states the site is located in Source Protection Zones (SPZ) 2 & 3 which is incorrect. The site lies entirely within SPZ 1.*

*SPZ 1 is the most sensitive zone with only a 50 day travel time from any point below the water table to a drinking water abstraction. It is therefore very important to ensure no contamination reaches the water table from surface water disposal. Only clean roof drainage via a sealed drainage system would be allowed to discharge to soakaway. We would not sanction the use of deep borehole soakaways which is discussed as an option in the GeoEnvironmental Assessment report. Other sustainable drainage methods such as Green Roofs or lined permeable paving could be considered. A copy of the SUDS guide is enclosed for further information.*

In view of the comments I have received from the Environmental Agency, condition 7 cannot be discharged. I invite you to resubmit details taking into consideration the comments made by the Environment Agency as well as the guidance contained in their SUDS guide.

- 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 were submitted with your application dated 4<sup>th</sup> 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 24<sup>th</sup> November 2010.

In response to your email 24<sup>th</sup> 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.*

In my letter dated 1<sup>st</sup> December 2010 the Local Planning Authority determined that the details were unacceptable.

- 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.

Details have been submitted with your application dated 5<sup>th</sup> November 2010. The Environment Agency and the Council's Environment Health Officer consider the details relating to contamination contained in Geo-Environmental report prepared by RKD group Plc to be acceptable. I trust that the development will proceed in accordance with the approved details.

- 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.

Details have been submitted with your application dated 5<sup>th</sup> November 2010. The accompanying letter refers to drawings 3291 SD513 and 3291 SD540. Drawing No. 3291 SD513 shows the fencing to be 2.4m high and 1.8m high. However, the detail shown on the site layout plan 3291 (P) 1501 D shows the height of the means of enclosure to be 2.2m high brick boundary walls and 1.6m high boundary fences. Because of the discrepancies in the details, the Local Planning Authority is unable to discharge the condition. I invite you to submit revised details.

- 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.

Details have been submitted on 5<sup>th</sup> November 2010 and shown on Drawing GC.46364.001. I can confirm that roof terrace details are acceptable. I trust that the screens will be provided prior to the occupation of the development and that future occupiers will be informed of the need to retain the screens.

- 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.

Details have been submitted on 5<sup>th</sup> November 2010 and shown on Drawings GC.45364.001, 3291 (P) 510, GC.4564.100 and landscape management plan. I can confirm that the submitted details are acceptable. I trust the landscaping will be provided in accordance with the requirements of this condition.

- 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 can confirm that the details in the Landscape Management Plan (October 2010) submitted by you on 5<sup>th</sup> November 2010 are acceptable. I trust the approved details will be implemented in accordance with the requirements of the condition.

- 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 were submitted with your application dated 4<sup>th</sup> 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 24<sup>th</sup> November 2010.

In response to your email 24<sup>th</sup> 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*

Details have been submitted with your application dated 5<sup>th</sup> November 2010. The Environment Agency and the Council's Environment Health Officer consider the details relating to contamination contained in Geo-Environmental report prepared by RKD group Plc to be acceptable. I trust that the development will proceed in accordance with the approved details.

- 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.

Details have been submitted with your application dated 5<sup>th</sup> November 2010. The accompanying letter refers to drawings 3291 SD513 and 3291 SD540. Drawing No. 3291 SD513 shows the fencing to be 2.4m high and 1.8m high. However, the detail shown on the site layout plan 3291 (P) 1501 D shows the height of the means of enclosure to be 2.2m high brick boundary walls and 1.6m high boundary fences. Because of the discrepancies in the details, the Local Planning Authority is unable to discharge the condition. I invite you to submit revised details.

- 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.

Details have been submitted on 5<sup>th</sup> November 2010 and shown on Drawing GC.46364.001. I can confirm that roof terrace details are acceptable. I trust that the screens will be provided prior to the occupation of the development and that future occupiers will be informed of the need to retain the screens.

- 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.

Details have been submitted on 5<sup>th</sup> November 2010 and shown on Drawings GC.45364.001, 3291 (P) 510, GC.4564.100 and landscape management plan. I can confirm that the submitted details are acceptable. I trust the landscaping will be provided in accordance with the requirements of this condition.

- 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 can confirm that the details in the Landscape Management Plan (October 2010) submitted by you on 5<sup>th</sup> November 2010 are acceptable. I trust the approved details will be implemented in accordance with the requirements of the condition.

- 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 were submitted with your application dated 4<sup>th</sup> 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 24<sup>th</sup> November 2010.

In response to your email 24<sup>th</sup> 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.

In my letter dated 1<sup>st</sup> December 2010 the Local Planning Authority determined that the details were unacceptable.

- 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.

Details have been submitted on 8<sup>th</sup> November 2010. I can confirm that the details shown on drawing 0711-43 PL05 and drawing 3291 (T) 545 B and within the letter dated 17<sup>th</sup> September 2010 from Transport Planning Associates are acceptable. I trust that the storage and collection arrangements will be carried out in accordance with the approved details.

- 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.

Details have been submitted by you on 8<sup>th</sup> November 2010. The Servicing Management Plan is considered to be acceptable as it covers most aspects of the details required. However, it does not mention or refer to signage. For this reason, the submitted details cannot be discharged and I invite you to resubmit information pursuant to this condition to address the matter of signage.

- 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.

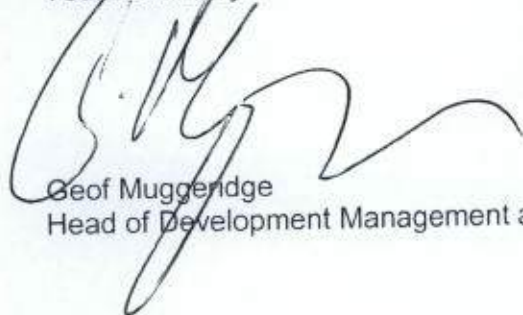
With regard to your letter and application dated 5<sup>th</sup> November 2010, the details submitted pursuant to conditions 2, 3, 14, 17, 19 and 21 are acceptable. However, the details submitted pursuant to conditions 7 and 16 are unacceptable for the reasons set out above.

With regard to your letter and application dated 8<sup>th</sup> November 2010, as well as your email of 16<sup>th</sup> December 2010 withdrawing details pursuant to condition 6, I can confirm that the details submitted pursuant to condition 23 are acceptable. However, the details submitted pursuant to condition 25 are unacceptable for the reasons set out above.

I note that the two fees of £85.00 were paid online via the planning portal for your submissions on 5<sup>th</sup> November and 8<sup>th</sup> November 2010.

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

Yours sincerely



Geof Muggendge  
Head of Development Management and Environmental Health