

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 5 April 2022

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Simon Speller (Chair), Maureen McKay (Vice Chair), Myla Arceno, Adrian Brown, Teresa Callaghan, Matt Creasey, Michael Downing, Jody Hanafin, Graham Lawrence CC, Mrs Joan Lloyd, Adam Mitchell CC and Graham Snell

Start / End Start Time: 6.30pm
Time: End Time: 7.20pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Tom Wren.

There were no declarations of interest.

2 MINUTES - 15 MARCH 2022

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 15 March 2022 be approved as a correct record and signed by the Chair.

3 21/01362/FPM - SANDERS BUILDING & GUNNELS WOOD BUILDING, GUNNELS WOOD ROAD

The Committee considered an application for the demolition of existing buildings and structures and erection of 4no. buildings totalling 6967 sq m (GEA), (6623 sq m GIA), for uses within Use Class E(g) (Business), B2 (General Industrial) and B8 (Warehouse or Distribution) of the Use Classes Order, together with car and HGV parking, landscaping and hard surfacing as well as associated engineering works, facilities and services.

The application was before the Committee for determination as it was a major Commercial Scheme.

The Principal Planning Officer gave an introduction to the Committee. The Committee noted that the main issues for consideration in this case were its acceptability in land use policy terms; design, layout and the impact on the character and appearance of the area; the impact on the amenities of neighbouring landowners; the impact on highway safety and parking; the impact on flood risk and drainage; land and water supply contamination; and trees.

Members had received addendum information and proposed conditions relating to

the response from the Council's Flood Risk and Drainage Consultant which had not been received in time to be included in the Planning Officer's report.

It was noted that the proposed development would involve the removal of 26 trees from the site which had not received any objections from the Council's Arboriculture and Conservation Manager. Concerns had been raised regarding an off-site oak tree located adjacent to the southern entrance of the site and it was recommended that a tree protection plan condition be imposed.

In response to a number of questions from Members, Officers gave the following responses:

- Due to the location of the site within non-residential Accessibility Zone 1, the requirement for car parking spaces was between zero and 55 spaces. The development did however, provide 69 spaces which was considered appropriate;
- The site was in a sustainable location, close to the station and a number of bus routes;
- There would be no loss of pedestrian access to the Leisure Park;
- New Building Regulations required all parking spaces including disabled spaces to have access to Electric Vehicle charging points;
- The Highways Authority had made no objections to the width of the footpaths and cycleways.

It was **RESOLVED**:

1. that planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:
 - Travel Plan Monitoring
 - Employment and Apprenticeship Opportunities
2. With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the financial and non-financial obligations detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

Conditions

General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 31366/PL/200; 31366/PL/201 A; 31366/PL/202; 31366/PL/203; 31366/PL/204; 31366/PL/205; 31366/PL/206; 31366/PL/207; 31366/PL/208; 31366/PL/209; 31366/PL/210; 31366/PL/211; 31366/PL/212; 31366/PL/213; KMC18081 / 001.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Notwithstanding Section 55 of the Town and Country Planning Act (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development to which this permission relates shall be used for purposes falling within Classes E(g)(i), E(g)(ii), E(g)(iii), B2 and B8 of the Schedule to the Use Classes Order 1987 (as amended) (or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes whatsoever unless otherwise agreed in writing with the Local Planning Authority .
4. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
5. No external lighting shall be installed on the site other than in accordance with External Lighting Assessment dated November 2021 unless otherwise agreed in writing by the local planning authority.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.
7. The development shall be carried out in accordance with the recommendations set out in Sections 6.17 and 6.20 of Preliminary Ecological Appraisal dated December 2021 unless otherwise agreed in writing by the local planning authority.

Prior to Commencement

8. No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in

writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to site;
 - c) Traffic and pedestrian management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
 - l) Dust control measures during demolition and construction from plant and machinery, and vehicles.
9. No development shall take place (including site clearance) until a tree protection plan, which provides for the protection of the off-site oak tree located adjacent to the southern vehicular access to the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plan.
10. No development shall take place (including site clearance) until the full site-specific phase 1 & 2 Geo-technical and Geo-environment ground investigations, as recommended by Section 9 of Land Quality Assessment reference 12937/EB/LQA, and a risk assessment, identifying both the aquifer and the local abstraction points as potential receptors of contamination, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. Should the ground investigations and/or risk assessment as set out in the condition above reveal that remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning

Authority. Once the approved remediation scheme has been implemented, a verification report must be submitted to and approved in writing by the local planning authority. Both of these steps must be carried out prior to commencement of the development (including site clearance).

12. If works below the chalk groundwater table are to be carried out, a method statement, detailing the type of work (e.g. piling) to be undertaken and their depth, including mitigation measures (e.g. appropriate piling design) to prevent and/or minimise any potential migration of pollutants to public water supply, must be submitted to and approved in writing by the Local Planning Authority. The works must then be undertaken in accordance with the terms of the approved method statement.

Prior to Work above Slab Level

13. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.
14. No development shall take place above slab level until details of the specification and siting of the low and zero carbon technologies to be provided in accordance with Section 6.09 of Energy Assessment dated November 2021 have been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate that the development will meet the regulated carbon dioxide savings detailed in Section 8.00 of that same report. The approved technologies shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.
15. No development shall take place above slab level until details of the refuse stores as shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.
16. No development shall take place above slab level until details of the cycle parking stands as shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved cycle stands shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.
17. No development shall take place above slab level until details of the specification and siting of the active electric vehicle charging points (EVCP) have been submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

18. No development shall take place above slab level until a scheme for the provision of petrol/oil interceptors in all vehicle parking and servicing areas within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to beneficial occupation of the development and permanently retained thereafter.
19. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

Prior to Occupation/Completion

20. Prior to occupation of the development an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
21. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 18081_001 Rev A. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
22. Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car, motorcycle and cycle parking, servicing, loading, and turning areas shall be implemented in accordance with the approved drawing number 31366/PL/201 A and retained thereafter available for that specific use.
23. All planting and other soft landscaping as shown on drawing numbers 827.10.01, 827.19.01 and 827.29.01 shall be carried out in the first planting and seeding seasons following the first occupation of the development hereby permitted, or the completion of the approved development, whichever is the sooner.

Post Occupation/Completion

24. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

25. No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
26. No development shall take place (including site clearance) until a final detailed design for the drainage scheme for the site, which addresses the issues highlighted in [SBC REFERENCE], has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the following principles:
- limiting the surface water run off generated by the 1 in 100 year + 40% climate change critical storm to a rate of 7.4 l/s or less, in accordance with an agreement from the relevant body to whom discharges would occur
 - providing attenuation on-site for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
 - permeable paving for all car parking areas; and,
 - ensuring site levels are set such that any 'allowable' flooding at the ground surface would be: contained within car-parking, access drives and soft landscaped areas (i.e. outside of buildings) for all events (including exceedance events); and also within the site boundaries to a maximum flood depth of up to 100mm during the 100 year plus 40% climate change storm events.

The scheme shall also provide the following:

- further consideration of infiltration as a means of discharging surface run-off;
- evidence of infiltration testing, carried out in accordance with BRE Digest 365, at the location and proposed depth of any infiltration measure(s);
- rainwater harvesting and/or green roofs (wherever possible);
- appropriate treatment before discharge;
- evidence of agreement (of principle and rates) from the relevant body or bodies to whom discharges would occur;
- updated estimates for betterment;
- increased depths and/or pipe gradients (wherever possible);
- details of flood risk mitigation proposed for the substation and evidence of agreement with the substation operator;
- an assessment of the risk of sedimentation of the system and any additional maintenance measures that may be required to mitigate that risk;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event, including infiltration options;
- an updated detailed surface water drainage plan, showing all proposed discharge points, SuDS features and pipe runs (with sizes);
- detailed engineered drawings of the proposed SuDS features including

their size, volume, depth and any inlet and outlet features, including any connecting pipe runs, along with all corresponding detailed calculations/modelling;

- updated detailed exceedance flow path drawings for surface water for events greater than the 1 in 100 year plus climate change event.

The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

27. Prior to the beneficial occupation of the development to which this permission relates, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
- maintenance and operational activities;
- arrangements for adoption; and,
- any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

28. No development shall take place (including site clearance) until a final detailed design for the drainage scheme for the site, which addresses the issues highlighted in *LPA Response to Drainage Strategy* dated 04/04/2022, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the following principles:

- limiting the surface water run off generated by the 1 in 100 year + 40% climate change critical storm to a rate of 7.4 l/s or less, in accordance with an agreement from the relevant body to whom discharges would occur
- providing attenuation on-site for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
- permeable paving for all car parking areas; and,
- ensuring site levels are set such that any 'allowable' flooding at the ground surface would be: contained within car-parking, access drives and soft landscaped areas (i.e. outside of buildings) for all events (including exceedance events); and also within the site boundaries to a maximum flood depth of up to 100mm during the 100 year plus 40% climate change storm events.

The scheme shall also provide the following:

- further consideration of infiltration as a means of discharging surface run-off;
- evidence of infiltration testing, carried out in accordance with BRE Digest 365, at the location and proposed depth of any infiltration measure(s);
- rainwater harvesting and/or green roofs (wherever possible);
- appropriate treatment before discharge;
- evidence of agreement (of principle and rates) from the relevant body or bodies to whom discharges would occur;
- updated estimates for betterment;
- increased depths and/or pipe gradients (wherever possible);
- details of flood risk mitigation proposed for the substation and evidence of agreement with the substation operator;
- an assessment of the risk of sedimentation of the system and any additional maintenance measures that may be required to mitigate that risk;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event, including infiltration options;
- an updated detailed surface water drainage plan, showing all proposed discharge points, SuDS features and pipe runs (with sizes);
- detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features, including any connecting pipe runs, along with all corresponding detailed calculations/modelling;
- updated detailed exceedance flow path drawings for surface water for events greater than the 1 in 100 year plus climate change event.

The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

29. Prior to the beneficial occupation of the development to which this permission relates, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
- maintenance and operational activities;
- arrangements for adoption; and,
- any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. The developer is strongly encouraged to achieve Secured by Design (SBD) accreditation for the development. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227
5. "Further advice on what should be covered in the Drainage Strategy can be found on the Hertfordshire County Council webpage for surface water drainage, at:

4 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report be noted.

5 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

In response to a question regarding planning applications in relation to masts and associated ancillary cabinets, the Assistant Director Planning and Regulation advised that although the appeal at Fishers Green Road had been allowed, the Council's Policy in this regard was robust and right and would be used when making recommendations regarding the installation of masts around the Town.

It was **RESOLVED** that the report be noted.

6 **URGENT PART I BUSINESS**

21/00536/FPM Erection of electric vehicle charging station with ancillary retail unit, associated electrical infrastructure, car parking and landscaping.

Following negotiations, the Committee was advised that agreement had been reached with regards to the drainage strategy and related conditions. The new conditions as provided by the LLFA and agreed by the Chair and the Assistant Director Planning and Regulation and the Applicant were circulated to Members on the Supplementary Agenda.

It was **RESOLVED** that the new conditions be noted.

At this juncture, the Chair thanked Members of the Committee for their work during the Municipal Year and outlined the role of the Committee following the Elections and Annual Council meeting in May.

7 **EXCLUSION OF THE PRESS AND PUBLIC**

8 **URGENT PART II BUSINESS**

CHAIR