DELEGATED FILE NOTE

CASE OFFICER: ...Richard Tiffin.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00729/FP	Reconstruction of Mantles KIA Showroom on the same footprint as the previous building, which has been demolished following fire damages. Retention of exisitng external layout, car parking spaces and site access.	Mantles Group Ltd York Way Royston Hertfordshire SG8 5HJ

Submitted Plan Nos

A18-002-EX001; A18-002-SLP001; A18-002-SBP001; A18-002-P001; A18-002-P002; A18-002-P005; A18-002-P007; A18-002-P008; A18-002-P009

1.0 Policies

LP36 Employment Provision

LP8	Development in Towns
SECT11	Conserving and enhancing natural environ
XETC2	Employment Development outside Emp Areas

2.0 **Site History**

2.1 This application to rebuild the body of the Kia Showroom was necessitated by a fire following an earlier refurbishment .

2.2 The building was extended under ref 16/00859/1 and this extension had been implemented. This re-build proposal reflects the building as extended by that permission and the signage facelift approved under ref 16/03098/1AD.

3.0 **Representations**

3.1 **Royston Town Council -** No objection

3.2 **Environment Agency** – No objection following negotiations. The EA has recommended informatives.

3.3 **LLFA** – No objection subject to conditions following negotiations.

3.4 **Env Health** – No objection.

3.5 **Highways** – No objection

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The garage is located on the junction of York Way with Newark Close. The premises are single storey with showrooms, MOT bay and workshop. There is parking within the site.

4.2 **Proposal**

4.2.1 The application proposes the re-building of the former showroom / garage building to the same dimensions as that destroyed in the fire. The existing canopy and surface car parking and sales area remain the same.

4.3 **Key Issues**

4.3.1 The key issues in this case centre on the impact the facility would have on groundwater conditions post development rather than the physical appearance of the building as this had existed for some 30 years and it would be manifestly unreasonable to object to its re-building in the terms in my view.

4.3.2 Given that the application before the Council was for what is on the surface an new garage building they views of the Environment Agency and the LLFA were sought. Both consultees expressed concerns about surface water and pollution issues and the measures in place to acceptably mitigate these impacts. Initially these concerns were expressed as objections. However, following discussions both the LLFA and the Environment Agency recognised the unusual nature of the circumstances in this case most notably the fact that the business had been well established and simply needed to reinstate the former showroom. In the light of this information they both agreed to take a more pragmatic approach in order to allow the applicant to restore normal business activity to the site as soon as possible while still safeguarding the matters of public interest invested in their responsibilities. In this regard conditions and informatives have been added based on their respective responses.

4.3.3 In planning terms I can see no grounds for objection given the well established use of the site as a garage and the fact that the application simply seeks to restore the former facilities.

4.4 **Conclusion**

4.4 That permission be granted subject to conditions and informatives , specifically those recommended by the LLFA and EA.

5.0 **<u>Recommendation</u>**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the first use of the new building a drainage assessment for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development is submitted to and approved in writing by the Local Planning Authority.

The drainage assessment should demonstrate that the surface water run-off generated by the site up to and including the critical storm event will not exceed corresponding greenfield run-off rates.
The assessment shall include:

1. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event supported by a clearly labelled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Surface water calculations including all impermeable and permeable areas to provide a total volume and surface water run-off rates.

3. Provide a sustainable drainage system prioritising above ground methods (where possible) such as ponds, swales etc.

4. Provide source control measures such as permeable paving, infiltration trenches to ensure surface water run-off from the proposed car parking areas can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

5. Detailed drainage strategy including a detailed drainage plan to support final development layout.

6. Details of any proposed informal surface water flooding including the return rainfall event it will flood, the location it will flood and expected depths of flooding.

7. Where is it proposed to infiltrate, infiltration tests should be carried out in accordance with BRE Digest 365.

Reason
To prevent the increased risk of flooding, both on and off site and provide a betterment to flood risk, water quality and biodiversity through the implementation of an appropriate SuDS scheme.

Proactive Statement:
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

It is recommended that developers should identify all risks to groundwater and surface waters from contamination that need to be identified so that appropriate remedial action can be taken and continue to :
1. Follow the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG)
2. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
3.Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
4. Refer to the contaminated land pages on GOV.UK for more information

Developers should consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
In order to protect groundwater quality from further deterioration:

1. No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
2. Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
3. Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.
The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

From www.gov.uk:

Groundwater Protection: Principles and Practice (August 2013)
1.Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
2.Use MCERTS accredited methods for testing contaminated soils at the site
From planningguidance.planningportal.gov.uk:
3. Land affected by contamination

British Standards when investigating potentially contaminated sites and groundwater:

BS5930:2015 Code of practice for site investigations; BS 10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites;
BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person

would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

2. HIGHWAY INFORMATIVE: Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:
AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.
AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 18 May 2018	