
TOWN AND COUNTRY PLANNING ACT, 1990

Reference No: 07/16/0930/O

Broxbourne Borough Council
Borough Offices
Bishops College
Churchgate
Cheshunt
Herts
EN8 9XQ

Description of Development: Construction of a Gypsy and Traveller site and use of land as allotments as a replacement for the existing Halfhide Lane sites

Location of Development: Land South of Hell Wood Turnford Hertfordshire EN10

In pursuance of its powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council **HEREBY PERMITS** the development proposed by you in your application dated, 19/08/2016 and received with sufficient particulars on 19/08/2016.

The Council's resolution to come to this decision was based on an assessment of compliance with relevant policies in the development plan, taking into account all material considerations, and shown on the plan(s) accompanying such application, **SUBJECT TO THE FOLLOWING CONDITIONS:-**

- 1 The Gypsy and Traveller site development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the appearance and landscaping, which shall have been approved by the Local Planning Authority, before any development is commenced.
Reason - To comply with the requirements of the Development Management Procedure Order.
- 2 (a) Application for approval in respect of all matters reserved in Condition 1 above shall be made to the Local Planning Authority within a period of 5 years commencing on the date of this notice.
(b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
 - (i) the expiration of a period of 5 years commencing on the date of this notice;
 - (ii) the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.Reason - To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The details shown on the submitted drawing are for indicative purposes only in relation to the appearance and landscaping of the Gypsy and Traveller site and shall not form part of this permission.
Reason - The application is submitted in outline only and the permission does not relate to the appearance and landscaping of that part of the development.
- 4 The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawing number ES/ESS/GBR 01, submitted therewith, unless the Local Planning Authority otherwise agrees in writing.
Reason - To ensure the development is carried out as permitted.
- 5 This permission shall not be implemented otherwise than in connection with the delivery of a comprehensive development of the Brookfield area in accordance with a masterplan which shall first have been submitted to, and approved in writing by, the Local Planning Authority: and in so far as it relates to the construction of a gypsy site, this permission shall only authorise the relocation of gypsies from Halfhide Lane and shall not authorise the construction of a gypsy site for any other purpose.
Reason - In order to preserve the site for uses which would enable the implementation of Development Plan policy.
- 6 No works to the access road within 10 metres of the Turnford Brook shall be commenced until such time as a scheme based on a Water Framework Directive (WFD) assessment ensures any extended crossing of and associated works to the Turnford Brook main river as a result of the proposed access road does not cause any further deterioration of the waterbody or prevent future improvements from taking place has been submitted to, and approved in writing by the Local Planning Authority. The scheme will demonstrate, based on the recommendations of the WFD assessment, how any losses to nature conservation and riverine habitat are avoided or reduced through appropriate design measures and on-site mitigation and the provision and management of compensatory habitat creation. Thereafter, the development shall be implemented and maintained in accordance with the approved scheme.
Reason - Development of the proposed access road has the potential to severely affect the ecological value and WFD status of the Turnford Brook main river. This condition is necessary to mitigate and compensate for any potential harm to biodiversity and nature conservation in accordance with Paragraphs 170 and 175 of the National Planning Policy Framework and the Thames River Basin Management Plan (2015).
- 7 No works to extend the crossing of Turnford Brook main river or any associated works shall be commenced until such time as a scheme to ensure the proposed access road will not increase flood risk has been submitted to, and approved in writing by the local planning authority. The scheme shall be fully implemented and maintained in accordance with the approved scheme.
Reason - To ensure that there are no detrimental impacts to flood flow routes and to reduce the risk of flooding to the proposed development and future users, in accordance with SUS17 Flood Prevention of Broxbourne's Local Plan (2005) and Paragraph 155 of the National Planning Policy Framework.
- 8 Other than enabling works (such as, but not limited to: site clearance; works to facilitate access; erection of site compound; and investigatory works required by other planning conditions), no development hereby permitted shall be commenced until such time as a scheme to ensure that the existing flood storage capacity is maintained at its existing level within the area defined by Flood Zone 3, including an appropriate allowance for climate change or using the 1 in 1000 year modelling has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason -To avoid any adverse impact on flood storage including an allowance for climate change, in accordance with SUS17 Flood Prevention of Broxbourne's Local Plan (2005) and Paragraph 155 of the National Planning Policy Framework.

- 9 Other than enabling works (such as, but not limited to: site clearance; works to facilitate access; erection of site compound; and investigatory works required by other planning conditions), prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- * all previous uses;
- * potential contaminants associated with those uses;
- * a conceptual model of the site indicating sources, pathways and receptors; and
- * potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason - To protect controlled waters from potential pollution from land contamination in accordance with SUS12 and SUS15 of Broxbourne's Local Plan (2005). The site is located on a historic landfill and is within a groundwater Source Protection Zone 1.

- 10 Other than enabling works (such as, but not limited to: site clearance; works to facilitate access; erection of site compound; and investigatory works required by other planning conditions), prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To protect controlled waters from potential pollution from land contamination in accordance with SUS12 and SUS15 of Broxbourne's Local Plan (2005). The site is located on a historic landfill and is within a groundwater Source Protection Zone 1

- 11 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To protect controlled waters from potential pollution from land contamination in accordance with SUS12 and SUS15 of Broxbourne's Local Plan (2005). The site may be contaminated (closed landfill) and have an engineered capping layer. The site is within Source Protection Zone 1 and a drinking water protected area. Infiltration into the ground has the potential to provide a pathway to leach contamination from the landfilled material into the adjacent gravel aquifer and surface waters.

- 12 No below ground development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason - In order to assess and protect the archaeological interest of the site which adjoins a Scheduled Ancient Monument in accordance with Policy HD2 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005)

- 13 The development shall not be occupied/used until the archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition 12 and the provision made for analysis.

Reason - In order to assess and protect the archaeological interest of the site which adjoins a Scheduled Ancient Monument in accordance with Policy HD2 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005).

- 14 Details of the position, height, design and intensity of all external lighting on the development site and access road shall be submitted for the written approval of the Local Planning Authority prior to first installation and the lighting shall only be installed strictly in accordance with the approved details.

Reason - To protect the ecological interest of the adjacent Wildlife Site in accordance with Policies GBC19 and GBC20 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005).

- 15 Prior to first occupation of the site, a full ecological assessment/survey shall be undertaken and a habitat management plan created, both to be submitted for the written approval of the Local Planning Authority. The habitat management plan shall be implemented strictly as approved.

Reason - In order to protect and enhance bio-diversity and the ecology of this and adjoining sites.

- 16 No materials, debris, pollutants, vehicles or machinery associated with this development are to be stored or used within, leached into, or otherwise access the development site through, the Wildlife Site (Ref 81/002 Watercress Trot). A protective fence to be retained for the duration of the construction works is to be erected along the boundary of the application site and adjacent Wildlife Site, as appropriate to protect the trees and their roots within the Wildlife site.

Reason - To prevent degradation of the Wildlife Site in accordance with Policies GBC19 and GBC20 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005).

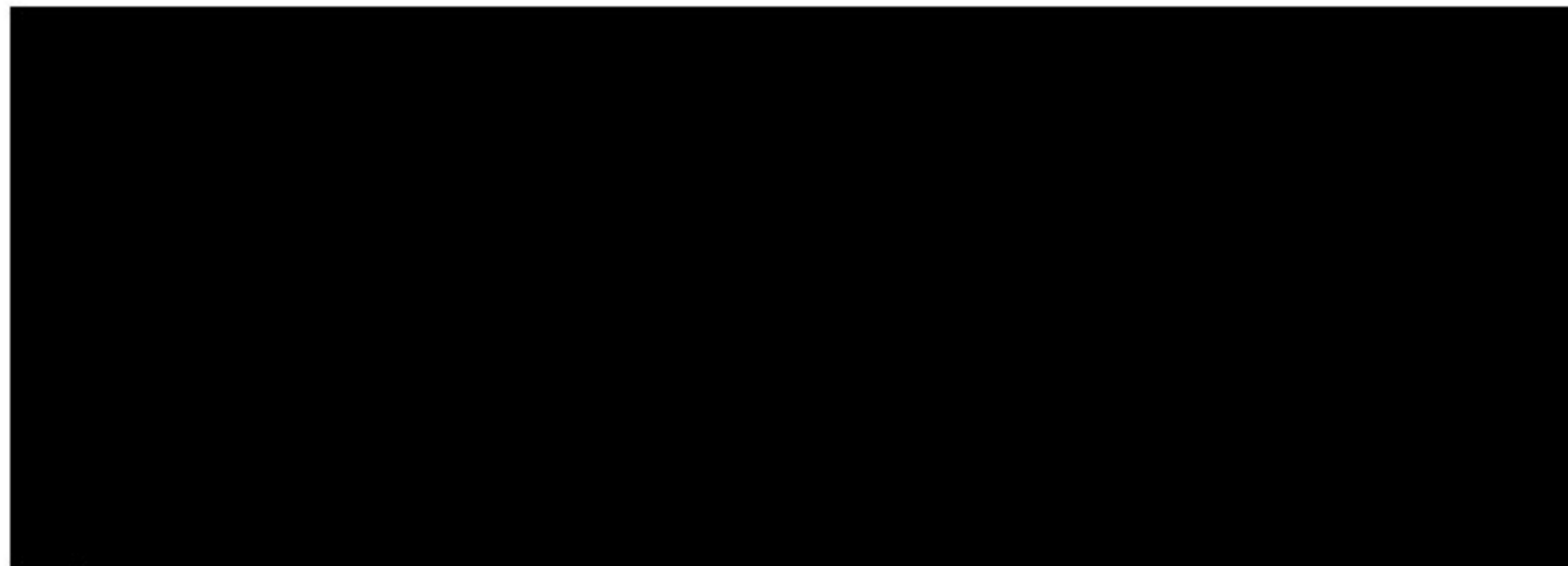
- 17 The use hereby approved shall not commence until an access road has been constructed and made available for use in accordance with details which shall have first been submitted and approved in writing by the Local Planning Authority.
Reason - To ensure that appropriate access is provided to the new development
- 18 The proposed access works shall not commence until detailed plans of the site access junction with the new link road, internal roads and car parking layout have been submitted to and approved in writing by the Local Planning Authority.
Reason - To ensure that safe access is provided to the new development.
- 19 Details/samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before any part of the development, other than the access, relating to the Gypsy and Traveller site commences.
Reason - To secure a satisfactory external appearance in accordance with the Council's adopted supplementary planning guidance.
- 20 Details/samples of all surfacing materials to be used shall be submitted to and approved by the Local Planning Authority before any part of the development, other than the access, relating to the Gypsy and Traveller site commences.
Reason - To secure a satisfactory appearance in accordance with the council's adopted supplementary planning guidance and to facilitate drainage of surface water.
- 21 Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved by the Local Planning Authority before any part of the development hereby approved is occupied; such approved means of enclosure to be erected to the satisfaction of the Local Planning Authority before any of the building(s) hereby approved is/are occupied and retained thereafter to the satisfaction of the Local Planning Authority unless the Local Planning Authority otherwise agrees in writing.
Reason - To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of the adjoining and nearby properties in accordance with the council's adopted supplementary planning guidance.
- 22 Plans of the site showing the existing and proposed ground levels and levels of thresholds of all proposed buildings shall be submitted to and approved by the Local Planning Authority before any such building is constructed. The development shall proceed in accordance with the approved details.
Reason - To ensure that the work is carried out at suitable levels in relation to adjoining land and highways, having regard to amenity, access, highway and drainage requirements in accordance with the council's adopted supplementary planning guidance.
- 23 Car parking and turning facilities shall be provided within the site in accordance with details to be submitted to and approved by the Local Planning Authority before any work on the development commences above ground level and shall be laid out, marked out and completed before the occupation of the building(s) and thereafter maintained solely for those purposes.
Reason - To ensure that adequate and satisfactory provision is made for the parking and turning of vehicles clear of all carriageways in accordance with Policy T11 of the Local Plan Review 2001-2011 and the Council's adopted Supplementary Planning Guidance.
- 24 Other than the access, development relating to the Gypsy and Traveller site shall not begin until a scheme for protecting the proposed dwellings from noise from the A10 link road has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
Reason - To ensure the amenities of the proposed dwellings are not prejudiced by noise conditions generated by the adjacent highway.

25 Other than enabling works (such as, but not limited to: site clearance; works to facilitate access; erection of site compound; and investigatory works required by other planning conditions), development shall not commence until details of sewage disposal and drainage including on and off-site works have been submitted to and approved by the Local Planning Authority in writing. No works which result in, or would result in, the discharge of surface water or foul sewage from the site, shall be commenced until the off-site works referred to above have been completed in accordance with the approved details.

Reason - To ensure that the foul and surface water discharge from the site shall not be prejudicial to the existing sewerage systems.

26 Piling, any other foundation designs using penetrative methods, or any sub-surface infrastructure (including power supplies and drainage) shall not be permitted other than in accordance with details submitted to and approved in writing by the Local Planning Authority. The piling shall only be carried out in accordance with the approved details.

Reason - The site may be contaminated (closed landfill) and any piling or excavation into the landfill would allow ingress of water through the engineered cap and result in leaching of contamination from the landfilled material into the adjacent gravel aquifer and surface waters.



Signed:.....

Head of Planning and Development
DC1001MW

Dated: 10 June 2019

NOTE

This DOES NOT constitute Building Regulation Approval. If you are unsure whether you should submit a Building Regulation application prior to starting work please contact Building Control on 01992 785566.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under Section 78 of the Town and Country Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.