

PLANNING COMMITTEE – 10 DECEMBER 2020

PART I - DELEGATED

5. **20/1037/FUL – Installation of rising bollards and associated works, including control box and fencing, at two locations on estate road at Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire, WD3 1QN**
(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.08.2020
(Extension of time agreed until 17.12.2020)

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Batchworth Community Council unless Officers are minded to refuse

- 20/1773/LBC – Listed Building Consent: Installation of rising bollards and associated works, including control box and fencing, at two locations on estate road at Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire, WD3 1QN**

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1 Relevant Planning and Enforcement History

The planning history of the site is considerable. The below entries form the recent and relevant planning history concerning the proposed development.

- 1.1 19/0695/FUL - Erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane. - 17.06.2019 - Withdrawn
- 1.2 19/0694/LBC - Listed Building Consent: Erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane. - 17.06.2019 - Withdrawn
- 1.3 19/0234/FUL - Replacement of gates in listed entrance from Batchworth Heath and erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane - 28.03.2019 - Withdrawn
- 1.4 19/0235/LBC - Listed Building Consent: Replacement of gates in listed entrance from Batchworth Heath and erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane - 28.03.2019 - Withdrawn

2 Application Overview and Update

- 2.1 The applications were discussed at October Planning Committee and were subsequently deferred for Officers to seek further clarification regarding the following matters:

- *Whether there has been consideration given for an alternative location*

- *Further consideration of highways safety implications, and turning space adjacent to the gates. And visual impacts of any additional/required turning space and the impact of that on the setting of the listed building.*
- *Whether officers consider the installation of gates to be acceptable, having regard to the fact that gates have not been there for over 100 years.*
- *How the gates will be operated, including the submission of an operational management plan.*

2.2 Following the meeting, Officers have been in discussions with the applicant and amendments have been made to the proposed development. In summary, the proposed gates within the archway have been omitted from the proposal; the originally proposed bollard location has been re-sited; and an additional set of bollards have been proposed. The LPA considered that it was acceptable to accept this new proposal as an amendment to the original scheme under the same application based on the comments of the Planning Committee and that it remained within the extent of the originally submitted Location Plan. The description of development has been updated to reflect the new proposal and new plans and information has been supplied for both applications. All neighbours and consultees originally consulted have been re-consulted on both applications for the statutory 21-day period.

3 Description of Application Site and Proposed Development

3.1 The application site consists of two separate locations within the Moor Park Golf Club which comprises an area of some 140 hectares which contains multiple courses and buildings. The main clubhouse is at Moor Park Mansion which is a grade I listed property (list entry no: 1 173698), located within a Grade II* Registered Park and Garden (list entry no: 1000251). Within the park are a number of separately listed sculptures and architectural features. The Moor Park Golf Club is located within the Metropolitan Green Belt and partially within a Local Wildlife Site, a Site of Archaeological Interest and the Batchworth Heath Conservation Area.

Location 1

3.2 This location would be on the estate road adjacent to the main car park positioned forward (south-west) of the Mansion building. At this location it is proposed that there are two rising bollards and associated paraphernalia such as code readers and a control box. The bollards themselves would be 0.6m in height when risen and the below ground structure would be 0.8m deep. The bollards would be circular with a diameter of 0.4m. The code readers would be positioned on a narrow metal post that would be 1.2m in height. An existing kerbed planter within the car park would be extended towards the proposed bollards by some 3.0m

Location 2

3.3 This location would be on the estate road adjacent to (east of) the 'Club House' building. At this location it is proposed that there are two rising bollards and associated paraphernalia such as code readers and a control box. The bollards themselves would be 0.6m in height when risen and the below ground structure would be 0.8m deep. The bollards would be circular with a diameter of 0.4m. The code readers would be positioned on a narrow metal post that would be 1.2m in height. There would also be open post and rail fencing positioned either side of the roadway adjacent to the bollards that would have a height of 1.1m and would cover a width of 3.0m either side of the roadway.

Operational details

3.4 Full operational details have been provided by the applicant as to how the proposed bollards intend to operate. In summary, the bollards will operate on a key card and code basis. Both sets of bollards will allow automatic entry; both when approaching Location 2 from Tolpits

Lane and approaching Location 1 from London Road, however will require a key card/code to pass through the second set of bollards. If the driver is then denied entry through the second set of bollards they will be able to turn sufficiently within the car park before returning out of the complex down the road they came from. Additionally, the reception desk at the Golf Club will be able to communicate with drivers stationed at the bollard entrances. The Golf Club intends to have a minimum of four staff connected to ensure 24/7 coverage. The bollards themselves will have lighting which will indicate when it is safe to pass over. The residents of Temple Gardens will all be issued with access cards and code which can be given to friends and family. The location of the bollards would not restrict Temple Gardens residents' access to and from London Road in any instance.

4 Consultation

4.1 Statutory Consultation

The below consultee comments relate to the amended scheme that was subject to a full statutory 21-day consultation period. The comments made in relation to the previous scheme have been superseded.

4.1.1 Conservation Officer: [No objection]

"The application is for the installation of rising bollards and associated works, including control box and fencing, at two locations on estate road.

Moor Park Mansion is a grade I listed property (list entry no: 1 173698), located within a II Registered Park and Garden (list entry no: 1000251). Within the park are a number of separately listed sculptures and architectural features. The entrance archway is grade II listed and credited to Robert Adam (list entry no: 1173387).*

Pre-application advice has been provided on the scheme (20/0084/PREAPP) and the proposals have been further amended following Member feedback. The previously proposed gates (within the listed archway) have been removed and two new rising bollard locations are now proposed.

Although the new proposed bollards have been positioned closer to the mansion itself, and so could have a greater impact on its setting, they are considered to be acceptable because they are relatively minor features alongside an existing car park and along an existing tarmac road. The proposed open fencing/railings are in keeping with the parkland setting and the position of the bollards on the edge of an existing car park and road minimise their visual impact on the Registered Park and Garden.

There are no objections raised as the proposal is considered to be compliant with the provisions of the NPPF (Section 16 regarding the conservation and enhancement of the historic environment). If the application is approved, it is recommended that a condition requires further details of the new fencing/railings. Timber post and rail fencing or metal 'estate' railings are likely to be acceptable."

4.1.2 Hertfordshire Highways: [No objection]

"Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

The original proposed entrance gates at the stone arch at the Batchworth Lane entrance into Moor Park have been omitted from the amended plans, which HCC as Highway Authority would be supportive of due to the lack of a turning space at this location for vehicles unable to enter the site.

None of the proposed bollards and associated works are located on land that is highway maintainable at public expense and are located a significant distance from the nearest highway. Furthermore details have been submitted as to the proposed operation of the proposed rising bollards, which are considered acceptable by HCC as Highway Authority.

HCC as Highway Authority would therefore not have any objections to the amended proposals nor wish to restrict the granting of planning permission.”

4.1.3 Batchworth Community Council: [Objection]

“The objections of B.C.C remain as documented in the application brought to Committee in October

There is concern that Herts Highways has not taken local knowledge of the three way junction of London Road and Batchworth Lane and of the impact which closure of the proposed gates will have in the event of mechanical failure.

Concerning the mode of operation of both gates and bollards, B.C.C hopes that this information be available as requested. There needs to be guarantees that access for Emergency vehicles will not be impeded in the event of traffic congestion Batchworth Lane and London Road, and also at the Moor Lane access end.

The question of rights of way for residents of Temple Gardens must be resolved before any decision can be made on this application.”

4.1.4 Moor Park (1958) Ltd: [Objection]

“The Directors of Moor Park (1958) Limited would wish to raise the following comments on the AMENDED proposals as follows:-

At the outset we welcome the deletion of all aspects of the original scheme from the application, especially the proposals insofar as they affected the access from Batchworth Heath, not least because of the potential adverse impact that that previous set of proposals would likely have had on the local highway network.

HOWEVER, we must express our very substantial surprise that the new submissions (so far) have been accepted by the Council as an “amendment” to the original application scheme on the basis that, inter alia:-

- the revised submissions are so significantly different to the original scheme, especially in terms of location and the nature of the development so as to be regarded as a completely new form of development;

- the proposed location of the development now has a direct impact on the setting of Grade I listed building and upon the wider landscape of a registered Grade II Park and Garden of Special Historic Interest, neither of which were material planning considerations in the original scheme;*

- we can find no evidence that any aspects of the application forms have been altered to account for the material change in these submissions; and

- as far as we can see neither a Design and Access Statement or Heritage Statement has been prepared by the applicant to address the entirely new set of planning site circumstances (that are now presented by the revisions), nor to address the entirely new set of planning policy considerations that will need to be considered and satisfied.

In addition, and in light of the above, we would wish to seek your urgent re-assurances that the statutory bodies that will clearly need to be consulted in regard to a proposed development within, and in close proximity, to such important national treasures will indeed

be consulted before the application proceeds forward for re-presenting to the Planning Committee for determination.

In terms of our response to the revised scheme itself, our specific comments and concerns are as follows:

Given the distance of the revised proposals from any boundary, or any vantage point, relating to the Moor Park Conservation Area, we have no specific material planning comments in that respect.

However, we do nevertheless consider that a number of broader planning issues stand for the Council to assess in the consideration of this amended set of proposals for the two sets of “rise and fall” bollards, with associated fencing, raised earth works, traffic lights and control boxes, especially :-

In our opinion, the Council will need to fully consider the impact of the amended application having regard to:-

- i. the location of the proposed works within the designated Metropolitan Green Belt;*
- ii. the location of the proposed works within very close proximity to the front facade of an impressive and important Grade I listed building (Moor Park Mansion), especially bearing in mind the largely industrial nature, appearance/design and characteristics of two sets of “rise and fall” bollards;*
- iii. the location of the proposed works within the grounds of Moor Park Mansion that are registered Grade II* listed in the “Register of Parks and Gardens of Special Historic Interest in England”; and*
- iv. what appears to be the very limited, dedicated/designated (e.g. yellow hatching) turning facilities on the “outside” of both sets of bollards, for any vehicle – domestic or commercial - that is denied access through the proposed barriers and consequently needs to turn fully around.*

Finally, Moor Park 1958 Ltd (MP58 Ltd) wish to again emphasise that the residents and their associates of Temple Gardens enjoy unfettered rights of access in perpetuity across Moor Park Golf course roadways. These amended proposals must in no way compromise these legal rights and MP58 Ltd will be working with the residents to ensure all rights are protected and maintained.

We trust the above response, based on what we regard as relevant and material planning considerations is of assistance to you.”

4.1.5 The Gardens Trust: [No objection]

“Thank you for consulting The Gardens Trust, of which HGT is a member and authorised to respond on their behalf,

We have no objection to the positioning of the 2 sets of rising bollards as detailed in this application.

However, the set at Location 2, on the approach drive from Moor Lane, appears to have a fence leading from it across the parkland, as illustrated and marked on the sketch maps.

Historically this is an English Landscape Park, and as such is open parkland to the mansion. Dividing the landscape with fences will harm the Grade II Registered Park by inappropriate interventions. We have seen no justification for this harm. We would suggest that if extra barriers are required to stop vehicles circumventing the bollards then planting should be employed as at Location 1.*

With the fencing as indicated in this application we OBJECT to this application.”

Officer comment: The proposed plans were amended to omit the fencing giving rise to a division between the landscape of the Grade II* Registered Park and, in light of this, The Gardens Trust withdrew their objection.

4.1.6 National Grid: **[Made the following comments]**

“Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.”

Officer comment: An informative will be added to any permission granted advising the applicant to contact National Grid/Cadent Gas prior to any construction works being carried out on site.

4.1.7 Hertfordshire Ecology: **[No response received to date]**

4.1.8 Historic England: **[No response received to date]**

4.1.9 Landscape Officer: **[No response received to date]**

4.2 Public/Neighbour Consultation

4.2.1 The amended application was subject to a new 21-day statutory consultation period including the display of site notices for each application reflecting the new description of development. All neighbours who were originally written to and those who commented on the scheme were sent a letter. Please note that the summary of responses relates to the new proposal and does not include comments lodged against the superseded proposal.

4.2.2 Site notice posted (FUL & LBC): 13.11.2020, expiry date: 04.12.2020

4.2.3 Neighbours consulted for each application: 21

4.2.4 Total no. of responses received to date: 4 (4 Objection)

4.2.5 Summary of responses:

Objection comments

- The proposal would have a deleterious effect on the aesthetic of the Listed Building and surrounding gardens
- The proposal would cause congestion on the road through the golf course with safety implications due to locations of golf holes
- The motivation of this scheme and its predecessor were to improve security which it will fail to do
- There is no restriction of access for individuals on foot, cycle or motor-cycle and anyone could drive across the golf course in a car
- From a legal perspective it undermines the right of free access of Temple Garden residents
- The proposal is a hastily prepared and heavily amended version of the original proposals
- The modified proposal is incomplete and poorly specified, inconsistent and unworkable in its present form
- It is dangerous in view of the bollards proximity to the fairway and holes
- The proposal fails the 60m minimum recommendation of the European Institute of Golf Course Architects
- The barriers reduce the capacity of the estate road and at the SE barrier 6 lane converge into one
- No traffic study has been carried out to ensure that there will not be heavy congestion to the Mansion Area
- No provision for turning has been made outside either barrier
- What are people to do who drive up and realise there is a barrier and that they are not welcome?
- Criminals are free to enter at all times of the day or night and innocents will be trapped in a Moor Park net
- Deliveries and trucks coming in will be badly impeded
- Surprised that the new submissions have been accepted as an amendment
- The latest submissions are significantly different
- The proposed development would impact the Grade II* Park and Grade I Listed building
- No aspects of the application form have been amended to take account of the material change in these submissions
- There is no Design & Access Statement
- Statutory bodies need to be fully informed and given time to be consulted
- It is also essential that the proposal remains called in to committee and isn't a delegated decision
- These proposals interfere with Temple Gardens rights of way
- The bollards will allow walkers and motorbikes past
- The location is dangerous due to golfers
- No detail has been given over denial of access
- Proposed Location 2 is at a busy area of the estate road and could cause traffic problems
- The road is not wide enough for two cars to pass (details of car widths provided)
- No details have been given regarding out of office hours

4.2.6 Material planning considerations are addressed in this report

4.2.7 **Officer comments:**

- As set out in considering the previous proposal, the comments relating to rights of way and access are noted however this matter is not a material planning consideration. The grant of planning permission would not override any private rights of way or access. This matter would need to be addressed privately between the interested parties.

- Full details have been provided by the applicant as to how the proposed bollards are intended to operate, including when the club is closed, which is considered in the following sections of this report

5 Reason for Delay

- 5.1 Committee cycle and Committee deferral to seek amendments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM8 and DM9.

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Impact on the Metropolitan Green Belt

- 7.1.1 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.
- 7.1.2 The NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.3 The requirements of the NPPF are considered to reflect policies of both the Three Rivers District Council Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013). Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt.
- 7.1.4 This proposal would consist of two rising road blockers sunken within the existing tarmacked access track and ancillary equipment to facilitate their operation at two separate locations on the estate road through the Golf Course, in close proximity to the Moor Park Mansion car park. This ancillary equipment includes a control box and code readers elevated on metal posts. There would also be open post and rail fencing positioned either side of the existing access road. The proposal is considered to constitute an engineering operation for the purposes of the NPPF. The impact upon openness is a material consideration in assessing impact upon the Metropolitan Green Belt.
- 7.1.5 It is considered that the proposals, whilst they would be a relatively obvious feature in the context of the access track, would not result in harm to the openness of the Green Belt given their low level nature. As built structures, the road blockers and equipment constitute the occurrence of built form however it would be located in amongst the backdrop of an established built form and landscaped areas with undulating land levels.
- 7.1.6 The bollards and equipment at Location 1 would be read against the existing built form of the surrounding significant expanse of hardstanding which forms the access road and adjacent car park as well and low level fencing of a similar height to the bollards bounding this location to the south. This bollard location includes an extension to the kerbed planter however this is not considered to result in any harm to the Green Belt.
- 7.1.7 The bollards, equipment and fencing at Location 2 includes a relatively sharp rise in land level to the south which is considered to mitigate and limit the visual effect of this proposal. The proposed development in this location would also be built against an established back drop of the grouping of trees and other existing paraphernalia such as club signage to the northern side. The short length of proposed wooden post and rail fencing would be of a low height and open in character and is not considered to impact upon openness.
- 7.1.8 The proposed additional paraphernalia required at both locations are considered to be relatively minimal in quantity and scale. It is considered appropriate to include a condition for the paraphernalia to be painted black or dark green to further limit their visibility.

7.1.9 The LPA therefore do not considered that the proposed development would cause to harm to the Metropolitan Green Belt and the proposal is acceptable in accordance with Policy CP11 of the Core Strategy and the NPPF.

7.2 Impact upon Character & Appearance, Heritage Assets and Conservation Area

7.2.1 The application sites are set within the grounds of Moor Park Mansion which is a grade I listed property (list entry no: 1 173698), located within a II* Registered Park and Garden (list entry no: 1000251). Within the park are a number of separately listed sculptures and architectural features.

7.2.2 The Conservation Officer was consulted on the proposed development and stated that although the new proposed bollards have been positioned closer to the mansion itself, they are considered to be acceptable because they are relatively minor features alongside an existing car park and along an existing tarmac road. In addition, the Conservation Officer stated that the proposed open fencing/railings are in keeping with the parkland setting and the position of the bollards on the edge of an existing car park and road minimise their visual impact on the Registered Park and Garden. In summary the Conservation Officer stated that there are no objections raised as the proposal is considered to be compliant with the provisions of the NPPF (Section 16 regarding the conservation and enhancement of the historic environment). The Gardens Trust were also consulted on the proposed development and raised no objection. It is acknowledged that The Gardens Trust expressed concern over the initially proposed length of fencing across the park to the west car park however this was omitted from the proposal and The Gardens Trust withdrew their concern on this basis.

7.2.3 In light of the above consultee comments it is considered that the proposed development is acceptable in terms of its impact upon Heritage Assets. The proposed development is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.3.2 Given the scale, nature and location of the proposed development, the LPA do not raise any concerns with regard to the impact of the proposal on the residential amenity of neighbours and consider that the proposal would be acceptable in this regard. The objection comments made in relation to the proposed bollards obstructing private access rights is not a material consideration that can be taken into account in the planning process.

7.3.3 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 Hertfordshire County Highways were consulted on the proposed development and stated that none of the proposed bollards and associated works are located on land that is highway maintainable at public expense and are located a significant distance from the nearest highway. Furthermore details have been submitted as to the proposed operation of the proposed rising bollards, which are considered acceptable by HCC as Highway Authority.

HCC as Highway Authority would therefore not have any objections to the amended proposals nor wish to restrict the granting of planning permission.

- 7.4.3 Whilst Highways have raised no objection to the proposed development, and whilst the proposal is confined to a private road network, the LPA consider it appropriate to consider the operation of the proposal. The applicant has set out in detail as to how the bollards are proposed to operate which is summarised in section 3 of this report. The LPA is satisfied that the proposal presents a satisfactory and workable arrangement in terms of controlling traffic passing through the Golf Club. In addition, whilst it is not a material consideration that would restrict the grant of planning permission, it is considered that the amended proposals do not give rise to any sort of restriction to the residents of Temple Gardens access to the public highway of which concern was expressed over the superseded proposal.

7.5 Trees & Landscape

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 7.5.2 The proposed development does not propose the removal of any trees. There are no trees at 'Location 1' that would be indirectly impact by the proposed development. There is a grouping of trees positioned to the north of 'Location 2' however it is considered that the proposed development would not give rise to any harmful impact on these trees given the proximity of the proposal. The wider expanse of fencing up to the 'west car park' at 'Location 2' has been omitted from the proposal and would therefore not impact upon the root protection zones of the trees in this location.

7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

- 7.6.3 Hertfordshire Ecology were consulted on the proposed development given its proximity adjacent to and partially within a non-statutory Local Wildlife Site. No comments were received in relation to the revised proposals however commented on the previous proposal. Their previous comments stated that, due to the nature and scape of the proposal, no adverse effects on the main interest of the surrounding Local Wildlife Site are anticipated although it is advised a precautionary approach to construction works is undertaken. It is considered that this consideration would apply to the revised proposal.

8 **Recommendation**

- 8.1 That PLANNING APPLICATION 20/1037/FUL BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: SK.01, SK.02, SK.03, SK.04, SK.05, SK.06 Rev 1, TRDC0001 (Location Plan), TRDC0002 (Bollard Elevations), TRDC0003 (Bollard Specification)
Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and no external materials shall be used other than those approved. The paraphernalia associated with the operation of the bollards hereby approved, including the control box post and code reader posts shall be painted black or dark green and permanently maintained in this condition.
Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C4 The proposed development hereby permitted, shall be implemented and permanently maintained in accordance with the Operational Details (dated 13/11/2020).
Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, and CP12 of the Core Strategy (adopted October 2011).

8.2 **Informatives**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
 - I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
 - I4 The applicant is advised to that a precautionary approach is taken to construction in respect of ecological impact. As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start.
 - I5 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.
- 8.2 That LISTED BUILDING CONSENT APPLICATION 20/1773/LBC BE GRANTED subject to the following conditions:
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - C2 The development hereby permitted shall be carried out in accordance with the following approved plans: SK.01, SK.02, SK.03, SK.04, SK.05, SK.06 Rev 1, TRDC0001 (Location Plan), TRDC0002 (Bollard Elevations), TRDC0003 (Bollard Specification)
Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
 - C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and no external materials shall be used other than those approved. The paraphernalia associated with the operation of the

bollards hereby approved, including the control box post and code reader posts shall be painted black or dark green and permanently maintained in this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2.1 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.