

PLANNING COMMITTEE – 10 DECEMBER 2020

PART I - DELGATED

11. **20/2046/FUL: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas at THE WINDMILL, 34 WINDMILL DRIVE, CROXLEY GREEN, WD3 3FD**

20/2047/LBC: Listed Building Consent: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas at THE WINDMILL, 34 WINDMILL DRIVE, CROXLEY GREEN, WD3 3FD

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 30.11.2020
Extension of time: 17.12.2020

Ward: Dickinsons
Case Officer: David Heighton

Recommendation: That Planning Permission and Listed Building Consent be GRANTED.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by three Members of the Planning Committee due to local interest in this site.

1 Relevant planning

- 1.1 19/1567/LBC: Listed Building Consent: Various repair works to property including brick repairs, replacement doors and windows – Permitted – 08.10.2019
- 1.2 19/1998/RSP: Part Retrospective: Erection of gate and fencing fronting Windmill Drive - Permitted – 23.12.2019
- 1.3 19/2510/DIS: Discharge of Condition 2 (Gate details) pursuant to planning permission 19/1998/RSP – Determined 25.02.2020
- 1.4 20/0666/FUL: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn.
- 1.5 20/0667/LBC: Listed Building Consent: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn.
- 1.6 20/1668/FUL: Construction of two storey side extension, single storey front and rear extensions, changes to roof form, and balcony and demolition of existing outbuildings and construction of new outbuilding and hardstanding – Withdrawn
- 1.7 20/1669/LBC: Listed Building Consent: Construction of single storey side extension with accommodation in gambrel roof, alterations to elevations and roof of existing side extension, alterations to roof form of windmill, insertion of balcony, construction of single storey outbuildings and insertion of hardstanding – Withdrawn
- 1.8 20/2036/LBC – Listed Building Consent: Various repair works to property including brick repairs, window moulds, cap, reinstatement of external walkway and garage repairs – Pending Consideration

2 Description of Application Site

- 2.1 The Windmill is a Grade II listed former mill, which was constructed in the early nineteenth century and converted to a residential dwelling and substantially altered and extended in the 1960/70s. The plot within which The Windmill is situated is largely square in shape and measures approximately 1,800sqm in area, with a gated access and driveway located to the south west of the site, running parallel with the shared boundary of No.36 Windmill Drive.
- 2.2 The area surrounding the site comprises varying developments of residential dwellings which are of a more modern architectural style and design.
- 2.3 The Windmill had not been occupied for some time until the applicant moved in, which is apparent when viewing the internal arrangements and the condition of the exterior and interior features. The existing twentieth century windows are in round headed openings, and the building retains a leaded roof with timber parapet.
- 2.4 The existing extension to The Windmill is two storey in nature and adjoins the south eastern aspect, with the highest point adjoining The Windmill and the set down element comprising the majority of the massing, set furthest away from the Listed Building. To the rear, handmade droplet tiles cover the extension at first floor level, with an existing lean-to greenhouse structure infilling the irregular shape of the extension. There is an existing timber outbuilding located to the north west of The Windmill.
- 2.5 The pre-existing railing and metal five bar gate have been replaced with close-boarded timber fencing and an entrance gate along the southern front boundary. The parcel of land between the application site and Windmill Drive is owned by the Council and contains five protected trees and a group of semi-mature trees (TPO902).

3 Description of Proposed Development

- 3.1 The applications seek planning permission and Listed Building Consent for alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas.
- 3.2 The proposed extension with loft accommodation would replace the existing two storey flat roofed extension and would have a gabled roof design measuring 7m in height with an eaves height of 3.2m and would extend to a width of approximately 12m with a depth of 10m. It would have two windows and bi-folding doors to the front and one window and bi-folding doors to the rear at ground floor level with three rooflights within the rear roofslope. To the eastern flank there would be two high level ground floor windows and a window at first floor level within the gable. The extension would comprise of a kitchen/dining room, office, snug and WC at ground floor level and at first floor level would contain a bedroom, bathroom, an en-suite, dressing room and family bathroom. A rooflight would be inserted into the roof of the existing windmill link which would remain as existing.
- 3.3 A porch would be also constructed to the front adjacent to the windmill tower at ground floor level which would have a pitched roof with an eaves height of 2.4m and total height of 3.8m. The windmill tower balcony would be re-instated at first floor level around the windmill. The 1m high timber balustrade posts would be split into sections with immediate posts in between and would sit in existing sockets within the brickwork.
- 3.4 The existing garage would be replaced to the same footprint, ridge height and similar pitched roof, with timber cladding, a cement composite cladding to the western flank adjacent to the boundary and a tiled roof. Two rooflights would be inserted into the eastern roofslope. To connect the replacement garage and the windmill tower, a glazed link is

proposed, measuring 1.4m in width and approximately 5m deep with a mono-pitched roof. Internally within the tower an existing window would be altered to a door with steps inserted.

3.5 The proposed materials for all pitched roofs would be of a heritage clay plain roof tile; the windmill extension would have black horizontal timber cladding to the exterior with mock timber doubled glazed windows and doors.

3.6 The existing windmill tower cap is proposed to be removed and replaced with a cap with a width of 4.1m and depth of 4.8m. The proposed cap would be constructed in timber. The tower would comprise of one further bedroom and en-suite at second and another bedroom at third floor level with an en-suite at fourth floor level and area at the top of the window tower, which would comprise of one window to the southern flank.

3.7 The proposal has been revised from previous schemes as follows:

- Reduction in width, depth and height of windmill tower extension
- Reduction in the size of the tower cap and fenestration
- Single storey windmill tower extensions removed
- Removal of garage extension
- Remove of shed and outbuildings

4 Consultation

4.1 Statutory Consultation

4.1.1 **Croxley Green Parish Council: [Objection]**

Croxley Green Parish Council is concerned about the scale of the proposed development. Request the Conservation Officer considers the over massing on site. Due to the building's historic nature, CGPC request that the application is called into Committee.

4.1.2 **National Grid:** [No response received]

4.1.3 **Landscape Officer:** [Revised, no objection]

Following previous comments, the current application has been accompanied by 'Additional Tree Survey Information' document and an 'AIA Drawing', this is in addition with the previously submitted tree report, dated 12 June 2020.

As previously stated I have no issues with the alterations to the windmill itself or the proposed extension, as these are located outside of the RPA of existing trees.

My main concerns relate to the proposed garage/bedroom superstructure and the replacement, larger shed in the north-east corner.

The additional tree information (ATI) document suggests that there is an existing hard surface within the area of the existing garage and sheds which can be used for the new structure. This clearly isn't correct, whilst it is accepted that there is likely to be a suitable base beneath the existing garage, the base beneath the dilapidated, and subsequently removed sheds, of gravel and paving slabs is not a suitable base for a modern building. It is also noted that the new structure extends way beyond the existing footprints, and would therefore need a new base/foundation for the area beyond.

From a planning perspective, where a principle for development has been established, it is accepted that further development of a similar nature would be justified. In this case, a

similar new structure to replace the existing garage, although not ideal would likely be accepted. It is doubtful whether temporary structures, such as modest size sheds would sufficiently establish a principle of development, particularly in light of the modest base construction. In the current situation, the lack of established development is further nullified by the subsequent removal of the sheds and re-greening of the area, which clearly demonstrates a suitable rooting environment.

It should also be highlighted that compaction and root severance from excavation are not the only issues to be addressed/impact to trees, from proposed development within RPAs. It is for this reason that industry standards (BS5837) recommend that new permanent hard surfacing should not exceed 20%. The proposed superstructure, which isn't anywhere near as acceptable as permeable hard surfacing, is closer to 50% of the RPA.

The replacement shed is similar to the superstructure in that like for like could be justified, however, the existing shed is too close to trees T7 & T8. The logical solution would be to relocate the shed further along the rear boundary, outside the RPAs of existing, established trees. The updated AIA drawing shows the new shed too close to T7, and the stem of the tree as being located within CellWeb TRP, which is ridiculous. Both designs state that the structure's RWP will be directed to feed tree roots, it would be interesting to know how and where.

The ATI also goes on to suggest that the replacement of existing below ground structures will not impact the RPA. Although there is a planning justification for replacements, the way that works are carried out will determine whether there are any impacts or not.

In light of the above I do not consider that there has been sufficient amendments to the layout, in respect to the garage/bedroom superstructure or replacement shed (north-east corner), to retract my previous objections to the proposal.

- Following receipt of revised drawings, the garage/bedroom extension and replacement shed have been removed from the scheme. Further comments have been received from the landscape officer:

In this new proposed garage, the extension has been removed, and the dimension of the garage will be the same as it is now, and the affection to RPA of T2, T3 and T4 will be minimum and reasonable, and following the industry standards (BS5837).

With the changes made in the garage and the shed, the concerns in stablish trees has been corrected.

Therefore, I do not have objection in this new proposed works.

4.1.4 Conservation Officer: [No Objection, subject to conditions]

The application is for alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas.

The Windmill is a grade II listed building (list entry no: 1100797). Dating from the early-mid 19th century, it became redundant in the early 20th century and was extended and converted to a dwelling in the 1970s. The listing description notes that the c. 1970 extension is of no special interest.

Pre-application advice on the construction of new extensions has been given under 18/2442/PREAPP and 19/2511/PREAPP. Three sets of applications have been withdrawn (20/0667/LBC & 20/0666/FUL, 20/1158/LBC & 20/1157/FUL and 20/1669/LBC & 20/1668/FUL) due to serious concerns regarding the impact of the proposals on the significance of the listed building.

The scheme has been revised and is a vast improvement on previous proposals. However, it is recommended that some amendments are made to make the additions more sympathetic. The largest of the proposed extensions is very wide and appears quite squat. It is recommended that this is reduced to a narrower span and slightly steeper roof (i.e. narrower east elevation).

It is also recommended that the glass link between the tower and the garage is reduced in size, so it just forms a narrow link between the two buildings with a flat rather than a monopitch roof. Further information is required on the formation of the doorway within the tower to better understand the impact on and potential loss of historic fabric.

With regards to materials and external finishes, the gutters, fascias and soffits should be timber and not plastic. Rainwater goods should be black painted metal (aluminium is acceptable). The refurbishment of the existing windows is supported, however, further information is required to determine the suitability of installing double glazed units into the existing frames. In accordance with Historic England guidance, historic windows should be repaired, and their historic glass retained. If it can be demonstrated that the glass is not historic then slim double glazing (12mm-14mm) might be acceptable if it is well detailed and can be accommodated within the depth of the existing frames. If historic glass has survived and is retained then alternative methods to improve thermal performance, such as secondary glazing, could be explored.

Further details of the scale and location of the solar array is required. This does require planning permission.

Information regarding any upgrading works to the historic tower (new insulation for example) would be helpful but these can be reserved by condition.

If the above recommendations are implemented and additional information provided, then there would be no objections to the proposal. Depending on the amount of information provided conditions may be required.

- *Following receipt of revised drawings, the garage/bedroom extension and replacement shed have been removed from the scheme, the width of the windmill reduced. Further comments have been received from the conservation officer.*

The Conservation Officer commented that the amendments address all points previously highlighted, subject to the following suggested conditions:

- *Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to their construction on site.*
- *Full details of the upgrading required to meet the building regulations, including fire protection, acoustic insulation and thermal insulation, shall be submitted to and approved by the Local Planning Authority in writing prior to their first use on site.*
- *The position, type and method of installation of all new and relocated services and related fixtures, including communications and information technology servicing, shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed.*
- *A schedule of repairs to the windows and further details showing the installation of slim double glazing shall be submitted to and approved in writing by the Local Planning Authority prior to the removal or repair of any windows.*

- All new rainwater goods shall be of black painted metal.
- Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the Local Planning Authority in writing prior to their installation on site.

4.1.5 Hertfordshire Archaeology: [No objection, subject to conditions]

Thank you for consulting us on the above application. I note it succeeds similar, but more extensive proposals on which this office has commented (refs' 20/0666/FUL, 20/1157/FUL and 20/1668/FUL). Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

As previously notified, the windmill that forms part of the development proposals dates from the mid-19th century (it is not shown on the Rickmansworth parish tithe map of 1839, and it is stated in the Design and Access & Heritage Statement that accompanies the application that it was built in around 1857, according to deeds held by the owner). Approximately 50ft tall, it is built of red brick, with four floors. Its sails were blown off in the 1880s and it thereafter used steam, but ceased milling in 1898. The mill was converted and extended c.1970 [Historic Environment Record 5825, Grade II Listed Building].

It is stated that the interior of the windmill tower will need to be stripped back, to remove 1960s additions including pine timber cladding and seating, cork wall cladding, asbestos, polystyrene ceiling tiles etc., and this is illustrated in the Design and Access & Heritage Statement. It therefore is likely that more original fabric will be revealed during the renovation works.

Additionally, although no below ground heritage assets are recorded from the site, it is in a topographically suitable location for settlement, occupying a prominent position overlooking the confluence of the Rivers Chess and Colne. Only one archaeological evaluation has been carried out in the vicinity, on Scotts Hill, and this revealed prehistoric flints of Late Neolithic/Early Bronze Age date, and a medieval ditch containing unabraded medieval pottery [HER 15565, 15566]

Therefore, while recognising that this scheme will have less below ground impact than previous iterations, I believe that its position is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend, as per our previous advice that the following provisions be made, should you be minded to grant consent:

- 1) The archaeological building recording of the windmill tower in its present form before any development, alteration, or demolition commences.*
- 2) The archaeological building recording of all interventions to the fabric of the windmill in areas where such works might reveal information relating to the development of the building, and for the purpose of recording any original historic features (etc.) that may be exposed.*
- 3) The archaeological monitoring of the groundworks associated with the development, including all ground reduction, foundation trenches, landscaping, and services, etc., as appropriate (together with a contingency for the archaeological investigation and recording of any remains encountered during the monitoring programme).*
- 4) The analysis of the results of the archaeological work, with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate.*

5) *Such other provisions as may be necessary to protect the archaeological and historic interests of the site.*

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/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.*

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 23

4.2.2 No of responses received: 9 (5 supporting and 4 objections)

4.2.3 Site Notices: 20/2046/FUL & 20/2047/LBC

Posted – 04.11.2020 Expired – 25.11.2020

Press Notices: Published – 16.10.2020 Expired – 06.11.2020

4.2.4 Summary of Responses:

Objections

- Loss of privacy, overlooking – Cap windows and first floor balcony
- Overdevelopment
- Garage extension – Multi-occupational use
- Risk of damage to trees, encroachment of root protection areas
- Overbearing design and layout – Garage extension

Supporting comments

- Improved cap appearance
- Good design
- Less bulk
- Modernising plot
- Restoring building and historic features

Officer comment:

All material planning considerations are outlined within the relevant analysis section below.

5 Reason for Delay

5.1 Committee Cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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 Development 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 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 DM1, DM3, DM6, DM9, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA2 and Appendix B. Character area 2.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

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 setting of Listed Building, character and street scene

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 Policy DM3 of the DMP LDD relates to Heritage Assets such as Conservation Areas and Listed Buildings. It states that the Council will preserve the Districts Listed Buildings and will only support applications where the extension/alteration would not adversely affect its character both internally or externally or its wider setting. Development should preserve and enhance Conservation Areas. Policy CP12 of the Core Strategy advises that development should conserve and enhance heritage assets. The NPPF under paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.1.4 Policy CA2 of the Croxley Green Neighbourhood Plan outlines that domestic extensions should seek to conserve and enhance the Character Areas through the careful control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.

- 7.1.5 The Windmill is a Grade II Listed Building, dating from the early nineteenth century (listing ref: 1100797). Early ordnance survey maps dating from 1868 and 1899 show the building occupying a semi isolated site, removed from the larger development of Croxley Green. This detachment highlights the historic and open setting of the windmill, which is a large contributor to its significance. The general character of the area is now suburban in character.
- 7.1.6 It is acknowledged that the existing extensions to The Windmill are unsympathetic and their partial removal is welcomed (listing acknowledges that the extension is of no special interest), albeit subject to a suitable replacement which looks at opportunities for new development to enhance or better reveal their significance, in accordance with paragraph 200 of the NPPF. The heritage significance of The Windmill stems from its tower mill, rounded heading openings and timber steps up to the first floor balcony running all the way around (which appeared to have been removed some time ago). Clearly, there is scope to enhance the listed building by re-introducing former features and better enhance the tower's prominence within the site and from public view from within the wider locality given its uniqueness.
- 7.1.7 A previous scheme was withdrawn due to its adverse impact on the heritage asset as the extensions were overly dominant and detracted from the unique character of The Windmill. Significant on-going discussions with the applicant have taken place to ensure a more sympathetic development.
- 7.1.8 This proposal would include a gabled roofed extension with roof accommodation, projecting from the existing south eastern windmill link, which currently extends 6.4m in width. The proposed extension, would extend to a width of approximately 12m, which is noted would be close to double the existing floor area. However, the extension would appear as a single storey addition, albeit would be served by roof, although from the front this would not be readily noticeable as the rooflights are sited to the rear. Further, the extension has limited fenestration detail and would have a sympathetic, rural exterior. When considering the above factors, the extension would not visually dominating or detract from the significance of the windmill tower. The removal of the previously proposed single storey extensions and different roof forms (proposed under the previous application) have further simplified and reduced the mass and bulk to some degree. The proposed pitched roof form would also reflect the character and appearance of the surrounding area including views from the street scene. The Conservation Officer comments that given a further reduction in width that the proposed windmill extension would not result in a design that would detract from the appearance of the Heritage Asset, subject to conditions in relation to the materials.
- 7.1.9 It is noted that the proposed windmill tower cap extension has been reduced in size from the previous submissions and is now considered to appear in keeping with the windmill tower itself, whilst having regard to historic images submitted in support of the application. The proposed size would not appear top heavy in appearance and given the alterations would be considered as a sympathetic addition with historical merit.
- 7.1.10 A number of structures within the grounds have been removed from the previous schemes, which would have further detracted from the setting of the listed building and therefore enhance its significance.
- 7.1.11 The proposed removal of the garage extension and alterations to the existing garage would not increase the footprint relative to the existing garage. The proposed garage alterations including timber cladding would be considered in keeping with similar outbuildings in the vicinity and the surroundings, which would be partially screened due to boundary treatment and trees to the western flank. It is noted that a cement composite cladding would be inserted to the western flank of the garage, for the purpose of building regulations matters, which is considered not to result in any harm and no objection is raised on this element. The addition of a glazed link would utilise an existing window opening to the western flank of the windmill tower. It is acknowledged that part to the windmill tower below the existing

window opening would be removed for an access door, but utilising the existing opening would significantly limit any loss of building fabric. It is considered that the proposed garage alterations and glazed link extension by reason of their siting and scale would not detract from the sense of openness surrounding the windmill or result in the detriment of the Heritage Asset.

- 7.1.12 There is no objection in to the reinstatement of the windmill tower balcony, an historic feature at first floor level, which would utilise existing brackets and sockets to allow for an accurate reconstruction in regard to its location and dimensions.
- 7.1.13 In light of the above, the proposed extensions and alterations within the curtilage would collectively result in a form of development which would not have an adverse impact on the heritage significance of the listed building nor erode its setting.
- 7.1.14 It is acknowledged that the building has fallen into a state of disrepair and that there would be some public benefit from the building being brought back into residential use, whilst preserving the setting and significance of the listed building. It is considered that given the amended proposals and sensitive design approach that the proposed replacement extensions would be considered acceptable and would be a public benefit by better revealing its significance and visibility.
- 7.1.15 Therefore, it is considered that the proposed amended development would not have a harmful impact on the setting of the listed building and would not have a detrimental impact on the heritage significance of the listed building. The development would therefore comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendix B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).

7.2 Impact on amenity of neighbours

- 7.2.1 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'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The Design Criteria at Appendix 2 of the Development Management also state that two storey development should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties
- 7.2.3 The proposed windmill extension would be set in from the flank boundaries by 11.5m to the eastern boundary and 16m to the western boundary. The location of the proposed windmill extension would be to the rear of adjacent properties, No. 32 and 36 Windmill Drive and would interrupt the 45 degree splay line from a point on the joint boundary, level with the rear walls. However, given the separation distances and the site circumstances there would be no harm so as to justify refusal of the application in this regard. Two ground floor windows and a window at first floor level would be inserted into the eastern flank. Given the site circumstances and existing close-bordered boundary treatment no overlooking would result from the ground floor windows. Further the first floor window would be located within the roof space, a condition would be recommended to ensure the window is 1.7m above the existing floor level to avoid overlooking. As such, the windmill extension element of the development would not result in an unacceptable loss of light or overbearing impact and no overlooking would occur to either of these neighbouring properties.

- 7.2.4 The proposed replacement single storey garage and glazed link adjacent to the windmill tower would be of a size and scale that would not result in any loss of light to surrounding neighbouring properties. No glazing is proposed within the western flank elevation of the replacement garage adjacent to the boundary and other glazing would have an outlook onto the garden areas serving the dwelling and it is not considered that the rooflights would result in unacceptable overlooking into the surrounding properties.
- 7.2.5 The proposed cap and room at the top of the windmill tower would be a habitable space, however, given the reduction in size of the cap including a reduction in fenestration and adjustment of the window position, this has overcome initial concerns with regards to overlooking and privacy of neighbouring properties, which adjoin the site. It is not considered that the windmill cap would result in any increased harm relative to the existing windmill windows, which would already have some outlook. The proposed cap window is of a limited size, has been more sensitively positioned (i.e. fronting the highway verge), 36m from No.32 and 25m from No.36, which would mitigate the level of perceived and actual overlooking as a result.
- 7.2.6 There has been concern raised with regards to the re-instatement of the windmill tower balcony at first floor level and the overlooking potential from the balcony. However, a section of this would be restricted access for maintenance purposes only (to the front), which would be the subject of a condition in the area of concern. Further, given the site circumstances and separation distances to the rear and east site boundaries and the protected trees and evergreen vegetation screening the site to the west, no overlooking would occur to neighbouring properties.
- 7.2.7 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a four bedroom dwelling should provide 105sqm amenity space.
- 7.3.2 Following the proposed development the application site would retain 900sqm of amenity space, which would be sufficient for future occupiers and as such would comply with Appendix 2 of the DMP LDD.

7.4 Wildlife and Biodiversity

- 7.4.1 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.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The application has been submitted with a Biodiversity Checklist and the site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken and given the nature of the proposed development there would not be any adverse impacts on biodiversity.

7.4.4 The Herts and Middlesex Wildlife trust further commented the ecological survey is adequate and puts forward the required mitigation and compensation measures, subject to a condition with respect to the necessary mitigation licence with authorisation for the development.

7.5 Trees and Landscaping

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'. Policy DM6 of the Development Management Policies LDD states that development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage.

7.5.2 The application site is not located within a conservation area, however, there are 5 individually protected trees to front verge of the site and a series of trees which make up group G1 of a new TPO Order (TPO902). Given the nature and siting of the extensions to The Windmill, it is not considered that the abovementioned TPO would be adversely affected, albeit they would need to be protected in the event planning permission was granted.

7.5.3 The garage extension has been removed from the scheme as it would potentially lead to the damage of the health of trees, along the western boundary leading their decline and possible removal. The landscape officer has commented that the changes made to the garage including removal of a proposed shed, has alleviated the original concerns and there is no objection to the proposal as a result.

7.5.4 Therefore, it is considered that the proposal would be result in an appropriate layout, the protection of trees both on and immediately adjacent to the site and maintain the existing character of the area. Furthermore, it is noted that further landscaping will be planted to all boundaries. The proposed development would therefore result comply with the requirements of DM6 of the Development Management Policies and Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The parking standards state that a six bedroom dwelling should have a total of 3 spaces.

7.6.2 The proposed development would result in a four bedroom dwelling. The hardstanding to the front would be retained which could accommodate three cars in addition to a garage being created as part of the development. Therefore the proposed development would comply with Appendix 5 of the DMP LDD in this respect.

8 Recommendation

8.1 That PLANNING PERMISSION and LISTED BUILDING CONSENT BE GRANTED for the following reasons:

8.2 **20/2046/FUL 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: TRDC 001 (Location Plan), A101 REV 1, A102, A103, A104 REV 1, A105, A101 REV 5, A102 REV 6, A103 REV 6, A104 REV 6, A105 REV 6, A106 REV 6, A109 REV 6, A110 REV 1.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Grade II listed building in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendix B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).

C3 No 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: This condition is a pre-commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C4 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis and publication where appropriate.

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C5 No development shall take place/commence before, samples and details of the proposed new windows, doors, rooflights, eaves, verges, fascia's, cills and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The development shall be undertaken in full compliance with the construction methods detailed in the Arboricultural and Planning Integration Report prepared by GHA trees dated 12th June 2020 and Tree Protection Plan (AIA Nov 20) forming part of this application.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall commence until the biodiversity mitigation set out at Appendix 5 of the Preliminary bat roost assessment Emergence Survey prepared by Middlemarch Environmental dated October 2019 have been erected on site. Once erected the mitigation measures shall be permanently retained thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to the first occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 Before the first occupation of the windmill extension hereby permitted the first floor window facing No. 32 shall be 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties 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).

- C10 The gate as shown on Drawing A101 REV 5 shall be erected on the first floor balcony shall be erected prior to the first use occupation of the extensions hereby approved in accordance with the submitted drawing and permanently maintained as such thereafter. The proposed flat roof area of the balcony as shown hatched in red hatch on Drawing A101 REV 5 shall

be used/accessed for repair and maintenance only and not as an external platform or balcony.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties 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).

- C11 The rooflights within the extension hereby permitted shall be set flush with the adjacent roofing materials, and not project above the plane of the roof in which they are located.

Reason: In the interests of visual amenity and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 of the Development Management Policies LDD (adopted July 2013).

8.3 **20/2046/FUL Informatives**

- I1 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

Demolition or stripping works that disturb bat roosting places identified in the bat survey (Chase Ecology CE1444) shall not in any circumstances commence unless the local planning authority has been provided with a copy of the licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead.

I5 Any works which have the potential to impact the tree canopy to the western boundary should not occur until an application for tree works is submitted to and approved by the Council's Landscape department as these trees are protected and are subject to a tree preservation order (TPO).

8.4 **20/2047/LBC 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 only in accordance with the following approved plans: TRDC 001 (Location Plan), A101 REV 1, A102, A103, A104 REV 1, A105, A101 REV 5, A102 REV 6, A103 REV 6, A104 REV 6, A105 REV 6, A106 REV 6, A109 REV 6, A110 REV 1

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C3 No development shall take place/commence before, samples and details of the proposed new windows, doors, rooflights, eaves, verges, fascias, cills and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 No development shall take place/commence before samples and details of the position, type and method of installation of all new and relocated services and related fixtures, including communications and information technology servicing, shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall take place/commence before full details of the upgrading required to meet the building regulations, including fire protection, acoustic insulation and thermal insulation, shall be submitted to and approved by the Local Planning Authority in writing prior to their first use on site shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 No development shall take place/commence before a schedule of repairs to the windows and further details showing the installation of slim double glazing shall be submitted to and approved in writing by the Local Planning Authority prior to the removal or repair of any windows and no external materials shall be used other than those approved.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall take place/commence before details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the Local Planning Authority in writing prior to their installation on site and no external materials shall be used other than those approved. All new rainwater goods shall be of black painted metal.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 The rooflights within the extension hereby permitted (and agreed via Condition 3) shall be set flush with the adjacent roofing materials, and not project above the plane of the roof in which they are located.

Reason: In the interests of visual amenity and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.5 20/2047/LBC Informatives

- I1 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.

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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.