

PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

7. **21/1337/FUL - Variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue at LAND AT THE REAR OF THE LIMES, 9 EASTBURY AVENUE, NORTHWOOD, HERTFORDSHIRE**

Parish: Batchworth Community Council
Expiry of Statutory Period: 19.07.2021
Extension of time: 30.09.2021

Ward: Moor Park And Eastbury
Case Officer: David Heighton

Recommendation: That Condition 16 to be varied and Planning Permission be GRANTED

Reason for consideration by the Committee: This application was called in by three Members of the Planning Committee on the grounds that the alteration to the route of construction traffic would adversely impact on the amenity of residents in Holbein Gate and Eastglade.

1 Relevant Planning History

Planning history of The Limes and Application Site:

- 1.1 14/0952/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated landscape and service arrangements - Withdrawn 04.08.14.
- 1.2 14/1647/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements - Withdrawn 17.11.14.
- 1.3 14/2269/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements - Refused 21.01.15 for the following reasons:

R1 *The proposed development by reason of the siting, height, bulk, mass, scale and design of the detached dwellings would result in an overbearing, overdominant and unneighbourly form of development to the neighbours at 1 and 2 Holbein Gate to the detriment of the residential amenities of the occupiers of these dwellings. The development would therefore be contrary to 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).*

R2 *The proposed development by reason of the design, footprint, bulk and massing of the detached dwellings and the size and depth of the plots serving these dwellings, the additional storey proposed to The Limes and the limited back to back separation distance provided between the detached dwellings and The Limes would result in a cramped form of development which would appear*

uncharacteristic and which would be detrimental to the visual amenities of the area. The development would therefore be contrary to Policies PSP3, CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Appeal dismissed in relation to impact on the neighbour at 1 Holbein Gate through the siting, scale and massing of the proposed dwelling to be erected on Plot 1, but no harm was found to the character or appearance of the street scene.

- 1.4 16/1368/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements - Refused 24.08.16 for the following reason:

R1 *The proposed development by reason of the siting, bulk, mass, scale and design of the detached dwelling on Plot 1 together with the separation distance would result in an overbearing, overdominant and unneighbourly form of development to the neighbour at 1 Holbein Gate causing an increased sense of enclosure to the detriment of the residential amenities of the occupiers of this dwelling. The development would therefore be contrary to 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).*

- 1.5 17/0047/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements – Permitted 23.03.2017

Planning history solely at Application Site:

- 1.6 19/0455/FUL: Demolition of garages and erection of two detached dwellings with associated parking and access – Permitted 24.06.2019
- 1.7 19/1661/FUL: Demolition of existing disused garages and erection of a building to contain 7 apartments together with associated car parking, access and landscape works – Withdrawn 30.10.2019
- 1.8 20/1119/FUL: Demolition of garages and erection of two detached dwellings with associated parking and access – Withdrawn 20.08.2020
- 1.9 20/2037/FUL: Demolition of garages and erection of two detached dwellings with associated parking and access – Withdrawn 04.01.2021
- 1.10 21/0705/FUL: Variation of Condition 2 (plan numbers) pursuant to planning permission 19/0455/FUL: (Demolition of garages and erection of two detached dwellings with associated parking and access) to include alterations to width, depth and design of the permitted dwellings including rear dormer window to Plot 1 – Permitted 02.07.2021
- 1.11 21/1851/DIS: Discharge of Condition 4 (Hard and Soft Landscaping), Condition 5 (Tree Protection Plan), Condition 6 (External Materials) and Condition 7 (Access) pursuant to planning permission 21/0705/FUL. Pending consideration, determination date 20 September 2021.

- 1.12 21/2043/FUL: Variation of Condition 3 (Construction Management Plan) of planning permission 21/0705/FUL to allow works to be carried out with the submitted Construction Management Plan. Pending consideration, determination date 14 October 2021.

2 Description of Application Site

- 2.1 The application site is located on the south side of Holbein Gate and backs onto The Limes (an existing flatted development) which is accessed via Eastbury Avenue in Northwood. Eastbury Avenue is a residential street with a mixed street scene of detached dwellings and flatted blocks of varying architectural designs, whereas Holbein Gate and Eastglade are characterised by detached dwellings of a similar style and design, although some extensions and alterations are evident.
- 2.2 The application site has an area of approximately 1,030sqm, is approximately 24m wide and 44m deep and incorporates an area of adopted highway (maintained by Herts County Council) to the immediate south of the road (Holbein Gate).
- 2.3 The application site backs onto The Limes which is set back approximately 12m from Eastbury Avenue and to the front of the block is a further area of soft landscaping with an area of lawn and planting.
- 2.4 Towards the north of the application site there are six flat roofed garages which, prior to the subdivision of the site were accessed by Eastbury Avenue via The Limes. This land has now been separately sold and is physically split by closed-boarded timber fencing from the land to the south. The garages adjoin (but are not accessed via) an area of highway land which forms the most northern part of the application site. This part of the site consists of hardstanding and is accessed from Holbein Gate which is used for unallocated visitor parking and which can accommodate four vehicles. There is also an area of soft landscaping which include mature trees on the corner of Eastglade and the access to 1 and 2 Holbein Gate to the west.
- 2.5 To the immediate east is 3 Eastglade which is a detached dwelling, set back in relation to other dwellings on this side of the road. To the north of the site are the cul-de-sacs of Holbein Gate, a residential development which adjoins Eastglade.
- 2.6 Land levels fall towards the north west so that the application site is at a lower level than 9a Eastbury Avenue at the southeast and is at a higher level than Abbotsford Lodge, 1 & 2 Holbein Gate to the south west and immediate west.
- 2.7 The boundary to the rear of the site with Eastbury Avenue is enclosed by new timber fencing approximately 1.8m high. The boundary to the west of the site is formed by hedging, close boarded fencing and the rear elevations of the garages within the application site and the neighbouring site of Abbotsford Lodge. The boundary to the north of the site is formed by a brick wall enclosed by vegetation and the boundary with 3 Eastglade and 9a Eastbury Avenue to the east of the site is formed by vegetation and close boarded fencing.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue.

- 3.2 Application 19/0455/FUL was granted planning permission subject to a number of pre-commencement conditions. This application seeks the variation of Condition 16 from:

The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of Construction Management Plan and this should confirm that the existing vehicular access from Eastbury Avenue will be utilised for the large majority of construction vehicle movements to and from the highway. The approved Construction Management Plan shall be adhered to throughout the construction period.

To:

*The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. **Details should be submitted in the form of Construction Management Plan and this should confirm that vehicular access from Eastglade will be utilised for construction vehicle movements to and from the highway.** The approved Construction Management Plan shall be adhered to throughout the construction period.'*

- 3.3 The consequence of the change would ensure that all construction traffic would be via Eastglade, rather than via Eastglade and Eastbury Avenue. A Construction Management Plan (CMP) was submitted as part of the application and subsequently revised during the application process to adjust the following:
- Working hours all in line with Three Rivers District Council construction hours (as controlled by the Control of Pollution Act 1974)
 - Inclusion of a map to show that there would be no contractor/construction parking on Eastglade or on Holbein Gate.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council objects to this application. The clause relating to demolition of the garages and construction of two dwellings was in place and for all parties to see during the legal process of the separation of these two ownerships. Therefore the current owner of The Limes clearly understood the responsibilities and agreements that were in place and the splitting of these ownerships does not change any of the aforementioned. We would urge the District Council's Planners to refuse this Variation and take necessary legal advice to ensure it is enforced.

4.1.2 National Grid: [No comments received, any comments received will be verbally updated]

4.1.3 Highways Officer: [No Objection]

4.1.3.1 Initial Comments:

The proposal is for the variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue. The application wants the wording to be changed so that the 'majority' part is removed to utilise Eastglade for some construction movements. Having, investigated the surrounding area, the size of the construction site and the mitigating factors mentioned within the cover letter, HCC Highways would accept a variation of condition 16 to;

"The Development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of a construction management plan and this should confirm that vehicular access from Eastglade and Eastbury Avenue will be utilised for construction vehicle movements to and from the highway. The approved construction management plan shall be adhered to throughout the construction period".

However, having said this, all details of the construction management plan will be investigated when provided to HCC Highways. Although, Eastglade is now deemed semi- appropriate for construction vehicle movements, HCC Highway will not allow vehicles to obstruct the highway in anyway, nor stop for large amounts of time on Eastglade. Eastbury Avenue is still the preferred route for construction vehicles to access the site.

4.1.3.2 Revised Comments:

Decision

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.

Comments

The proposal is for the variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue. The application wants the wording to be changed so that the 'majority' part is removed to utilise Eastglade for some construction movements. Having investigated the surrounding area, the size of the construction site and the mitigating factors mentioned within the cover letter, HCC Highways would accept a variation of condition 16 to;

"The Development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority.

Details should be submitted in the form of a construction management plan and this should confirm that vehicular access from Eastglade and Eastbury Avenue will be utilised for construction vehicle movements to and from the highway. The approved construction management plan shall be adhered to throughout the construction period".

However, having said this, all details of the construction management plan will be investigated when provided to HCC Highways. Although, Eastglade is now deemed

semi- appropriate for construction vehicle movements, HCC Highway will not allow vehicles to obstruct the highway in anyway, nor stop for large amounts of time on Eastglade. Eastbury Avenue is still the preferred route for construction vehicles to access the site.

Subsequently, a construction management plan (CMP) will need to be produced to ensure that construction works do not disrupt the adjacent highway network. If the CMP is not considered to meet the proposed requirements, then it will be refused until Eastglade is disrupted as little as possible.

4.1.3.3 Revised comments following submission of Construction Management Plan:

This proposal is regarding the production of a Construction Management Plan (CMP) for Land at The Rear of The Limes, 9 Eastbury Avenue, Northwood. HCC Highways has previously commented on this site many times with the most recent time allowing the change of wording from primary access through Eastbury Avenue owing to a change in ownership of land and the restriction of movement. This prompted HCC Highways to ask for a CMP to ensure that construction vehicles using Eastglade will not disrupt the surrounding area. I have been in contact with a few members of the public and their concerns have been taken into consideration when making this recommendation.

HCC Highways would not normally require a CMP for a small development of 2 dwellings, however, owing to concerns raised by stakeholders a CMP was requested to ensure that all construction movements are suitable for the highway network. Eastglade and Holbein Gate are both part of the adopted highway network and therefore are open to all movements and the restriction of such would be hard to enforce. The CMP goes into depth regarding the timings, numbers and location of work movements and the vehicles associated with such. The document has addressed many concerns raised such as construction vehicles impact on vulnerable Highway users within the area, and how construction vehicles such as vans will access the site. The CMP does state that there will be no on-site parking (as is the way with many small developments) but measures are in place to ensure sustainable travel to the site and on street parking further away is available. HCC Highways does not expect any construction vehicles to block the road or obstruct any residents' drives. If this is the case, then the enforcement team at HCC Highways will be informed and the relevant action will be taken for the site. Eastglade currently caters for a refuge vehicle which would imply that vehicles of this stature can access the route to the site.

I have spoken to many colleagues within HCC Highways and none have raised concerns with the CMP or the access to the site. I have taken every measure to ensure that construction is sustainable has little impact on the surrounding environment. If the CMP is kept to then the development should have as little impact on the surrounding area as possible.

Overall, HCC Highways is content that the CMP mitigates the impacts construction has on the surrounding area and as such HCC Highways would not wish to restrict a grant of permission for condition 16.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 22 No of responses received: 10

4.2.2 Site Notice: Not applicable

Press Notice: Not applicable

4.2.3 Summary of Responses: 6 – (Objections), 4 (Supports)

Objection

- Pedestrian safety concern, no public footpath
- Access issues for emergency vehicles
- Blocking of road
- Construction work should via Eastbury Avenue as previously agreed
- The condition associated with the original approval were public knowledge and the change of ownership should not affect the construction of the development

Support

- No access for construction traffic would be allowed through the Limes from a legal, practical and safety perspective
- No right of way
- Unworkable planning condition

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

6.1.1 In July 2021 the revised 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 2021 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”.

6.1.2 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.

6.1.3 Planning Practice Guidance (PPG)

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, CP2, CP3, CP4, CP8, 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 DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

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.

Affordable Housing Supplementary Planning Document - Approved June 2011.

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

7 **Planning Analysis**

7.1 Principle of development and reasonableness of condition 16

- 7.1.1 This application seeks the variation of a pre-commencement condition attached to planning permission 19/0455/FUL relating to the submission of a construction management plan which includes controls over construction traffic. Condition 2 (Plan Numbers) of the said permission would remain unaltered by the proposed variation as such, the size, scale, siting, design and detailing of the dwellings approved under application 16/2763/FUL would be unchanged.
- 7.1.2 The requirement of Condition 16 originated in 2017 following the grant of planning permission under reference 17/0047/FUL and was re-imposed on a later application which was solely for two dwellings (19/0455/FUL). The 2017 planning permission included the erection of two detached houses (similar to this application) and also the addition of two flats above the existing block on The Limes.
- 7.1.3 The requirement that the large majority of construction vehicle movements were made via Eastbury Avenue was from the Highway Authority.
- 7.1.4 It should be noted that this application is solely for two new dwellings which, when completed, would be solely accessed via Holbein Gate/Eastglade.
- 7.1.5 Due to the nature of the application, it is possible to decide that planning permission should be granted subject to the conditions differing from those subject to which the previous permission was granted, or, decide that planning permission should be granted subject to the same conditions. If the latter, the application should be refused.

- 7.1.6 Paragraph 56 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they are necessary; relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.1.7 It is considered that Condition 16 is no longer necessary or enforceable as the applicant has no control over land outside of the application site (as confirmed by the letter sent by the owners of The Limes). This application only relates to development within the application site rather than incorporating land within The Limes. Consequently, the applicant no longer has access to The Limes, which is physically separated from the application site. On the basis that the applicant has no control, the requirement that construction traffic comes via The Limes is no longer reasonable having regard to the development proposed and its continued imposition would prevent development from being delivered.
- 7.1.8 Notwithstanding the above, it should be recognised that the development would still be controlled by the submitted Construction Management Plan, which, as the Highway Authority has commented, is not normally requested for development of this size. The following sections therefore consider the acceptability of the revised Construction Management Plan.

7.2 Highways, Access and Parking

- 7.2.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.
- 7.2.2 The revised proposed construction access to the site will be via Eastglade and Holbein Gate. By virtue of its size and nature, it is acknowledged that Eastglade and Holbein Gate are clearly not designed for heavy construction related vehicles, however, they are wide enough to accommodate emergency and refuse vehicles. The Highways Officer was consulted on the variation to the proposed construction access and considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway, provided the Construction Management Plan (CMP) is adhered to. The Highway's Officer is satisfied that the proposed construction access arrangements can facilitate safe vehicle movements and the use of Eastglade/Holbein Gate is considered suitable.
- 7.2.3 The CMP further states that construction vehicles would be directly received into the site on arrival and that contractors/construction workers would not park on Eastglade/Holbein Gate given the concerns over the size of the roads. This would require on-site management (shown on the CMP) to ensure construction vehicles and staff are not blocking the road and that access for an emergency or refuse vehicle would not be obstructed by construction vehicles or vehicles associated with the application site. In order to minimise disruption on the highway the amended Construction Management Plan states that a banksman will be positioned at the site entrance to ensure there is no conflict between vehicles and pedestrians. In addition, all construction traffic will not be required to wait or block the road and must enter the site with all materials so unloading can take place within the site boundary.
- 7.2.4 It is noted that four visitor parking spaces would be suspended, given the proposed location of the access into the site. However, it is noted that there are no parking restrictions on Eastglade or Holbein Gate and that the suspension of the visitor parking bays would be temporary. It is also considered that there would be space for visitors to park on the parts of the road without restricting the movement of larger vehicles. Further, the suspension of the bays would ensure that deliveries and larger vehicles do not block Eastglade or Holbein Gate. The revised CMP also contains a

map confirming that no contractors are to park in Eastglade or Holbein Gate, which will limit the impact on visitor parking.

7.2.5 The submitted CMP also states that the site will be enclosed by hoarding and shows the location of storage and a delivery set down point. Due to the scale of the development it is considered that the details are acceptable.

7.2.6 It is therefore considered that the submitted CMP would provide a safe and adequate means of access and that the safety and operation of the highway network would not be adversely affected. A condition has therefore be imposed requiring construction works to adhere to the CMP throughout the construction phase.

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 of disposition of privacy, prospect, amenity and garden space.

7.3.2 During the application process the CMP was revised to amend the hours of working in line with the recommended district wide controls and to clearly indicate where contractors shall not park. It is recognised that with all construction work there will be an impact in the form of noise and disturbance, However, the CMP includes various details in relation to a works schedule, routes, movements and details how the construction process would minimise the impact on residents, including no contractor parking in Eastglade/Holbein Gate to avoid disturbance.

7.3.3 There has also been concerns raised with regard to the safety of pedestrians as a result of construction vehicles accessing the application site via Eastglade. The CMP states at paragraph 8.3 that a banksman will be in attendance at all times so deliveries will be managed.

7.3.4 When considering the presence of a banksman, that no parking will take place within Holbein Gate and Eastglade and ensuring construction hours will accord with district wide controls, any impact on residential amenity as a result of the construction works would not be unacceptable.

7.4 Summary

7.5 For reasons expressed above it is considered acceptable to vary the wording of Condition 16 removing the requirement to utilise access from Eastbury Avenue for the large majority of construction vehicle movements. Given the submission of a new CMP, a newly worded planning condition has been imposed.

7.5.1 It is considered necessary to repeat all other conditions attached to planning permission 19/0455/FUL.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:-

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: 4671/PL/LP A, 4671/PL/001 B, 4671/PL/002 B, 4671/PL/(EX) 100, 4671/PL/011 B and 4671/PL/012 B.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Before above ground building operations hereby permitted are commenced, samples and details of the proposed external materials 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: To ensure that the external appearance of the development is satisfactory 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 Before the first occupation of the detached dwellings hereby permitted, the first floor windows in the flank elevations of the detached dwellings (Plots 1 & 2) shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are installed. The windows 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).

- C5 Before the first occupation of the detached dwellings hereby permitted, the rooflights in the flank roofslopes of the detached dwelling (Plot 2) shall have a cill height of at least 1.7m above the floor level of the rooms in which the rooflights are installed. The rooflights 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).

- C6 The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including the living wall to the west flank of Plot 1. The boundary treatment shall be erected prior to occupation and maintained in accordance with the approved details.

Reason: To safeguard the visual amenities of neighbouring properties and the character of the locality 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).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species for a period for five years from the date of the approved scheme was completed.

Reason: This is a pre commencement condition in the interests of visual amenity 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).

- C8 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This is a pre-commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 The development shall not be occupied until details including the siting, size and appearance of refuse and recycling facilities and collection location for Plots 1 & 2 have been submitted to and approved in writing. The development shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the first occupation of any part of the development hereby permitted, the parking and turning spaces shall be laid out and demarcated in accordance with the approved plans 4671/PL/001 B and 4671/PL/002 B and 4671/PL/011 B. The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C11 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure.

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, 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).

- C12 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) the garages of the detached dwellings hereby permitted shall be retained primarily for the garaging of private motor vehicles. No alterations shall be carried out to the garages such as to prevent their use for garaging private motor vehicles.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties and to ensure sufficient parking safeguarding the character and appearance of the area in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C13 The development shall not be occupied until the energy saving measures detailed within the Energy Statement are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C14 The development shall not begin until details of the proposed accesses onto Holbein Gate (including the proposed highway boundary detail on Holbein Gate) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development and permanently maintained thereafter.

Reason: This is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C15 The development shall not begin until details of the disposal of surface water from the proposed driveway area have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out and completed prior to the first occupation of the development hereby permitted.

Reason: This is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM8, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C16 The development shall be undertaken in full compliance with the Construction Management Plan (Version 2 dated 5 August 2021 prepared by South Downs Safety on behalf of Westfields Homes Ltd) and shall be adhered to throughout the construction period.

Reason: This condition is in order to minimise danger, obstruction and inconvenience to users of the highway and to minimise disturbance to local residents in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and DM9 of the Development Management Policies LDD (adopted July 2013)..

- C17 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

- 8.1 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.

- 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 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.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of

the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephone on 0300 1234047.

- 15 The applicant is advised that storage of materials associated with the development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary, further details can be obtained from the County Council Highways via either the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephone on 0300 1234047.

- 16 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.

- 17 The removal or severe pruning of trees & shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made at least 24 hours prior to any habitat clearance by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

- 18 Any new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.