

25/0986/FUL – Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 5 September 2025

Case Officer: Adam Ralton

Recommendation: That condition 12 be varied and permission granted

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SXF61IQFGSE00>

1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). **Approved** January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). **Approved** May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). **Approved** October 2023.
- 1.4 23/0701/FUL: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), Condition 7 (Bus stop and Crossing works) and 14 (Surface Water Drainage scheme) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved and to allow for details of the surface water drainage scheme to be considered. **Approved** October 2023.
- 1.5 25/0987/RSP: Retrospective: Installation of substation. Under consideration.

2 Description of Application Site

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of land currently under development to provide 53 houses. The development is well advanced, with many houses substantially complete externally. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.

- 2.2 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.3 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.4 The site is allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks to vary condition 12 attached to reserved matters approval 23/0699/AOD. That application was described as shown at 1.3 above. Condition 12 lists the drawings that are approved, and the application seeks to substitute the approved elevation drawings with a fresh set of elevation drawings, in order to allow the following changes to be made:
- Removal of brick detailing from front elevations which was generally shown to be between ground and first floor windows, and front doors and first floor window above. The facades will no longer have any detailing.
 - Change to front porch design, to porches with a pitched roof instead of a flat roof.
 - Change to the arrangement/layout of rooftop solar PV panels.
 - Elevations show details of the position of bee and bat bricks.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council:

No response received.

4.1.2 Hertfordshire County Council – Rights of Way:

No response received.

4.1.3 London Borough of Harrow

No objection

4.1.4 National Grid:

No comments received.

4.2 Public/Neighbour Consultation

- 4.2.1 Site Notice: Posted 13 June 2025, expired 4 July 2025.
- 4.2.2 Press notice: Published 20 June 2025, expired 11 July 2025.
- 4.2.3 Number of neighbours consulted: 281. No responses received.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation:

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of the Town and Country Planning Act 1990).

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

6.1.3 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.

6.1.4 The Environment Act 2021

6.2 Policy:

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In 2024 the National Planning Policy Framework was updated. 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.

6.2.2 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 unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

6.2.3 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 PSP2, 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 DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

6.3 Other

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

7 Planning Analysis

7.1 Background

7.1.1 Outline planning permission was granted in May 2020 (and subsequently varied in October 2023) for a residential development of up to 53 houses as detailed at paras 1.2 and 1.4 above. Reserved matters approval was also granted in October 2023. Development has commenced on site with the majority of dwellings substantially complete externally. This application seeks to retrospectively revise the design of the dwellings as explained at paragraph 3.1 above. The appraisal below will consider those matters material to the change in design.

7.1.2 The proposed variation would have no impact on matters relating to the quality of the accommodation for future occupiers, impact on neighbours, highways or parking matters, biodiversity matters, trees and landscaping, pollution, flood risk and drainage or refuse and recycling.

7.2 Impact on the character and appearance of the street scene and locality

7.2.1 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'.

7.2.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles (this will be considered in a highways section below);
- iii. The generation of excessive levels of traffic (this will be addressed below);
- iv. Loss of residential amenity (this will be addressed below);
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.2.3 The changes to the design are limited to the removal of some brick detailing, alterations to the porch design, and a variation to the layout of the rooftop solar PV. Whilst the loss of the brick detailing does impact the appearance of the dwellings, this is compensated in part by the new porch design, with the pitched roofs adding some articulation to the front façade which was not provided by the approved flat roofed porch canopies. The alterations to the PV panel layout are not considered to be harmful to the appearance of the buildings. The bat and bee bricks are very minor features on the elevation which have no material impact. Overall, it is not considered that the proposed amendments would cause any demonstrable

harm to the character or appearance of the development. They are therefore considered to be acceptable.

7.3 Mandatory Biodiversity Net Gain

- 7.3.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.
- 7.3.2 In this instance, the original planning permission was not required to provide mandatory BNG because it was made prior to mandatory BNG taking effect. As a result, this current application is exempt from mandatory BNG. The scheme would also be exempt by reason of being submitted retrospectively.

7.4 Sustainability

- 7.4.1 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future and should help to shape places in ways which contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.
- 7.4.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.4.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. The previously approved application was accompanied by an Energy Assessment and Sustainability Statement that confirmed the necessary reduction would be met. The applicant has advised that the alteration to the solar PV layout would not impact the scheme's ability to comply with DM4. This is secured by condition.

7.5 Conclusion

- 7.5.1 Overall, the proposed changes are considered to be acceptable and would not result in demonstrable harm to the design, character or appearance of the estate. On that basis, it is agreed that condition 12 may be varied.
- 7.5.2 Following the original grant of permission, details have been submitted to the LPA and approved in writing pursuant to conditions previously numbered 2 (materials), 3 (details of play equipment), 4 (timing of soft landscaping) and 5 (future management and maintenance of streets, footways and hard landscaped areas). Those conditions have therefore been reworded to account for the approved details. Furthermore, originally attached condition 1 has been removed, as this required the submission of an Arboricultural method statement for works in the root protection area of trees to the south of the site, and those works have been substantially completed. The order in which the conditions appear has been revised in accordance with planning practice guidance to ensure the conditions are listed in the order they need to be satisfied.

8 **Recommendation**

- 8.1 That the RESERVED MATTERS be APPROVED subject to the following conditions:

CAR PARKING MANAGEMENT PLAN

- C1 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning

Authority. This shall include details (excluding the replacement parking spaces labelled for Foxgrove Path residents to the north of the site) of the allocation of vehicle parking spaces within the development; management and allocation of parking spaces for mobility impaired persons; and long term management responsibilities and maintenance schedules for all communal parking areas and the internal access road. The parking management plan shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring car parking is managed having regard to the on site car parking layout, and to avoid obstructions on the road network, in accordance with Policy CP10 of the Core Strategy.

DETAILS OF MATERIALS

- C2 The external materials used in the construction of the development hereby approved shall only be those approved in the letter from the Local Planning Authority dated 24 June 2024 relating to discharge of condition application 24/0685/DIS.

Reason: To prevent the building being constructed in inappropriate materials 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).

DETAILS OF PLAY EQUIPMENT

- C3 The play equipment approved by the Local Planning Authority in a letter dated 26 March 2025 relating to discharge of condition application 25/0284/DIS shall be installed in accordance with the details approved by this condition prior to the first occupation of any more than 40 homes, and permanently maintained as such thereafter.

Reason: To ensure the site provides suitable outdoor play opportunities for a range of ages, having regard to the limitations of other equipment in the immediate vicinity and to comply with the requirements of Policy DM11 of the Development Management Policies LDD.

DELIVER SOFT LANDSCAPING

- C4 The soft landscaping and tree planting shall be implemented in accordance with the details within Drawing Nos. PRI24170-11.01B Sheet 1 of 3, 11.02B Sheet 2 of 3 and 11.03B Sheet 3 of 3 and in accordance with the timetable approved in the Local Planning Authority's letter dated 1 August 2025 relating to discharge of condition application 25/1163/DIS.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

MAINTAIN HARD LANDSCAPING AND ROADS

- C5 The management and maintenance of the proposed streets, footways, and all hard landscaped areas within the development shall be undertaken in accordance with Revision G of the Landscape Management and Maintenance Plan as approved by the LPA in the letter dated 4 April 2025 in relation to discharge of condition application 25/0321/DIS.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring all hard landscaped areas are subject to a suitable maintenance strategy and remain safe to use in accordance with Policy CP10 of the Core Strategy.

OBSCURE GLAZING TO FLANK ELEVATIONS

- C6 Before the first occupation of an individual dwelling hereby approved, the windows at first floor level in the flank elevations of that dwelling shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is 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).

OBSCURE GLAZING TO REAR OF 40-43

- C7 Before the first occupation of Plots 40-43, the windows at first floor level in the rear elevations serving the bathrooms as shown on drawing 122-(PL)-8802 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) 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).

IMPLEMENT IN ACCORDANCE WITH ENERGY STATEMENT

- C8 Prior to the first occupation of each dwelling, the energy saving and renewable energy measures as set out in the Energy Assessment and Sustainability Statement shall have been provided in full for that dwelling. The energy saving and renewable energy measures shall be permanently maintained and retained thereafter.

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

PROVIDE BOUNDARY TREATMENTS

- C9 Prior to the first occupation of the development hereby approved, the boundary fences shown on Drawing No. PRI24170-12.01B, 12.02B and 12.03B to demarcate the garden areas to the dwellings shall be installed in accordance with the details shown on the drawing and permanently maintained as such 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).

PROVIDE AND ALLOCATE CAR PARKING SPACES

- C10 No dwelling hereby approved shall be first occupied until the car parking spaces serving that dwelling as shown on Drawing 032-(PL)-8802 Rev D have been constructed and marked out only in accordance with the details shown on Drawing 032-(PL)-8802 Rev D.

Reason: To ensure suitable allocation of car parking spaces for each dwelling within the development, to comply with Policy CP10 of the Core Strategy, and Policies DM13 and Appendix 5 of the Development Management Policies LDD.

IN ACCORDANCE WITH APPROVED PLANS

- C11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Drawings

010-(PL)-8802

011-(PL)-8802

Proposed Site Layout Drawings

001-(PL)-8802 M

002-(PL)-8802 D

003-(PL)-8802 D

021-(PL)-8802 B

030-(PL)-8802 D

031-(PL)-8802 F

032-(PL)-8802 D

034-(PL)-8802 D

035-(PL)-8802 D

036-(PL)-8802

037-(PL)-8802 C

Proposed Floor Plans

110-(PL)-8802 C

111-(PL)-8802 D

112-(PL)-8802 B

120-(PL)-8802 B

121-(PL)-8802 B

122-(PL)-8802

130-(PL)-8802 B

140-(PL)-8802 B

Proposed Elevations

WD-10 Rev G

WD-20 Rev H

WD-30 Rev G

WD-40 Rev G

WD-50 Rev G

WD-60 Rev G

WD-70 Rev F

WD-80 Rev F

Proposed Sections

300-(PL)-8802 C

301-(PL)-8802 B

Proposed Street scenes and perspectives

310-(PL)-8802 B
400-(PL)-8802 B
401-(PL)-8802 B
402-(PL)-8802 B

Landscaping Drawings

PRI24170-10 REV C

PRI24170-11.01 REV B, PRI24170-11.02 REV B, PRI24170-11.03 REV B (Soft Landscape)

PRI24170-12.01 REV B, PRI24170-12.02 REV B, PRI24170-12.03 REV B (Hard Landscape)

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2023).

MAINTAIN SOFT LANDSCAPING

- C12 The areas of soft landscaping contained within the development hereby permitted shall be maintained in accordance with the Landscape Ecological Management Plan (August 2023 Ref 2311-PHA) and the Soft Landscape Management and Maintenance Plan (dated August 2023, reference PRI24170-man rev C dated 16.10.23) throughout the use of the development.

Reason: 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).

ACHIEVE BNG

- C13 The development hereby permitted shall be implemented in accordance with the principles contained within the report Biodiversity Metric 4.0 (August 2023, report 2311-PHA) and with the details on Drawings PRI24170-11 Rev B Sheet 1, 2 and 3.

Reason: To ensure that the net gains to biodiversity contained within the submission are achieved, to accord with Policy DM6 of the Development Management Policies LDD (July 2013) and Part 15 of the NPPF (2023).

LIGHTING

- C14 No lighting, including any street lighting, shall be installed within the development site hereby approved until details have first been submitted to an approved in writing by the Local Planning Authority relating to the design, appearance, luminance and direction of the lighting, and how it is designed to avoid adverse impacts on protected species and the amenities of neighbouring occupants. The lighting shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that any lighting is designed to minimise light pollution and adverse impacts on the amenities of neighbours and on protected species, in accordance with Policies DM1, DM6 and DM9 of the Development Management Policies LDD.

REMOVE PD RIGHTS

- C15 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 E - provision of any building or enclosure

Class F - any hard surface

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, to avoid any impacts on the drainage system and to ensure adequate sized rear gardens remain available and useable, 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).

8.2 Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

(a) Making a Non-Material Amendment

(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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 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).

- 14 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 15 The applicant is advised that the housing tenures as shown on the drawings accompanying this application including drawing 037-(PL)-8802 are indicative only

and any grant of approval of this application does not infer or imply those matters to be approved or secured. Affordable housing matters fall to be assessed and secured only via the outline planning application (23/0701/OUT) and related planning conditions, and any subsequent permission granted under S73 of the Town and Country Planning Act.

- 16 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
- 17 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangement which mean that the biodiversity gain conditions does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- a) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
- b) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are

additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.