

PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

11. 23/0577/RSP – Retrospective: Retention of temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further temporary period at BULLSLAND FARM, BULLSLAND LANE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5BG

(DCES)

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 07.06.2023

Case Officer: Freya Clewley

Recommendation: That Retrospective Planning Permission is granted.

Reason for consideration by the Committee: The application was called in by Chorleywood Parish Council due to concerns regarding the access being no longer temporary if an additional three years is granted, and Green Belt concerns as set out in full at 4.1.1 below.

1 Relevant Planning History

1.1 Farm Complex

- 1.1.1 16/2516/FUL - Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping – Permitted - 24.03.2017, works substantially complete.
- 1.1.2 16/2517/LBC - Listed Building Consent: Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping – Permitted - 24.03.2017, works substantially complete.
- 1.1.3 21/2041/FUL – Comprehensive parking and access arrangements for Bullsland Farm complex – Permitted – 11.11.2021
- 1.1.4 21/2515/PDA – Prior Notification: Change of use of agricultural building to four residential dwellings with operational works to building and associated curtilage – Permitted - 22.12.2021, not implemented.
- 1.1.5 22/0563/FUL – Variation of Condition 2 (Approved Plans) pursuant to planning permission 16/2516/FUL (Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping) to convert garage into habitable accommodation with external alterations to parking – Permitted – 01.06.2022, works substantially complete.
- 1.1.6 22/1074/LBC – Variation of Condition 2 (Approved Plans) pursuant to Listed Building Consent: 16/2517/LBC: (Listed Building Consent: Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping) to convert garage into habitable accommodation with external alterations and alterations to parking – Permitted – 12.08.2022, works substantially complete.
- 1.1.7 23/0326/FUL – Redevelopment of site including demolition of existing barn buildings and construction of 4 no. single storey dwellinghouses with boundary treatments including garden wall, timber posts and rail fencing, with associated bin store, parking, curtilage and landscaping works – Pending Consideration
- 1.1.8 23/0347/FUL – Variation of Condition 2 (Plan Numbers) pursuant to planning permission 16/2516/FUL (Part conversion, part demolition and construction of new buildings to create

four dwellings with associated access, parking and landscaping) to allow erection of front porch to plot 4 – Refused – 24.04.2023, during a site visit it was ascertained that the porch is currently in situ.

1.1.9 23/0542/PDA – Prior Notification: Change of use of agricultural building to four residential dwellings with operational works to building and associated curtilage – Pending Consideration

1.1.10 23/0590/LBC – Listed Building Consent: Internal alterations and alterations to fenestration to the existing farm house to create four bed residential dwelling including alterations to external materials and installation of air source heat pump – Pending Consideration

1.2 Threshing Barn

1.2.1 19/1361/FUL - Conversion of existing former threshing barn to a self-contained dwelling including internal and external alterations to the building, construction of single storey extension and associated parking, landscaping and residential curtilage – Permitted - 25.10.2019, works in relation to this consent have commenced.

1.2.2 19/1362/LBC - Listed Building Consent: Conversion of existing former threshing barn to a self contained dwelling including internal and external alterations to the building, construction of single storey extension and associated parking, landscaping and residential curtilage – Permitted - 25.10.2019, works in relation to this consent have commenced.

1.3 Hayloft

1.3.1 16/0203/FUL - New/replacement dwelling through conversion and extension of existing barns on the site, alterations to and refurbishment of curtilage Listed buildings, demolition of 20th Century agricultural buildings on the south of the site and associated landscaping – Permitted - 04.04.2016

1.3.2 16/0204/LBC - Listed Building Consent: New/replacement dwelling through conversion and extension of existing barns on the site, alterations to and refurbishment of curtilage Listed buildings, demolition of 20th Century agricultural buildings on the south of the site and associated landscaping – Permitted - 04.04.2016

1.3.3 17/1364/FUL - Conversion of Hayloft from a mixed use of residential and commercial to independent residential dwelling with associated parking and curtilage – Permitted - 20.10.2017, implemented.

1.3.4 17/1365/LBC - Listed Building Consent: Conversion of Hayloft from a mixed use of residential and commercial to independent residential dwelling with associated parking and curtilage - Permitted - 20.10.2017, implemented.

1.4 Wider Site

1.4.1 20/0439/FUL - Temporary change of use of land to construct access track for construction vehicles to facilitate developments at Bullsland Farm (3 year permission) - Permitted - 30.07.2020, implemented.

1.4.2 21/1025/FUL - Erection of solar array in an adjacent field, associated infrastructure and construction of single storey plant building including landscaping - Permitted - 14.01.2022, not implemented.

1.4.3 22/0269/RSP – Retrospective: Temporary change of use of land to construct extension to temporary access track for construction vehicles to facilitate developments at Bullsland Farm – Permitted – 05.05.2022, implemented.

- 1.4.4 22/0238/FUL – Erection of new passing bay with metal post, rail fencing and tarmac driveway on Bullsland Lane – Pending Consideration

2 Description of Application Site

- 2.1 The application site forms a strip of land which comprises an access track that cuts through a field that forms part of the Bullsland Farm complex and is used for construction related traffic. The land subject to the application is an open agricultural field and contains open land, orchard trees and pond feature. The application site leads from Bullsland Lane to the west of the building complex; running parallel to the curtilage boundary that serves the Threshing Barn a Grade II Listed Building.
- 2.2 The application site adjoins Bullsland Lane at the entrance to Bullsland Farm to the south east of Piggy Lane and a public footpath.
- 2.3 Bullsland Farm benefits from a number of planning permissions as set out above. A construction management plan has been approved which sets out that the construction vehicles will access the site via a new access track from Bullsland Lane. The access track connects from Bullsland Lane from the north and provides direct connectivity to the construction site which includes a complex of buildings which make up Bullsland Farm. The track is approximately 310m in length and 5m in width.
- 2.4 With regards to policy designations, the application site falls within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the retention of the temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further temporary period. The current temporary planning permission for the track permitted via 20/0439/FUL expires on 30 July 2023.
- 3.2 The track is constructed from hardcore, rubble and road planings.
- 3.3 No alterations to Bullsland Lane are proposed as part of the current application.
- 3.4 The description of proposed development for the current application has been amended such that it no longer refers to a specific temporary time period.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

To roll on for a further three years will make the temporary access no longer temporary, a permanent track in this location is not an appropriate development in the Green Belt and this will inevitably become a permanent feature resulting in a further piecemeal development at this site.

4.1.2 Hertfordshire County Council – Highway Authority: [No Objection]

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Comments/Analysis

Description of Proposal

Retrospective: Retention of temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further three years.

Site and Surroundings

Bullsland Farm is located on bridleway Chorleywood 024, a right of way. The nearest HCC highway is Bullsland Lane which is an unclassified local access road subject to a 30mph speed limit which is highway maintainable at public expense.

Access and Parking

The application proposes to retain the use of an access track which was first suggested as part of a Construction Management Plan relating to a Discharge of Conditions application, reference 20/0153/DIS. The application for the track itself, under application reference 20/0439/FUL, was recommended for refusal by HCC Highways, but approved by the LPA. As shown on satellite imagery and the site plan, the access track has been established at the site and has evidently been in use. The Highway Authority still wish to note that the end of Bullsland Lane is not considered to be suitable for motor vehicles which raises concerns as noted in the previous application for the track. However, it is noted that there have not been any collisions close to the track access from the highway within the last 5 years; and the use of the track ensures that the bridleway, Chorleywood 024 is clear of construction traffic. It is acknowledged that a number of applications have been made which would require large construction vehicles to enter the site if approved, and therefore the access track would likely be of use. Thus, due to the track seemingly being in use, potentially for 3 years already, and the likely positive impact that the diversion of construction vehicles would have upon the bridleway, HCC as the Highway Authority does not wish to restrict the granting of permission for a further 3 years.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.1.3 National Grid: No response received.

4.1.4 Hertfordshire County Council Footpath Section: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 20

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 10.05.2023 Press Notice: Expired: 14.05.2023

5 Reason for Delay

5.1 None

6 Relevant Planning Policy, Guidance and Legislation

6.1 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 Town and Country Planning Act 1990).

6.2 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

6.3 National Planning Policy Framework and National Planning Practice Guidance

In 2021 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.

6.4 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, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM8, DM9, DM13 and Appendices 4 and 5.

The Chorleywood Neighbourhood Plan (referendum version, August 2020). Policy 2 is relevant.

6.5 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 the Green Belt

7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. The NPPF sets out that Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.1.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies document outlines that the construction of new buildings in the Green Belt is inappropriate with certain exceptions. Policy DM2 is silent with regards to engineering operations. It is noted that Policy DM2 pre-dates the current NPPF.

7.1.3 Paragraph 150 of the NPPF states:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.4 In this instance, paragraph 150 (b) is relevant and the works could be regarded as a form of development which is appropriate in the Green Belt. However, this caveated by the development a) preserving openness and b) not conflicting with the purposes of the Green Belt.

7.1.5 In relation to the assessment of the impact on openness of a development within the Green Belt, paragraph 001 of the NPPG states;

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*

- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

- 7.1.6 The development consists of a formal access track that has the appearance of a roadway that cuts through the open, undeveloped field. The roadway has resulted in an urbanising feature within the open landscaping. It also results in intensification of the use of the land through permitting construction traffic passing along open fields. The roadway has resulted in a visually apparent feature that looks at odds with the open, undeveloped landscape of the surrounding field land. The earth which was stripped from the field and created into temporary bunds running alongside the track also by virtue of its height has an impact on openness. The development, by virtue of its siting, scale and use therefore cannot be said to preserve the openness of the Green Belt albeit temporary.
- 7.1.7 Additionally, when considering the location of the access track it also encroaches into the open landscape thus conflicting with one of the purposes of including land within the Green Belt, namely, its failure to safeguard the countryside from encroachment.
- 7.1.8 As a result, the development cannot be said to fall within paragraph 150(b) or any other exceptions. As such, whilst it is noted that the access road is temporary, the development constitutes inappropriate development which is harmful, by definition. The applicant wishes to retain the access road for a further three years. As such, the visual effects of the development on the openness is limited to the time that it is in place; any retrospective planning permission would include a condition that the land be returned to its former state in accordance with the timeframe set out within the condition for the original planning permission 20/0439/FUL. Notwithstanding this, whilst it is noted that the visual effects of the development would be limited to the time that it is in place, it is noted that the access track has already been in situ for over two years, and a further retention of the access track for another period of time would result in increased harm to the openness due to the access track becoming a more permanent feature.
- 7.1.9 It is acknowledged that the access road was originally granted under application reference 20/0439/FUL for a temporary period of 3 years. As such, the original temporary permission expires on the 30 July 2023. The applicant has advised during the current application that the works currently being undertaken to the Threshing Barn (19/1361/FUL) could take a minimum of a further 12 months. Furthermore, the applicant has advised that the conversion of the southern barn, previously permitted under application reference 21/2515/PDA and currently being reconsidered under application reference 23/0542/PDA due to the time limit to have completed the works expiring in the next 9 months, is unlikely to commence until the works to the Threshing Barn are complete, given that the same contractors are likely to be used. As such, the works to both the Threshing Barn and the Southern Barn are likely to be ongoing for a further two years. Notwithstanding this, it is noted that the works to the Threshing Barn and Southern Barn are conversion works, and not new buildings. As such, the scale of works to facilitate the conversion of these buildings would not be of the same scale as that for the construction of new buildings. As such, it is not considered that it has been demonstrated that the works would be of such a substantial scale that would require the retention of the access track for a further three years. It is considered reasonable to extend the use of the access track for a further 12 months, as the need for large vehicles to access the site would reduce as the development progresses. It is noted that there are other applications which are currently pending consideration for additional units, however these applications are not a material consideration currently, given that they do not benefit from planning permission. Therefore, given the scale of works which currently have planning permission, and the ongoing works on site, it is considered reasonable to extend the use of the access track for a further 12 months.
- 7.1.10 In summary, the development permitted and retention of the access road for a further one year would represent inappropriate development, harm to the openness of the Green Belt

and conflicts with the purposes of the Green Belt, contrary to the NPPF (2021), Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies document. In accordance with paragraph 148 of the NPPF when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This is further discussed below.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP12 of the Core Strategy relates to design that states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. Policy DM3 seeks the preservation of Listed Buildings.

7.2.2 Policy DM7 DMP LDD relates to landscape character and states:

In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission.

7.2.3 The works appear at odds and out of context within the surrounding landscape. It also results in an intensification of use of the existing undeveloped field with the passing of construction traffic leading from Bullsland Lane to the site and back.

7.2.4 The Bullsland Farm complex includes two Grade II Listed Buildings. The Conservation Officer has previously advised that the undeveloped, agrarian landscape surrounding the listed buildings is an important aspect of their setting which contributes to their significance. However, the Conservation Officer raised no in principle objections as there would be no permanent changes to the landscape once the land has been returned to its former state following the removal of the temporary access track. As such, granting use of the track for a period of a further 12 months would not result in any greater harm to the heritage assets than that approved under extant permission 20/0439/FUL.

7.2.5 Thus, it is considered that the hardstanding and associated construction traffic using the access track fail to respect the rural qualities of the landscape contrary to Policy CP12 and Policy DM7 of the DMP LDD.

7.3 Impact on amenity of neighbours

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

7.3.2 The granting of a further temporary permission would not affect the access arrangements or facilitate an intensification of use of the main aspect of the track granted under extant permission 20/0439/FUL. The use of the access for a further 12 months, therefore, would not result in any demonstrable harm to the residential amenities of the surrounding neighbouring properties along Bullsland Lane.

7.3.3 In summary, the development does 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.

7.4 Impact on Highway Safety

7.4.1 Policy CP10 of the Core Strategy relates to transport and states:

Development will need to demonstrate that:

i) It provides a safe and adequate means of access

l) It makes adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians

7.4.2 The access arrangements into the site were approved under application 20/0439/FUL and the current application does not change these arrangements. Notwithstanding this, any retrospective permission would include a condition that the access track is only used when a banksman is present to control the use and restricting delivery times as approved under application 20/0439/FUL.

7.5 Trees and Landscaping

7.5.1 No protected trees would be affected by the development. The Landscape Officer did comment on the application and advised that no trees should be removed or damaged to facilitate the construction of the development.

7.6 Biodiversity

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

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

7.6.3 The application is supported by a Grassland Restoration Plan that was approved under application 21/1891/DIS the restoration of the land following the cessation of use of the access track and extensions will be required to be carried out in full accordance with the details set out within the Plan. There would therefore be no long term harm to biodiversity as a result of the works.

7.7 Very Special Circumstances/Planning Balance

7.7.1 In accordance with paragraph 148 of the NPPF when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.7.2 It has been identified that the extension to the access road results in harm to the Green Belt by virtue of the inappropriateness of the development, actual harm to the openness of the Green Belt and conflicting with one of the purposes of Green Belts and visual amenities of the landscape.

7.7.3 The access track is required to prevent the construction traffic, associated with the implementation of extant planning permissions associated with the Bullsland Farm complex, having to use the private part of the Bullsland Lane which is also a bridle path. Bullsland Lane, where it branches off from the adopted spur is therefore used by a number of other

users including walkers, equestrians and cyclists. Bullsland Lane is a very narrow road and due to the size of the construction vehicles there would be limited to no passing places and there are tight bends at the northern entrance of the lane. The temporary access road provides an alternative use for construction traffic to help to prevent conflict between the construction traffic and other vulnerable users of Bullsland Lane. Taking into consideration the limitations of Bullsland Lane in terms of its limited width and that it is a bridle path the access track and extensions to the approved track prevents conflict between large construction vehicles and other users of Bullsland Lane. This holds material weight in favour of the development. A condition will be attached to any permission that the construction track will only be accessed when there is a banksman sited at the entrance which would also help to prevent any conflict at the entrance between construction traffic and other users of the highway.

- 7.7.4 Furthermore, whilst it is noted that the access track has already been in situ for a period of time, the access track is only for a temporary period of time and extending the use of the access track for a further three years is not considered reasonable at this time. A period of 12 months is considered more appropriate based on the information submitted and the extent of works undertaken across the site. In addition, it should be noted that the land on which the access sits is also required to be returned to its previous condition within the time extension.
- 7.7.5 As set out in the NPPG (paragraph 7.1.5 of this report) the visual and spatial harm to the openness of the Green Belt is also assessed in relation to the duration of the development. As the scheme is only for a temporary feature the harm to the openness of the Green Belt and visual amenities of the landscape would only be limited to the time of which the access would be in situ.
- 7.7.6 Thus, taking into consideration the fact that access road would only be a temporary feature and the harm would be rectified following its removal and reinstatement of the land and that the proposal seeks to prevent conflict between construction traffic and other users of Bullsland Lane, it is considered that there are material considerations which constitute very special circumstances that would outweigh the inappropriateness of the development and the temporary harm to the opens of the Green Belt and the conflict with the purposes of the Green Belt.
- 7.7.7 It should be acknowledged that the granting the use of the temporary access road for year to facilitate construction traffic entering and exiting the site does/would not set a precedent or future justification for the temporary access to be permanently retained to serve the residential properties permitted at the site.

7.8 Other Matters

- 7.8.1 The British Pipeline Agency commented on the previous application advising that there are pipelines within the vicinity of the development. An informative would be attached to any retrospective planning permission advising the applicant of their contact details.

8 **Recommendation**

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

C1 The development hereby permitted shall be maintained for the permitted temporary period, as specified within Condition 2, in accordance with the following approved plans: TRDC001 (Location Plan), 22.015A.

Reason: For the avoidance of doubt and in the proper interests of planning, to protect the Green Belt, visual amenities of the landscape and residential amenities of neighbouring properties and in accordance with Policies CP1, CP9, CP10 and CP12

of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM6, DM7, DM8, DM9, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013).

- C2 By the 26 May 2024, the 5 metre temporary haul road hereby permitted (including all associated materials (i.e. sub base) and temporary fencing) as shown on drawing number REF: 22.015A, shall be permanently removed from the application site with the land restored to its former condition in accordance with the details set out within the approved Grassland Restoration Plan (P4105.1.1), by agb Environmental, dated 3 June 2021.

Reason: Temporary permission is to facilitate the construction works and protect the users of Bullsland Lane from construction traffic and to protect the openness of the Green Belt, residential amenities of the neighbouring properties and character and appearance of the Listed Building in accordance with Policies CP1, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C3 The access track, hereby permitted, shall not be used at anytime when not manned by a banksman at the entrance with Bullsland Lane. No deliveries to the Bullsland Farm development shall take place before 1000 hours or after 1500 hours Monday to Friday with no deliveries on Saturday/Sunday or Bank Holidays.

Reason: In the interests of highway safety, to protect the other users of the public right of way and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 All construction traffic associated with the construction works at Bullsland Farm shall only access and exit Bullsland Farm via the temporary access road hereby permitted.

Reason: In the interests of highway safety, to protect the other users of the public right of way and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 No trees, hedgerows or shrubs shall be felled, lopped or pruned, nor shall any roots be removed or pruned to facilitate the development and for a period of five years after completion of the development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st October to 31st March) following their loss or removal.

Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).

- C6 No external lighting shall be installed on the site or affixed along the access track.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 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. 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. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that the proposed works are in close proximity to a high-pressure petroleum pipeline system and British Pipeline Agency wish to ensure that any works in the vicinity of the pipeline are carried out in accordance with the British Pipeline Agency safety requirements (www.linewatch.co.uk). To obtain more detail of the pipelines location, please contact the British Pipeline Agency on 01442 218846 and quote the BPA reference 2020/0506.