

PLANNING COMMITTEE – 14 December 2023

23/1798/FUL - Variation of Condition 11 (Off Site Highway Improvement) of planning permission 20/1881/FUL to allow phased delivery of the off site highways works at Land North Of Little Green Lane, Killingdown Farm, Little Green Lane, Croxley Green, Hertfordshire

Parish: Croxley Green
Expiry of Statutory Period: 23.01.2024

Ward: Dickinson
Case Officer: Claire Westwood

Recommendation: That condition 11 (Off Site Highway Improvement) be VARIED and that PLANNING PERMISSION IS GRANTED.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee due to the long history of the site and possible effect on highway safety, and by Croxley Green Parish Council for the reasons set out at 4.1.1 below.

To view all documents forming part of this application please click on the link below:

[23/1798/FUL | Variation of Condition 11 \(Off Site Highway Improvement\) of planning permission 20/1881/FUL to allow phased delivery | Killingdown Farm Little Green Lane Croxley Green Rickmansworth Hertfordshire WD3 3JJ \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works. Allowed at appeal 3 March 2022, works commenced.
- 1.2 Various Discharge of Conditions applications have also been determined pursuant to the above.
- 1.3 22/1432/NMA - Non material amendment to planning permission 20/1881/FUL: Increase in size of the double garage serving Plot 2. Permitted 30.08.2022.
- 1.4 22/1917/NMA - Non material amendment to planning permission 20/1881/FUL: Plot 151 - Window added to ground floor WC; Plots 11-12, 13-14, 20-21, 22-23, 54-55, 74-75, 144-145, 146-147 and 148-149 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 70-72 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 4, 8, 49, 52, 53, 64, 73, 76, 82, 83, 86, 87 and 150 - Window added to ground floor WC; Plots 9-10, 16-17, 34-35, 45-46, 50-51, 65-66, 80-81 and 84-85 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; and Plot 152 - Window added to ground floor WC. Permitted 03.11.2022.
- 1.5 22/2072/NMA - Non-material amendment to planning permission 20/1881/FUL to allow removal of hedgerow to form temporary construction access, re-planting details for hedgerow replacement and removal of swales with soft landscaping features. Permitted 28.02.2023.
- 1.6 23/0114/ADV - Advertisement Consent: Installation of advertising hoardings. Permitted 17.03.2023.
- 1.7 23/0257/NMA - Non-material amendment to planning permission 20/1881/FUL: Amendment to the details/design of the attenuation pond and the deep borehole soakaways; removal of the pond liner; and installation of additional boreholes. Withdrawn.

- 1.8 23/0319/FUL - Infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond. Permitted 21.09.2023.

2 Description of Application Site

- 2.1 The site is located to the north of the village of Croxley Green. Development has commenced on site following the grant of planning permission at appeal relating to planning application 20/1881/FUL.
- 2.2 The western part of the site falls within the Croxley Green Conservation Area and Killingdown Farmhouse (outside but enclosed by the wider site) is Grade II Listed. The western boundary adjoins Little Green Lane, a public highway. To the west of Little Green Lane is 'The Green'. To the north west there is a small group of residential properties grouped around a pond. These include No's 1, 2 and 3 Little Green Lane, cottages that are Grade II Listed. Little Green Lane continues along the northern boundary of the main site as an unmade public highway, a narrow lane lined by hedgerows and trees. There is mesh fencing to the eastern boundary with a public right of way and fields beyond. To the south of the site are the residential dwellings which front Dugdales, Lovatts, and Grove Crescent.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the variation of condition 11 of planning permission 20/1881/FUL to allow phased delivery of the highways works.

- 3.2 Condition 11 currently reads:

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G has been submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may requiring widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the first occupation of the development hereby permitted.

- 3.3 The applicant initially proposed to vary the last sentence of condition 11 to enable occupation of up to 50 dwellings prior to the completion of the offsite highway improvement works, however, during the course of the application the applicant has requested that this be amended to enable occupation of up to 25 dwellings.
- 3.4 During the application a diagram indicating Temporary Traffic Control Measures (T18068 A) was submitted.

- 3.5 In addition, a site layout plan was provided which highlights the 48 plots to the northern portion of the site which are within the 'occupation pool' from which it is intended that up to (and including) 25 units could be occupied.

4 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC Objects to the application for a change in planning conditions. If the Officer is minded to approve, then CGPC requests to call in to the TRDC planning committee.

4.1.2 Hertfordshire County Council – Highway Authority (HCCHA): [No objection]

4.1.2.1 Initial comments 8.11.2023: [Further information requested]

Comments

The suggested reworded condition included as part of the above variation of condition application form is:

Notwithstanding the details indicated on the submitted drawings, no occupations should occur until a detailed scheme for the necessary offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G has been submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the fiftieth occupation of the development hereby permitted.

In order to make a full assessment of the acceptability of the suggested variation of condition, details would need to be provided as to how the first 49 dwellings would be accessed from the highway during this period, both vehicles and pedestrians. For example safe and suitable vehicular access into and out of the site would be necessary whilst presumably pedestrian access would be via the existing public footpath, although this would need to be confirmed.

4.1.2.2 Following the receipt of the above comments, the applicant provided a diagram indicating Temporary Traffic Control Measures (T18068) which was reviewed by HCCHA.

4.1.2.3 HCCHA confirmed (16.11.2023) that following consideration of the submitted details, including the level of access built at this stage, there would not be an objection to the variation of the wording of the condition to enable occupation of 50 dwellings prior to completion of the offsite highway works.

4.1.2.4 The applicant subsequently amended their request to refer to occupation of 25, not 50 and HCCHA were updated. The change did not affect their comments or view of the acceptability of the proposal.

4.1.2.5 Officers raised some concerns that the Temporary Traffic Control Measures (T18068) included existing hoardings along Little Green Lane that would affect visibility for vehicles coming out of the site and raised this with HCCHA who agreed that the hoarding should be set back. The applicant therefore provided an amended Temporary Traffic Control Measures (T18068 A) diagram. Highways considerations are discussed in full in the analysis below.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 32

4.2.2 No of responses received: 12 objections.

4.2.3 Site Notice: Expired 21.11.2023 Press Notice: Expired 24.11.2023

4.2.4 Summary of Responses:

- Should be refused on grounds that agreement made with highways and TRDC previously.
- Occupation prior to completion of S278 works is unacceptable.
- There have been near accidents already.
- Highways safety concerns.
- Poor visibility.
- Blind junction.
- Developer trying to get changes through the back door.
- Original application was flawed.
- No consideration for environment.
- Little Green Lane is not wide enough and should not be used to serve the development.
- Application undermines the reasons for the condition.
- What is the point of a condition if it can be changed.
- Impact on wildlife corridor.
- Object to proposal to widen the access.
- Green Belt is stealthily being removed.
- Local community has been clear that the access from The Green is unsuitable.

Officer comment: Whilst material planning considerations relevant to this application are discussed below, it is important that this application relates only to the variation of condition 11 in relation to phasing, it does not propose alterations to the site or road layout over that allowed at appeal pursuant to 20/1881/FUL.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

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).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, 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 DM1, DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 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.

The Croxley Green Neighbourhood Plan (December 2018).

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015). The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

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

7 **Planning Analysis**

7.1 Variation of Condition 11

- 7.1.1 Paragraph 111 of the NPPF states that; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.1.2 Planning permission 20/1881/FUL was granted subject to a number of planning conditions. Condition 11 of that consent relates to Off Site Highways Works and requires (1) the submission of details of the off site highways works to the Local Planning Authority (LPA) for agreement in consultation with the Highway Authority (HCCHA); and (2) the implementation of the approved works. The condition as existing requires both (1) and (2) to happen prior to the occupation of any of the 160 dwellings consented via 20/1881/FUL.
- 7.1.3 The requirement to provide details via condition 11 is separate to the requirement to obtain the necessary Section 278 consent from HCCHA directly, however, condition 11 cannot be discharged until such time that the details have been agreed with HCCHA through the S278 process.
- 7.1.4 A S278 Agreement is a section of the Highways Act 1980 which allows developers to enter into a legal agreement with the Council (Hertfordshire County Council as Highways Authority in this case), to make alterations and improvements to a public highway, as part of a planning application. It is common practice as on most development sites it will be necessary to alter the existing public highway layout. There are a number of stages to the process. In the case of the Killingdown Farm development, the Technical Approval has been granted and the final legal agreement is being prepared, however, the S78 Agreement has not been completed at this stage.
- 7.1.5 The applicant has submitted the current application to vary condition 11 to enable them to occupy up to (and including) 25 dwellings prior to the completion of the off site highways works. A site layout plan has been provided which identifies a pool of 48 dwellings to the northern portion of the site within which the 25 dwellings would be located.
- 7.1.6 The 25 dwellings would be accessed via the northern access point which is separate to the southern access which is being used for construction access. Construction traffic would not use the northern access and therefore vehicles would be separated. HCCHA raised initial concerns due to lack of information, however, the applicant provided a Temporary Traffic Control Diagram (T18068 A) which details temporary measures which have been put in place to ensure that vehicles using the northern access would be able to enter and exit safely. These include white line give way markings and a sleeping policeman traffic calming measure within the site. This diagram also shows that the frontage hoardings would be set back from Little Green Lane to enable appropriate levels of visibility.
- 7.1.7 HCCHA having reviewed the additional information provided have confirmed that they have no objection on highway safety grounds to the variation of condition 11 to enable occupation of up to and including 25 dwellings prior to the completion of the off site highways works. The off site highways works would still be completed and would need to be agreed and completed prior to the occupation of dwellings 26 – 160.

7.2 Other Matters

- 7.2.1 There are no other changes to the proposed development, and it is not considered that the proposed variation would adversely affect the character or appearance of the area or residential amenity.

7.3 Conclusion

- 7.3.1 A number of other conditions attached to the previous consent remain applicable and are included below. Where these conditions have been previously discharged, the wording of the conditions below is amended to require compliance, rather than submission of details.

- 7.3.2 As works have commenced and former condition 1 (Time Limit) is no longer required and is omitted. An additional condition is included at C10 below.
- 7.3.3 In summary, for the reasons set out above no objection is raised to the variation of condition 11 (Off Site Highway Improvement) of planning permission 20/1881/FUL. No other changes to the development are proposed.
- 7.3.4 For clarity, the proposed changes to condition 11 are shown as tracked changes to the original condition wording below:

Notwithstanding the details indicated on the submitted drawings, prior to the occupation of the 26th dwelling, no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G shall be has been submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the occupation of the 26th dwelling - first occupation of the development hereby permitted.

8 Recommendation

- 8.1 That condition 11 (Off Site Highway Improvement) be VARIED and that PLANNING PERMISSION IS GRANTED subject to the following conditions:

C1 Plans

108 PS 008 B; 108 PS 009 B; 108 PS 010 J; 108 PS 013 D; 108 PS 501 C; 108 PS 502 C; 108 PS 503 C; 108 PS 504 C; 108 PS 505 C; 108 PS 506 C; 108 PS 507 C; 108 PS 508 C; 108 PS 509 C; 108 PS 510 C; 108 PS 511 D; 108 PS 512 D; 108 PS 520 D; 108 PS 521 D; 108 PS 522 D; 108 PS 523 D; 108 PS 524 D; 108 PS 525 D; 108 PS 526 D; 108 PS 527 D; 108 PS 528 D; 108 PS 529 D; 108 PS 530 E; 108 PS 531 E; 108 PS 532 D; 108 PS 533 D; 108 PS 540 C; 108 PS 541 C; 108 PS 542 C; 108 PS 543 C; 108 PS 544 C; 108 PS 545 C; 108 PS 546 C; 108 PS 547 C; 108 PS 548 C; 108 PS 549 C; 108 PS 552 C; 108 PS 553 C; 108 PS 560 C; 108 PS 561 C; 108 PS 562 C; 108 PS 563 C; 108 PS 580 C; 108 PS 581 C; 108 PS 582 D; 108 PS 583 D; 108 PS 584 C; 108 PS 585 C; 108 PS 586 E; 108 PS 587 E; 108 PS 588 C; 108 PS 589 C; 108 PS 600 D; 108 PS 601 D; 108 PS 602 C; 108 PS 603 C; 108 PS 604 C; 108 PS 605 C; 108 PS 606 C; 108 PS 607 C; 108 PS 608 C; 108 PS 612 D; 108 PS 613 D; 108 PS 614 D; 108 PS 619 A; 108 PS 620 D; 108 PS 621 D; 108 PS 622 C; 108 PS 623 C; 108 PS 640 B; 108 PS 641 B; 108 PS 642 B; 108 PS 643 B; 108 PS 644 B; 108 PS 645 B; 108 PS 646 B; 108 PS 647 B; 108 PS 648 B; 108 PS 649 C; 108 PS 650 C; 108 PS 660 C; 108 PS 661 C; 108 PS 662 C; 108 PS 663 C; 108 PS 664 C; 108 PS 665 C; 108 PS 680 B; 108 PS 681 B; 108 PS 700 A; 108 PS

701 A; 108 PS 702 A; 108 PS 703 A; 108 PS 704 B; 108 PS 705 A; 108 PS 706 A; 108 PS 800 C; 108 PS 801 C; 108 PS 802 C; 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-006 Rev 7; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 8; 1945-GUA-DR-L-015 Rev 7 and 108-WD-DG(S)-200 (Temporary Sales Suite); 1945-GUA-DR-L-037 Rev P01, 1945-GUA-DR-L-023; 1945-GUA-DR-L-024 C03; 1945-GUA-DR-L-032 C01; 1945-GUA-DR-L-033 C01.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy SA1 of the Site Allocations LDD (adopted November 2014), Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and PRO1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018) and the Croxley Green Conservation Area Appraisal (1996).

C2 Construction Management Plan (CMP)

The construction phase of the development shall be undertaken in accordance with the Construction Management Plan Version D (Dated 22 October 2022) and drawing number 7539-D-AIA throughout the construction period.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C3 Construction Environmental Management Plan (CEMP)

The CEMP approved pursuant to condition 4 of 20/1881/FUL, LPA ref. 22/1118/DIS dated 4 August 2022, shall be adhered to and implemented throughout the demolition and construction period in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 Site Waste Management Plan (SWMP)

The development shall be carried out in accordance with the SWMP approved pursuant to condition 5 of 20/1181/FUL, LPA ref. 22/1202/DIS dated 8 July 2022.

Reason: To promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C5 Flood Risk Assessment

The development shall be carried out in accordance with the amended submitted Flood Risk Assessment (PEP Civil & Structures Ltd, Ref: 481819-PEP-00-XX-RP-C-6200, Rev: P04, dated 28 January 2021) along with the following mitigation measures: (i) Implementing drainage strategy based on deep borehole soakaway as shown on drawing 481819-PEP-00-XX-SK-C-1830 Rev P06; (ii) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event; (iii) Implementing appropriate Sustainable Drainage System (SuDS) measures to include dry pond, detention basin with reno mattress, filter drain and tanked porous paving. The measures shall be fully implemented prior to occupation of the dwellings or in accordance with a timetable agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C6 Deep Borehole Soakaways – Further infiltration testing

Upon installation of the deep borehole soakaways, further infiltration testing should be completed to confirm the infiltration rates and submitted to and approved writing by the Local Planning Authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.

Reason: To reduce the risk of flooding and confirm the infiltration requirements for the drainage system and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C7 Surface Water Management Plan (Construction Phases)

The development shall be carried out in accordance with the Surface Water Management Plan approved pursuant to condition 8 of planning permission 20/1881/FUL, LPA ref. 22/1607/DIS dated 26 September 2022.

Reason: To prevent the increased risk of surface water flooding and to protect the sensitivity of the deep borehole soakaways to siltation during the construction phase and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C8 SuDS Management & Maintenance Plan

Upon completion of the drainage works for the site, a management and maintenance plan for the Sustainable Drainage Systems (SuDS) features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include: (i) Provision of a complete set of built drawings for site drainage; (ii) Maintenance provisions and operational requirements for the installed drainage system; (iii) Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime. The management and maintenance plan shall be adhered to throughout the lifetime of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 Archaeology

The development shall be carried out in complete accordance with the WSI approved pursuant to condition 10 of planning permission 20/1181/FUL, LPA refs. 22/1198/DIS dated 3 August 2022 and 23/1817/DIS dated 21 November 2023.

Reason: To safeguard archaeological interest in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C10 Temporary Traffic Controls

Prior to the occupation of the first dwelling forming part of the development hereby permitted, the temporary traffic / highway arrangements shall be in place/operation serving the dwellings as indicated on drawing T18068 A – Temporary Traffic Control

and shall continue to operate until such time that the permanent off-site improvement works have been completed.

Reason: In the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C11 Off Site Highway Improvements

Notwithstanding the details indicated on the submitted drawings, prior to the occupation of the 26th dwelling, a detailed scheme for the necessary permanent offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G shall be submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the occupation of the 26th dwelling hereby permitted.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C12 Estate Roads

The streets shall be maintained in accordance with the management and maintenance details approved pursuant to condition 12 of planning permission 20/1181/FUL, LPA ref. 23/1755/DIS dated 20 November 2023 until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C13 Provision of Internal Access Roads, Parking & Servicing Areas

The internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan(s) and phasing details approved pursuant to condition 13 of planning permission 20/1881/FUL, LPA ref. 23/1644/DIS dated 7 November 2023 and shall be retained permanently thereafter for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October

2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C14 Parking Management Plan

The parking management plan approved pursuant to condition 14 of planning permission 20/1881/FUL, LPA ref. 23/1362/DIS dated 29 September 2023 shall be adhered to for the lifetime of the development.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not 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).

C15 Retention of Garages

The garages (both those permitted as integral garages and detached garages) serving the residential dwellings hereby permitted, shall be permanently retained for the garaging of private vehicles. No alterations both externally or internally shall be carried out to the garages such as to prevent their use for garaging private vehicles.

Reason: To ensure adequate parking provision is maintained in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C16 Visibility Splays

Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in accordance with the details indicated on the approved plan numbers 1908-012 VS02 and 1908-012 VS03 A (attached to Appellant's Response to Highways Comments 1908-012/DE/00 dated 22 October 2020). The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2 metres above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C17 Electric Vehicle Charging Provision

Prior to the first occupation of each house with garage or driveway within the development hereby permitted, provision shall be made for that house to be provided with electric vehicle charging provision. This shall include charging cabling to a dedicated socket fixed to the house or garage, of sufficient capacity to enable as a minimum Mode 3 at 3.7 kW (16A). Flatted accommodation shall incorporate appropriate installation of groundwork ducting for future installation.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C18 Energy Saving Measures

Prior to the first occupation of each dwelling, the energy saving and renewable energy measures detailed within the approved amended Energy Statement (NRG Consulting PP1584/ES/KF/202007-EC Revision C, dated 4 January 2020), shall have been provided. The energy saving measures shall be permanently 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.

C19 Materials

The development shall be carried in complete accordance with the details approved pursuant to condition 19 of planning permission 20/1881/FUL, LPA ref. 22/1392/DIS dated 8 September 2022.

Reason: To prevent the development 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).

C20 Boundary Treatments

The boundary treatments approved pursuant to condition 20 of planning permission 20/1881/FUL, LPA ref. 23/2319/DIS dated 5 September 2023 shall be permanently retained thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the 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 Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Tree Protection

Before any equipment, machinery or materials are brought on to the site for the purposes of development, the protective measures, including fencing, shall be implemented in accordance with the approved Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan Rev A, dated 16 April 2021, and Plan 7539-D-AIA Rev A. The measures shall be maintained as approved during course of development works 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 metres of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

C22 Landscaping

Hard and soft landscaping shall be provided in accordance with the approved details set out on the following approved plans/schedules: 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-006 Rev 7; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 8; 1945-GUA-DR-L-015 Rev 7; 1945-GUA-DR-L-03 P01; 1945-GUA-DR-L-023; 1945-GUA-DR-L-024 C03; 1945-GUA-DR-L-032 C01, 1945-GUA-DR-L-033 C01 & 1945-GUA-DR-L-037 Rev P02.

Within 14 days of the closure of the temporary construction access (referred to as Gate 2 on drawing number 7539-D-AIA) the hedge replacement proposal as set out on approved drawing number 1945-GUA-DR-L-037 Rev P02 shall be carried out and maintained as per the Landscape Management Plan.

The phasing of all hard and soft landscaping and tree planting shall be implemented in accordance with the details approved pursuant to condition 22 of planning permission 20/1881/FUL, LPA ref. 23/1663/DIS dated 6 November 2023, and shall be permanently retained thereafter.

The approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P07 dated 17.11.22) shall be carried out as approved. Any trees or plants which within a period of five years after planting die, are removed or are seriously damaged or defective shall be replaced in the next planting season (November to March) with others of a similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance 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).

C23 Ecological Impact Assessment Recommendations

The development hereby permitted shall be carried out in accordance with the recommendations in the approved Ecological Impact Assessments (Report Refs. C140/R5/v4 and C140/R6/v3 dated August 2020).

Reason: To enhance opportunities for wildlife in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C24 External Lighting Strategy

External lighting shall only be installed in accordance with the details approved pursuant to condition 24 of planning permission 20/1881/FUL, LPA ref. 23/1645/DIS dated 20 November 2023. No other external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity.

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).

C25 Obscure Glazing

Before the first occupation of the relevant dwellings hereby permitted, the windows listed below shall be fitted with obscured glazing and shall be top level opening only at 1.7 metres above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter: Dwelling 1 (Plot 1) – first floor northern flank window facing Nos 1-3 Little Green Lane; Dwelling 10 (Plot 10) – first floor northern flank window facing No. 5 Little Green lane; Apartment Block 2 – first floor south-eastern flank window facing Grove Crescent; Apartment Block 3 – first and second floor south-eastern flank windows facing Grove Crescent; Dwelling 3 (Plot 3) – first floor western flank window; Dwelling 5 (Plot 5) – first floor eastern flank window; Dwelling 8 (Plot 8) – first floor southern flank window; Dwelling 29 (Plot 29) – first floor southern flank window; Dwelling 49 (Plot 49) – first floor northern flank window; Dwelling 57 (Plot 57) – first floor northern flank window; Dwelling 66 (Plot 66) – first floor western flank window; Dwelling 88 (Plot 88) – First floor western flank window.

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).

C26 Play Space

The Play Areas shall be provided in accordance with the details on the approved plan numbers 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-007 Rev 6; 1945-GUA-DR-L-008 Rev 5; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 8; 1945-GUA-DR-L-015 Rev 7 so as to co-ordinate with the occupation of the residential development, and shall thereafter be retained, kept open, managed and maintained in accordance with the approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P06).

Reason: To ensure provision is made for children's play space in accordance with Policy PSP2 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C27 Fire Hydrants

Fire hydrants shall be implemented in accordance with the details approved pursuant to condition 27 of planning permission 20/1881/FUL, LPA ref. 22/1116/DIS dated 18 July 2022.

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).

C28 PD Removal

On implementation of this planning permission, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order 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 within the site: 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 D - erection of a porch; Class F - any hard surface.

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 Policies DM1, DM3 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. 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 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:

{\b (a)} Making a Non-Material Amendment

{\b (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 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.
- 13 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.

- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.