

PLANNING COMMITTEE – 23 May 2024

24/0267/FUL - Construction of single storey detached 'Dry Zone' building at Bury Lake, The Aquadrome, Frogmoor Lane, Rickmansworth.

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.04.2024
Extension agreed to 31.05.2024

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That subject to no new material considerations being raised and the recommendation of approval/no objection from the Environment Agency (EA) that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the EA.

Reason for consideration by the Committee: Three Rivers District Council are the registered landowner.

To view all documents forming part of this application please go to the following website:
[24/0267/FUL | Construction of single storey detached 'Dry Zone' building. | Dry Zone Bury Lake The Aquadrome Frogmoor Lane Rickmansworth Hertfordshire \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0267/FUL)

1 Relevant Planning History

- 1.1 05/0105/FUL - Re-surfacing of car park and boat rigging area, erection of new steel storage unit and spoil mound to be seeded – Permitted March 2005.
- 1.2 13/0935/FUL - Replacement of existing boat shed and construction of new clubhouse – Permitted October 2013, not implemented.
- 1.3 15/1650/FUL - Construction of replacement clubhouse, boat storage and workshop; and landscaping works including pontoon, jetties and shipway, provision of hardstanding, entrance sign and removal of trees – Permitted October 2015, not implemented.
- 1.4 17/1870/FUL - Variation of conditions 2 (Approved Plans) and 5 (Phasing) of planning permission 15/1650/FUL to amend phasing and remove the 'Dry Zone' – Permitted December 2017; implemented.
- 1.5 Various other applications for development elsewhere within the Aquadrome including children's play equipment, footpaths, café, toilet block, development within existing Council Depot, parking and advertisement consent applications.

2 Description of Application Site

- 2.1 The application site is part of the Aquadrome, Rickmansworth. The Aquadrome is a Local Wildlife Site and part of the site is also designated as a Local Nature Reserve and publicly accessible open space. The Aquadrome is served by a public car park accessed from Frogmore Lane. A series of public footpaths and cycle routes run through the Aquadrome and the Grand Union Canal and its towpath form the southern boundary to the Aquadrome.
- 2.2 The application site outlined in red on the submitted plan 13577 - 108 forms part of a wider area (outlined in blue) to the west of the Aquadrome adjacent to the southern corner of Bury Lake. The wider site is occupied by Bury Lake Young Mariners, Nomad Kayak Club and Colne Valley Special Sailors, (collectively referred to as BLYM), as a water-based recreation centre which includes sailing, windsurfing and canoeing. BLYM is a charity run by volunteers and has been based at the site for over 30 years.

- 2.3 The wider site has partly been redeveloped following the grant of planning permission referenced 15/1650/FUL, later varied under 17/1870/FUL. The wider site currently contains a 'Wet Zone' building, two boat storage buildings, a number of existing sheds and storage containers, areas of boat storage and slipways and jetties to provide access to the water. The 'Wet Zone' provides changing room facilities, wet suit and buoyancy aid storage areas.
- 2.4 The buildings and storage areas are located within the western part of the wider site with the land to the east containing the 'Wet Zone' building. Most of the wider site is located to the north of the access road and public footpath, however, a small section currently used for members' private boat storage is located to the south of the access road and footpath. Six parking spaces including disabled bays are located at the end of the access road within the application site.
- 2.5 The wider site also includes an existing landing stage on Bury Lake to the north of the boat house and a small area of the lake itself.
- 2.6 The application site is within the Metropolitan Green Belt and the northern part of the site includes areas of flood zones 2, 3a and 3b.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the construction of a 'Dry Zone' building.
- 3.2 The 'Dry Zone' building would be located to the east of the existing 'Wet Zone' building providing a reception area, meeting room, chandlery, catering and training facilities. The building would be 21.3m in width and 15.5m in depth and a pitched roof with a maximum height of 5.2m, sloping down to an eave's height of 3.1m. It would be set 4.2m from the east site boundary and at least 4.3m from the boundary with the access road.
- 3.3 At its closest point the 'Dry Zone' would be set 2.9m apart from the existing 'Wet Zone' building. The proposed building will be finished in shiplap boarding and white render to the gable ends with red brick plinths which would match the appearance of the 'Wet Zone' building. The northern roofslope overlooking the lake would be sedum while the southern roof slopes facing the access road would be grey metal cladding. There would be rooflights along the ridge line and there would be fenestration to the northern and western elevations.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No objection]

Batchworth Community Council has no material objections to this application, but we are mindful of the comments from the Environment Agency and would like these points to be resolved prior to work commencing.

4.1.2 Canal and River Trust: [No comment]

The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

4.1.3 Hertfordshire Ecology: – [No objection, subject to conditions]

Overall Recommendation:

Application can be determined with no ecological objections (with any Informatives/Conditions listed below).

Summary of Advice

- A CEMP should be submitted to the LPA as a Condition of approval.
- A LEMP should be submitted to the LPA as a Condition of approval.
- An Informative for a precautionary approach to works should be added to any permission granted.

Supporting Documents:

I have made use of the following documents in providing this advice:

- BLYM Site Plan Proposed DryZone by Derek LOFTY & Associates (October 2023).
- Tree Survey, Proposed Layout and Tree Protection Plan (TPP) by Simon Pryce Arboriculture (7 November 2023).
- Preliminary Ecological Appraisal by Arbtech Consulting Ltd. (18 December 2023).
- Application for Planning Permission (10 February 2024).

Comments

We have no in principle ecological objection to this proposal.

Construction Environmental Management Plan (CEMP)

The proposed development site falls within the Rickmansworth Aquadrome Statutory Local Nature Reserve and Local Wildlife Site. In order to mitigate the potential impact of this proposal on the surrounding protected habitat, suitable environmental and physical safeguards during the construction period should be outlined within a Construction Environmental Management Plan (CEMP) and submitted to the LPA as a **Condition of approval**.

This plan should include but is not limited to, details of retained tree/hedgerow/woodland protection during development in-line with British Standard 5837 measures; methodology for minimising pollution and damage to the protected habitat during construction; and a low impact lighting strategy for bats to be adopted throughout works.

Landscape and Ecological Management Plan (LEMP)

The Preliminary Ecological Appraisal (PEA) listed above highlights how these proposals will result in a loss of ~0.02ha of neutral grassland. We advise that a Landscape and Ecological Management Plan (LEMP) demonstrating how this habitat loss will be compensated for, should be submitted to the LPA as a **Condition of approval**. As this application was submitted prior to the 12th February 2024, this development is exempt from mandatory Biodiversity Net Gain, however must still demonstrate how it enhances the local natural landscape and delivers a level of biodiversity uplift. We support the recommendations for habitat compensation and ecological enhancement provided within Table 6 of the PEA. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building.

The site offers favourably suitable habitat for foraging and commuting bats, which could be negatively impacted by any increase in artificial lighting to the surrounding woodland. The

*recommendation within Table 6 of the PEA for the adoption of a low impact lighting scheme for bats post-development should be followed in full and demonstrated within the submitted LEMP as a **Condition of approval**.*

Prior to above ground works, a Landscape and Ecological Management Plan (LEMP) demonstrating how the habitat loss identified within the Preliminary Ecological Appraisal (PEA) will be compensated for. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building. The development will be maintained in accordance with the LEMP.

Precautionary Approach to Works

The PEA found the site to comprise potentially suitable habitat for amphibians, reptiles, badger, hedgehog, otter, water vole, nesting birds, and foraging/commuting bats. In the unlikely event that protected species are encountered during development, we advise a precautionary approach to the works is taken and recommend the following Informative is added to any subsequent permission granted:

“If European Protected Species (EPS) or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”

4.1.4 TRDC Environmental Health Officer: [No comments received. Any comments provided will be verbally updated]

4.1.5 Environment Agency: First Consultation - [Objection]

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

This position is supported by Policy DM8 of the Three Rivers District Council Development Management Policies Local Development Document (July 2013) and paragraph 173 of the National Planning Policy Framework (NPPF).

We are aware that your Local Planning Authority (LPA) may currently be subject to the ‘presumption in favour of sustainable development’. Given our outstanding objection on flood risk grounds we would like to highlight that in this case, as set out in NPPF footnote 7, the ‘presumption in favour of sustainable development’ should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the ‘presumption in favour

of sustainable development' you can disregard this paragraph. If our objection on flood risk grounds is subsequently withdrawn, you can also disregard this paragraph.

Objection – Inadequate Flood Risk Assessment

The site lies within Flood Zone 3b, which is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the PPG. The FRA does not therefore adequately assess the development's flood risk.

In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.

Reasons:

As stated in the FRA and based on the applicant's topographical survey, the maximum flood level on site could be as high as 44.00mAOD, and with the land levels surrounding the proposed 'dry zone' building at approximately 43.79mAOD, the building is likely to be inundated with flood water. The proposed structure in this location would therefore displace this floodwater elsewhere. As stated in paragraph 49 of the PPG, the use of voids is not an acceptable technique for compensating for the loss of floodplain storage.

The FRA fails to demonstrate that flood storage compensation will be provided on both a level for level and volume for volume basis, therefore it cannot be guaranteed that the proposed compensation scheme will be able to provide adequate flood storage for the lifetime of the development.

The FRA (p.8) states "The proposals will cause a loss of floodplain water storage", which seems to contradict other aspects of the FRA, which argue there will be no loss of storage. We need further clarification on this.

We are satisfied that the proposal is ancillary to the use of the wider facility known as Bury Lake Young Mariners site. As such, the proposal is for the use of 'water-based recreation' and is therefore compatible with Flood Zone 3b. However, the site must still:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

Unfortunately, the FRA does not adequately display this information, and therefore a revised FRA is required with updated drawings and documents.

Overcoming our Objection:

To overcome our objection, the applicant should submit a revised FRA which demonstrates that adequate flood storage compensation arrangements will be made to ensure that there will be no loss in flood storage capacity on site. This includes floodplain lost from all structures effected by the 1 in 100 plus an appropriate climate change allowance flood extent, including the building and associated decking.

The best way to compensate for flood storage loss is to recreate an area of floodplain that mimics the area, shape and volume of the section of floodplain that has been lost by the development. If this cannot be achieved, we are likely to maintain our objection to the application. Below is a list of what information should be submitted when trying to demonstrate that level for level compensation has been achieved for the site.

Advice:

Please be aware that any increase in built development or raising of ground levels within the floodplain (1 in 100 annual probability, plus an allowance for climate change, flood extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the method of mitigation that the FRA should detail. However, for this to be achievable it requires land on the edge of the floodplain and above the 1 in 100 year flood level with an appropriate allowance for climate change to be available.

- *A plan showing where flood waters are being displaced by the development (i.e. where are new buildings and ground raising proposed in the floodplain).*
- *A plan showing where the compensation area is located.*
- *A cut and fill table demonstrating that floodplain compensation can be provided on a level for level basis.*
- *A topographical survey of the site.*
- *The 1 in 100 plus climate change flood level for the site. This is the flood level that the National Planning Policy Framework requires new development to be designed to. The source of this data should also be disclosed and provided.*

The Use of Voids

The use of voids or stilts/columns to create space below buildings as a means of compensating for any loss in flood storage is not acceptable. This is because such initiatives do not allow water to freely flow through them, can become blocked and get silted up over time, offer limited storage capacity, and it is very difficult to stop them being filled-in or used for storage at any point within the development's future. The use of stilts/columns or voids is not floodplain compensation, but rather mitigation of risk by design as it does not guarantee that the floodplain will be retained in the same way as a compensation scheme. This is in line with the PPG for Flood Risk and Coastal Change.

Please note that in calculating flood storage loss associated with a proposed development, it must be assumed that any void spaces are in-filled as they cannot be considered in flood storage compensation due to the reasons above.

4.1.5.1 Environment Agency - Second Consultation: [Objection]

Thank you for the additional time given to review our decision set out in our letter dated 11 March 2024. We have reconsidered our position, based on previous planning permissions on related applications and recent changes in Planning Practice Guidance (PPG). Please see our comments below.

Environment Agency Position

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

We now require more information regarding the use of voids and the data used to inform the FRA. The applicant should submit an updated review of the FRA, in line with the current guidance and proposal in question.

This position is supported by Policy DM8 of the Three Rivers District Council Development Management Policies Local Development Document (July 2013) and paragraph 173 of the National Planning Policy Framework (NPPF).

We are aware that your LPA may currently be subject to the 'presumption in favour of sustainable development'. Given our outstanding objection on flood risk we would like to highlight that in this case, as set out in NPPF footnote 7, the 'presumption in favour of sustainable development' should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the 'presumption in favour of sustainable

development' you can disregard this paragraph. If our objection on flood risk is subsequently withdrawn, you can also disregard this paragraph.

Objection – Unacceptable Flood Risk Assessment

The site lies within Flood Zone 3b, which is land defined by the PPG as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risk. We are objecting on flood risk grounds for the following reasons:

1. Unclear/inadequate flood storage compensation proposals
2. Lack of clarity surrounding which climate change allowances have been used

Reasons

Part A: Unclear/inadequate floor storage compensation proposals

The submitted FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.

Specifically, the FRA does not detail the maintenance of the voids, and how it will be ensured that they will be kept free and open during the lifetime of the development. This is particularly important as the land levels surrounding the proposed 'dry zone' building are stated as approximately 43.79mAOD, therefore the building is likely to be inundated with flood water if the 1% plus climate change level is 44.00mAOD, as stated in the FRA.

The submitted FRA does not detail which return period is used as flood zone 3b, particularly as the guidance has changed since the previous submission. Table 1 in the PPG states that the functional floodplain comprises of land having a 3.3% or greater annual probability of flooding, however it is unclear from the FRA whether this has been taken into account and what evidence has been used to inform flood zone 3b within the FRA.

The FRA (p.8) states "The proposals will cause a loss of floodplain water storage", which seems to contradict other aspects of the FRA which argue there will be no loss of storage. The FRA must clarify this.

Part B: Lack of clarity surrounding which climate change allowances have been used

The submitted FRA does not detailed whether the climate change allowances used to assess future flood risk are those included within the document 'Flood Risk Assessment: climate change allowances'.

The FRA does not detail the lifetime of the proposal. For a development of this size within Flood Zone 3 and a vulnerability classification of water compatible, we require the Central allowance to be assessed. The application does not state the percentage of climate change assessed added on to the 1 in 100 year event.

Overcoming our objection

Part A: Unclear/inadequate floor storage compensation proposals

To overcome our objection, the applicant must submit a revised FRA which demonstrates that the void design will be adequate to ensure that there will be no loss in flood storage capacity or displacement of floodwater on site. This includes floodplain

lost from all structures effected by the 1% plus climate change extent. It must detail how the voids will be maintained, by who and how often through a maintenance plan submitted by the applicant.

Additionally, the FRA should detail which return period has been used to determine Flood Zone 3b for the site. The PPG was revised in August 2022 and is Flood Zone 3b is now defined by the 3.3% probability event. Further detail is needed on what data has been used to assess the FRA, including which model, the year it was created and from what source. If this is sourced from us, the applicant must provide details on this. The most up to date data must be used and justified by the applicant. Void design and floodplain compensation should then be design using this data.

The applicant should also provide clarity regarding the contradictory statement (p.8) on whether the proposal 'will cause a loss' of floodplain storage.

Advice to Applicant: Void Criteria

Void design:

- Void openings should be a minimum of 1m long and open from existing ground level to at least the 1% annual probably (1 in 100 year) plus climate change flood level.
- There should be a minimum of 1m of open void length per 5m of wall.
- Void openings should be provided along all external walls.

User considerations:

- Signs should be in place to notify users of the susceptibility of flooding and flood warnings should be available to provide sufficient time for users to leave the site if necessary.

Maintenance:

- Voids must remain open and be regularly maintained.
- The applicant should provide a maintenance plan to ensure they remain open for the lifetime of the development.

Part B: Lack of clarity surrounding which climate change allowances have been used
To overcome our objection, the applicant should submit a revised FRA which has either used the climate change allowances recommended within the submitted document 'Flood Risk Assessment: climate change allowances' OR has sufficiently justified why different climate change allowances have been selected for use. The FRA must detail what climate change allowances have been used.

The applicant should also detailed the lifetime of the development, and use the climate change allowance appropriate for its lifetime.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

4.1.5.2 **Officer Comment:** Following receipt of the above comments, the applicant has been engaging with the EA and is in the process of providing an updated FRA to address the outstanding points raised by the EA.

4.1.6 TRDC Tree and Landscape Officer - [No comments received. Any comments provided will be verbally updated]

4.1.7 National Grid – [No comments received. Any comments provided will be verbally updated]

- 4.1.8 Hertfordshire County Council: Lead Local Flood Authority: No comments received; however, the LLFA were consulted in error. The application is not a major development and therefore should not have been consulted.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 4
- 4.2.2 No of responses received: At the time of writing, no responses had been received. Any responses will be verbally updated.
- 4.2.3 Site notice: Posted 03.04.2024 Expired: 24.04.2024.
Press Notice: Published: 12 April 2024, expired 3 May 2024.

5 Relevant Planning Policy, Guidance and Legislation

5.1 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).

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.

5.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 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.

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 PSP1, CP1, 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 DM2, DM4, DM6, DM8, DM9, DM11, DM13 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. Policies SA5 is relevant.

5.3 Other

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

TRDC Asbestos Management Plan for Rickmansworth Aquadrome (AMP) (2023)

6 Reason for Delay

6.1 Submission of amended plans and obtaining consultation responses.

7 Planning Analysis

7.1 Principle of Development

7.1.1 Core Strategy Strategic Objective 11 is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles. Policy DM11 of the Development Management Policies document seeks to protect open spaces, sport and recreation facilities, and the Site Allocations document allocates specific areas as open space.

7.1.2 The application site is part of the Aquadrome which is designated as open space by the Site Allocations document. Policy SA5 of this document advises that sites allocated as open space will generally be safeguarded as open spaces.

7.1.3 Policy PSP1 of the Core Strategy refers specifically to Rickmansworth and advises that development will 'maintain and improve biodiversity, recreational access and water sports facilities at Rickmansworth Aquadrome'.

7.1.4 Consent has previously been given under application 15/1650/FUL for the construction of new club house facilities for Bury Lake Young Mariners (BLYM). Tenders for the project were obtained but the due to finance resources it was only possible for the develop part of the project – the 'Wet Zone' and 'The Boathouse' which were both completed in May 2019. Thus, subsequent application 17/1870/FUL was submitted to vary the plans and the phasing plan to omit the 'Dry Zone' from the proposed scheme and to also amend the phasing plan for the timescale for completion of the works.

7.1.5 BLYM have now secured the finance to complete the redevelopment of the site and construct the 'Dry Zone'. This application proposes to construct the 'Dry Zone' exactly as previously approved submitted under application 15/1560/FUL. The proposed development would support the recreational use of the Aquadrome for water sports and would not compromise the open space designation of the area. Consequently, there is no in-principle objection to development of the nature proposed in this location.

7.2 Green Belt

- 7.2.1 The application site is within the Metropolitan Green Belt. The National Planning Policy Framework 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.
- 7.2.2 The NPPF at paragraph 154 states that local planning authorities should consider the construction of new buildings in the Green Belt as inappropriate development, with the exception of:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;**
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.2.3 The Framework further advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 7.2.4 Core Strategy Policy CP11 reflects this approach and sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it and Policy DM2 of the Development Management Policies document sets out that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.
- 7.2.5 BLYM is a charity whose aims include the development of young people and those with disabilities and who have been operating from the site for 30 years. BLYM have already undertaken works to redevelop the site and improve the facilities; however, due to limited funding resources they previously had to omit the 'Dry Zone' from the phasing. Further funding has now been secured and the 'Dry Zone' would provide improved facilities to enable the club to continue to operate from the site to provide opportunities for water-based recreation including the provision of disabled facilities.
- 7.2.6 The proposed 'Dry Zone' building would be located to the east of the existing 'Wet Zone' building on an area which is currently undeveloped area of marsh grassland. The new building would have an impact on the openness of the Green Belt through the introduction of additional built form. Notwithstanding this, the 'Dry Zone' formed part of the original application 15/1650/FUL and the impact of the development towards the Green Belt was previously found to be acceptable, given that it was regarded as an 'appropriate facility for

outdoor sport or recreation' and that along with the 'Wet Zone' they were designed in a way to minimise impact where possible, for example, through the inclusion of sedum roofs.

7.2.7 The development is considered an appropriate form of development in the Green Belt when considering 154(b) of the NPPF. Furthermore, the application proposes no alterations to the 'Dry Zone' when comparing it to the previously approved scheme. Thus, it is considered that the proposed development would not result in additional harm to the Green Belt when compared to the previously approved scheme. The development is considered acceptable in accordance with Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2023).

7.3 Impact on Character and Street Scene

7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.

7.3.2 The design and appearance of the 'Dry Zone' would remain as per the previous design approved under application 15/1650/FUL. The small scale of the development when viewed in the context of the wider Aquadrome site along with the use of cladding and render to the gable ends would reflect the materials used on the 'Wet Zone' building and other ancillary structures within the wider Aquadrome. The sedum roof proposed would further soften the appearance of the development.

7.3.3 As such, it is not considered that the proposed development would result in significant harm to the character or appearance of the Aquadrome or area and is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.4 Impact on amenity of neighbours

7.4.1 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'.

7.4.2 The separation of the development from neighbouring occupiers would ensure that the development would not result in demonstrable harm to the residential amenities of any neighbouring occupiers and is therefore acceptable in accordance with Policy CP12 of the Core Strategy.

7.5 Access and Impact on Highway Safety

7.5.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to be integrated with the wider network of transport routes including public rights of way and cycle paths where appropriate.

7.5.2 The development would not affect access to the site from the highway network. This application is supported by a Transport Statement which states that as part of the Aquadrome facility, visitors to the BLYM use the existing car park adjacent to the café in the north-west corner of the Aquadrome site. There is also limited access for small numbers of vehicles, principally those providing transport for the disabled to access the site directly.

7.5.3 The statement adds further that the 'Dry Zone' will complement the existing 'Wet Zone' and 'The Boathouse'. The intention of the completed scheme is to provide improved facilities for the existing operation. The capacity of the development is limited by the number of boats which can be safely supervised on the water and the Transport Statement advises that the club is already operating at full capacity and that the proposal would not provide for additional numbers of sailors or helpers such that there would not be any appreciable

change to the number of visitors and vehicles to the site. The development is not therefore expected to result in any significant impact on the safety or operation of the surrounding highway network.

- 7.5.4 Core Strategy Policy CP10 also sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision. However, these do not specify particular standards which would be applicable to development of the nature proposed.
- 7.5.5 Users of the existing facility currently use the main public car park within The Aquadrome, although there is provision within the application site for a small number of vehicles to provide more direct access for disabled members/visitors. Six parking spaces are available within the application site for this purpose; however, the existing public car park facilities would continue to provide adequate parking to serve the development.
- 7.5.6 The proposed development is therefore considered acceptable in accordance in accordance with Policy CP10 of the Core Strategy, Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Sustainability

- 7.6.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part C would continue to apply.
- 7.6.2 The application is supported by a Design and Access Statement prepared by Derek Lofty Associates dated 8th February 2024 (Ref: 13577/DFL) and appended to this statement is the original Design and Access Statement submitted as part of application 15/1650/FUL as the details contained in this are relevant to this current application. Energy saving would be achieved through the use of energy efficient measures and an Air Source Heat Pump (ASHP) similar to the 'Wet Zone'. In the case of the 'Wet Zone' the ASHP has been fitted to the west flank of the building. A condition is suggested to ensure that the development is implemented in accordance with the details contained with the supporting Design and Access Statement.
- 7.6.3 Thus, subject to the condition the proposed development is considered acceptable in accordance with Policy DM4 of the Development Management Policies LDD.

7.7 Flood Risk and Water Resources

- 7.7.1 Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding and should minimise flood risk through the use of sustainable drainage systems. This Policy also advises that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and in dealing with land contamination.
- 7.7.2 Policy DM8 of the Development Management Policies document sets out that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate risk of flooding elsewhere and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution with sufficient surface water drainage. Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water, and will only be granted for development on sites where contamination may be an issue where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and there will be no adverse impact on the quality of local groundwater or surface water quality.

- 7.7.3 The site lies within Flood Zone 3b, which is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding. This current application is supported by a Flood Risk Assessment (FRA). The Environment Agency (EA) were consulted on the submitted details.
- 7.7.4 The EA raised an objection to the proposed development stating that the submitted FRA does not adequately assess the development's flood risk. In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.
- 7.7.5 In light of the objection, the applicant has engaged with the EA and a revised FRA is being prepared to address the objection and a response from the EA will be verbally updated. The EA have informally advised officers that the outstanding matters can be reasonably overcome.
- 7.7.6 To provide some background, the EA were previously consulted on the original planning application in 2015. At the time, the EA initially raised an objection on similar grounds as they currently do now. That objection was later overcome by the provision of an updated FRA from the applicant containing calculations demonstrating the impact of the development on flood plain storage and therefore flood risk. The objection on flood risk grounds was later removed, subject to the inclusion of flood risk condition.
- 7.7.7 As such, officers anticipate that the latest objection from the Environment Agency in respect of this current application can be addressed.

7.8 Trees & Landscape

- 7.8.1 Policy DM6 of the Development Management Policies document sets out that development proposals should seek to retain trees and other landscape and nature conservation features and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. Planning permission will be refused for development resulting in the loss or deterioration of protected woodland, trees or hedgerows unless conditions can be imposed to secure their protection. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- 7.8.2 The application is supported by a Tree Survey, Arboricultural Impact Assessment and a Tree Protection Plan prepared by Simon Pryce Arboriculture dated 27th November 2023 (Ref. 23/077). The report concludes that no trees will be directly affected by the construction of the new building. There is a Cherry tree located within the far corner of the site, north of the 'Dry Zone' building which is shown to be protected on the during the course of the development as indicated on the Tree Protection Plan. A condition is suggested to secure this.
- 7.8.3 The Landscape Officer was consulted on the application, however at the time of writing no comments were received. Any comments received will be verbally updated. Nevertheless, officers consider that subject to a condition requiring tree protection measures to be installed prior to commencement of construction of the 'Dry Zone' the development would be acceptable in accordance with Policy DM6 of the Development Management Policies document.

7.9 Contamination

- 7.9.1 Policy DM9 of the Development Management Policies LDD sets out that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.

7.9.2 It is known that asbestos is present within the aquadrome. The history of the source of the asbestos contamination is unknown; however, it is believed that there are potentially significant quantities of buried asbestos cement, textile, asbestos insulating board and other asbestos materials in the ground at the Aquadrome. For general day-to-day use, the Aquadrome poses no health risks to members of the public or other users.

7.9.3 The council has an Asbestos Management Plan (AMP) for the aquadrome which includes details on how Three Rivers District Council intends to:

- protect those working and visiting the site from asbestos cement materials (ACM).
- protect those working on the site from ACMS.
- effectively control any works likely to affect ACMS.
- identify and categorise ACMS, and manage hazards based upon prioritisation and assessment of the risk that they present.
- monitor and maintain the condition of identified ACMS that are assessed as being able to be left in-situ; and
- remove ACMS where they present an actual perceived risk to health, via a prioritised programme of remediation.

7.9.4 The responsibility of asbestos falls within the remit of the council's Property Services Team who have advised that external contractors working at the premises will be required to follow the contractor sign in procedure and permit to work with the Grounds Maintenance Manager, which includes provision of a copy of the Asbestos Management Site Map, advice that the entire site is presumed to contain asbestos below the ground, the site is managed as a no dig zone, and advisory note regarding any suspect surface lying ACM debris to be reported, with the provisions of the AMP that the contractor must follow.

7.9.5 The Environmental Health Officer (EHO) was consulted on the application and any comments received will be updated verbally. A condition is attached regarding unexpected contamination and if any is found during construction, details of mitigation measures should be submitted to the local planning authority for consideration; however, this is subject to any comments received and further recommendations from the EHO.

7.10 Biodiversity

7.10.1 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.

7.10.2 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 LDD. 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.

7.10.3 The Aquadrome is a Local Wildlife Site and part of the application site is also designated as a Local Nature Reserve. Policy DM6 also advises that development that would affect a Local Nature Reserve or Wildlife Site will not be permitted where there is an adverse impact

on the ecological, geological or biodiversity interests of the site unless it can be demonstrated that the need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

- 7.10.4 A Biodiversity Checklist and Preliminary Ecological Appraisal (PEA) prepared by Arbtech dated 18th December 2023. The PEA identified that the site contains an area of good quality wet *Holcus-Juncus* neutral grassland with ruderal vegetation. In addition, the site lies adjacent to Bury Lake which provides excellent aquatic habitat. The impact of the proposed development would result in the loss of approximately 200sqm of *Holcus-Juncus* grassland which could result in a net loss of in biodiversity at the site. As such, the PEA recommends that a Construction Ecological Management Plan (CEMP) is required to outline best practice measures to delineate the construction zone and to minimise the possibility of pollution and habitat damage during construction. A condition is suggested to secure submission of a CEMP prior to commencement of the development.
- 7.10.5 A second recommendation was to ensure retained trees/woodland/hedges are protected. As set out above in Section 7.8 a Cherry tree has been identified as the only tree in the vicinity of the proposed works which would be condition to be protected throughout the construction phase.
- 7.10.6 Herts Ecology were consulted on the application and raised no in-principle objection to the proposed development and support the recommendations set out in PEA and therefore recommend approval subject to the conditions requiring the submission of a CEMP and LEMP.
- 7.10.7 The development would be acceptable in accordance with Policy DM6 of the Development Management Policies document.

8 Recommendation

- 8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PLANNING PERMISSION BE GRANTED, subject to the following conditions:
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:
13577-100, 13577-101, 13577-102, 13577-103, 13577-104, 13577-105, 13577-106, 13577-107, 152003 – D – 02, 13577-108 REV-A and 23/077 (Tree Protection Plan).
Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Green Belt and area in accordance with Policies PSP1, CP1, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA5 of the Site Allocations LDD (adopted November 2014).
- C3 Before any above ground works, details and samples of the external materials to be used in the elevations and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. No external materials shall be used other than those approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the trees shown to be protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, as detailed within the submitted Arboricultural Impact Assessment and the accompanying Tree Protection Plan 23/077.

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

Reason: This condition is a pre commencement condition 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).

- C5 Prior to the commencement of works to the dry zone building, details relating to the implementation, management and maintenance of the sedum roof (to include the proposed species, heights and density of planting) hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The sedum roof shall be provided in accordance with the approved details prior to occupation of the dry zone building. Once provided, the sedum roof shall be maintained and retained at all times thereafter.

Reason: To ensure a satisfactory appearance of the development and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.

- C6 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include but is not limited to, details of retained tree/hedgerow/woodland protection during development in-line with British Standard 5837 measures; methodology for minimising pollution and damage to the protected habitat during construction; and a low impact lighting strategy for bats to be adopted throughout works. The development shall be implemented in accordance with the approved details.

Reason: In order to mitigate the potential impact of this proposal on the surrounding protected habitat and suitable environmental and physical safeguards during the construction period 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).

- C7 Prior to above ground works, a Landscape and Ecological Management Plan (LEMP) demonstrating how the habitat loss identified within the Preliminary Ecological Appraisal (PEA) will be compensated for. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building. The development will be maintained in accordance with the LEMP.

Reason: In order to mitigate the potential impact of this proposal on the surrounding protected habitat and suitable environmental and physical safeguards during the construction period 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).

- C8 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 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:

- (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> 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 If European Protected Species (EPS) or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the

boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

- 15 The developer is reminded a permit to work is required from the landowner prior to the commencement of the works. A permit can be obtained from the council by contacting the Property Services Team via enquiries@threerivers.gov.uk. Any works must demonstrate compliance with the Asbestos Management Plan.