

PLANNING COMMITTEE – 22 APRIL 2021

PART I - DELEGATED

- 12. 21/0384/FUL - Variation of Conditions 4 (Use of Premises) and 5 (External Area) of planning permission 15/1210/FUL to alter operating hours and external use of frontage and rear garden area at SWILLET HOUSE, 52 HERONSGATE ROAD, CHORLEYWOOD, WD3 5BB (DCES)**

Parish: Chorleywood Parish Council

Ward: Chorleywood South And Maple Cross

Expiry of Statutory Period: 15.04.2021

Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted for a temporary period of 6 months.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by the Parish Council due to significant noise concerns to neighbouring properties.

1 Relevant Planning History

- 1.1 8/545/FUL – Change of use from laundrette to retail shop – Permitted September 1977.
- 1.2 8/1284/88 – Kitchen, conservatory – Permitted February 1989.
- 1.3 94/936/8 – Change of use from A1 (Shop) to A1 (Shop) and A3 (Food and Drink) use – Permitted May 1995.
- 1.4 96/0421 - Change of use from A1 (Shop) to A1 (Shop) and A3 (Food and Drink) – Permitted August 1996. Appeal Conditions.
- 1.5 06/1371/RSP – Retrospective: Construction of timber decking and bin store – Refused October 2006.
- 1.6 07/1082/RSP – Retrospective: Timber decking to rear of property and two air conditioning units – Refused August 2007. Dismissed on appeal.
- 1.7 08/0620/FUL – Installation of two air conditioning units to rear of building with a 1.2 metre close boarded fence housing air conditioning units – Permitted June 2008.
- 1.8 15/1210/RSP – Part Retrospective: Demolition of existing conservatory and construction of a single storey rear extension – Permitted August 2015.
- 1.9 17/0142/FUL – Variation of conditions 4 (Use of premises) and 5 (External area) of planning permission 15/1210/FUL to alter opening hours and external use of the rear garden – Refused March 2017 for the following reason:

R1 The proposed extension to opening hours and use of the external area would result in additional and prolonged noise, disturbance, traffic and nuisance and would result in unacceptable detrimental impact to the residential amenity of the adjoining and surrounding occupiers. The development would therefore be contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

2 Description of Application Site

- 2.1 The application site is situated in Chorleywood, on the eastern side of Heronsgate Road. No. 52 Heronsgate Road comprises a commercial premises on the ground floor in a use as a restaurant with a private residential flat above. The surrounding area is predominantly residential in nature.
- 2.2 The restaurant has a mainly glazed frontage which is 8 metres in width. The premises are adjoined to No.2 Rosa Cottages (a residential property) to the north and to No.50 Heronsgate Road (commercial use at ground floor level with a residential flat on the first floor) to the south. The building's curtilage extends approximately 2 metres beyond its frontage and abuts the highway pavement.
- 2.3 The site contains a single storey rear extension. A shed has been constructed along the northern boundary adjacent to No.2 Rosa Cottages. Close boarded fencing and planting surrounds the outside space sited to the rear of the restaurant.

3 Description of Proposed Development

- 3.1 This application seeks planning permission to vary conditions 4 (use of premises) and 5 (external areas) of planning permission 15/1210/RSP to vary the opening hours and allow use of the external areas by customers.

- 3.2 Condition 4 of planning permission 15/1210/RSP states:

The use of the premises for A3 purposes shall not be open to customers other than between the hours of 0800 and 2300 hours Monday to Saturdays, 1000 to 1500 hours on Sundays and not at all on public holidays.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- 3.3 This application proposes no change to the operating hours of the restaurant Monday through to Saturday but seeks to vary the condition to allow the premises to be open to customers 1000 to 1700 hours on Sundays, an increase of two hours. The restaurant would remain closed on public holidays.

- 3.4 Condition 5 of planning permission 15/1210/RSP states:

No part of the external areas surrounding the building, including the garden to the rear and front forecourt shall be used as external eating or drinking areas or for any other purpose associated with the A3 use and no tables or chairs shall be provided at any time in any external area.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- 3.5 This application seeks to vary this condition to permit the use of the frontage space and rear garden of the site for outside seated dining between the hours of 0800 and 2200 Wednesday to Saturday and 1000 and 1700 on Sundays. The areas for outside seating are hatched in red on the submitted site plan no. PL-002A. The area to the front would provide space for up to six covers with the rear garden enabling provision for up to 24 covers.

- 3.6 Amended plans were received during the course of the application process to remove the outdoor seating located to the left of the entrance into the premises and immediately adjacent to No.2 Rosa Cottages.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection – Call In]

The Committee have objections with this planning application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application. Should the plans change or our objections have been addressed, please advise the Parish Council so our comments can be amended.

- *Significant concerns relating to the noise impact on neighbouring properties*
- *The proposal would result in a detrimental impact on neighbouring properties*
- *Significant concerns with the outside seating area*
- *Request that the planning committee visit the site prior to a decision being made on this application*

4.1.2 Environmental Health Officer: [No comments received. Any comments received will be verbally updated].

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13

4.2.2 No of responses received: 3 objections, 2 letters of support

4.2.3 Site/Press notice: Not applicable

4.2.4 Summary of Responses:

Objections:

- Extended hours on Sunday is out of keeping with a quiet residential area.
- Increase in disturbance if open later particularly from guests arriving/leaving
- Use of garden would result in loss of privacy and increased noise disturbance
- Dining out the front of the restaurant would be close to neighbouring windows/doors
- Pavement is already narrowed by parking so additional tables/chairs would reduce width of pathway further
- Seating out front would not aid social distancing with tight spaces between table and cars opposite
- Concerns with use of area to the rear as a drinking area during the extended hours
- Require customers to have food if sitting outside and not solely for drinking purposes
- Lack of parking
- Loss of privacy
- Previous planning application in 2017 which proposed use of outdoor area was refused

Supporting Comments:

- Restaurant is well run and no reason complaints re. staff of customers in terms of noise
- Garden is secluded, does not overlook and only sits a small number of diners
- Nice space to the rear in good order
- Frontage creates a nice environment for customers
- Space is essential for survival of the business
- Restaurant deserves a chance of survival during unprecedented times
- Restaurant is a great asset to the area

- Consideration for temporary permission so can be reviewed (post Covid-19)
- Business should be given the chance to adapt to social distancing rules and regulations
- No experience of noise or anti-social behaviour from customers using the seating in the small frontage
- Parking issues have not been exacerbated by the seating to the front or rear
- Outdoor sitting needs to be permitted to some degree during this time to support the business through the impact of government restrictions and social distancing measures
- Hospitality industry is in recovery mode and should be supported at this time
- Should planning permission be refused the business will be unsustainable and will close

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 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 CP1, CP6, CP7, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6, DM9, DM10 and DM13 and Appendix 5.

6.3 The Site Allocations LDD

The Site Allocations LDD was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA4.

6.4 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 Overview

7.1.1 This application seeks permission for the variation of conditions 4 (Use of premises) to allow an extension to the opening hours of the restaurant on Sundays and 5 (External area) to allow use of the external areas to the front and rear of the premises between the hours of 0800 and 2200 Wednesday to Saturday and 1000 and 1700 on Sundays.

7.1.2 The application has been submitted following the government's announcement that hospitality venues will be allowed to re-open to serve people outdoors from 12 April 2021 in the latest steps to recover from lockdown restrictions as a result of the Coronavirus pandemic. In order for the restaurant to operate the applicant seeks the variations to secure the future viability of the business.

7.1.3 In accordance with Policy CP7 of the Core Strategy the viability of the existing commercial use is a consideration in the assessment of the application. In these exceptional circumstances the use of the external areas for outdoor dining would allow the restaurant to operate under the new government restrictions surrounding outdoor dining (subject to compliance with social distancing measures). The applicant has stated that permission to allow use of the proposed external areas is vital for the business to remain operational. Without the use of these areas the restaurant would struggle and would in all likelihood close.

7.1.4 To confirm, there would be no change to the use of the premises, no alterations to the existing built form and no increase in floorspace as part of this application. As such, the analysis section will assess the potential impacts arising from the proposed variation of conditions 4 and 5 of planning permission 15/1210/RSP, recognising that planning permission has previously been refused.

7.1.5 For comparative purposes application 17/0142/FUL sought permission for ancillary use of the rear garden for 'smoking/fresh air and child use'. The application form submitted as part of this application suggested that no tables or chairs were to be placed within the external area. This current application seeks to place use the external areas for outdoor dining.

7.2 Impact on Neighbouring Amenity

7.2.1 Policy CP1 of the Core Strategy advises that development should reduce opportunities for crime and anti-social behaviour. Policy CP12 of the Core Strategy seeks to protect the residential amenities of neighbouring properties. Policy DM9 relates to contamination and pollution control and advises that permission will be refused for development that would or could give rise to polluting emissions, including by reason of disturbance and noise. In relation to noise pollution Policy DM9 states:

'Planning permission will not be granted for development which:

Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

The Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in background noise level of nearby existing noise-sensitive property such as dwellings.'

- 7.2.2 With regards to the operating hours it is proposed to vary condition 4 to allow for the restaurant to be open until 1700 on Sundays. The current opening hours on Sunday are between 1000 and 1500. There have been a number of objections received from neighbouring residents in relation to noise and disturbance experienced based on the existing use of the site as a restaurant. Whilst the comments are noted it is not considered that a two hour extension to the opening times to allow the restaurant to be open until 1700 on a Sunday is unreasonable or would result in any demonstrable harm to the residential amenities of the surrounding neighbouring properties in relation to noise and disturbance in comparison to the existing operating hours. The change would represent a reasonable extension to the Sunday opening times and would continue to provide some respite for neighbouring properties from late night activity. Condition 4 of planning permission 15/1210/RSP would therefore be varied to read as follows:

The use of the premises for A3 purposes shall not be open to customers other than between the hours of 0800 and 2300 hours Monday to Saturdays, 1000 to 1700 hours on Sundays and not at all on public holidays.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- 7.2.3 With regards to the use of the external areas for outdoor seating there have not been any material changes to the site circumstances or relationships with the neighbouring residential properties since the granting of the original planning permission 15/1210/RSP.
- 7.2.4 In assessment of this application regard is had to the planning history of this site. In 1997 at a Planning Hearing the Inspectorate considered the appropriateness of conditions attached to planning reference 96/0421/8 which approved the change of use from A1 (Shop) to A1 (Shop) and A3 (Food and Drink). Within the Inspector's report he examined each condition, with Condition 5 of most relevance to this application as it restricted the ability to use the garden for A3 use. The Inspectorate stated that;

...“whilst I do not consider that people enjoying a drink within the garden prior to eating their meals indoors would be likely to cause disturbance, I can foresee a problem if it were used for the service of meals.”

- 7.2.5 In normal operating conditions, the restaurant can accommodate 56 covers within the restaurant mainly in the evening, enjoying meals, with, or without alcohol. As a result of the proposed development provision for up to 30 covers would be created (6 at the front 24 to the rear) which is not considered to be disproportionate when compared to the internal seating area of the restaurant. A condition is suggested to restrict the layout of the external areas to a maximum number of tables and chairs and to restrict the maximum table size of six covers to coincide with the government's 'rule of six' restriction and to avoid large parties using the external areas.
- 7.2.6 The objections received contend that the use of the external areas would give rise to increased noise disturbance and loss of privacy to the surrounding neighbouring properties. The application site is located within a sensitive area with residential properties located in close proximity. It is clear from a review of the planning history there have been historic concerns and objections in relation to noise implications arising from an A3 use at the site

which has resulted in tighter restrictions put in place under planning application 15/1210/RSP and the later refusal of application 17/0142/FUL which previously sought permission for use of the external areas.

- 7.2.7 There is very limited background noise given the areas residential nature. Therefore, the use of the external areas, particularly to the rear, for outdoor use up to 30 people would be of some concern. Any use of the external areas serving the unit would result in some levels of noise disturbance to the detriment of neighbouring properties and would directly impact on their residential amenities. The harm would be greater at No.2 Rosa Cottages whose dwelling and garden directly adjoin the application site and the external area serving the restaurant and the flat located above the restaurant. Notwithstanding this, the assessment requires a planning judgement to balance the amenities of surrounding neighbouring properties and the locality whilst also avoiding the loss of an existing commercial use.
- 7.2.8 The application seeks to only use the external areas between 0800 to 2200 Wednesdays and Saturdays and 1000 to 1700 on Sundays and would therefore not be continuous throughout the week. A condition would be attached to restrict the use of the external areas to ensure that they would only be in use during specific times and not throughout the duration of the week allowing for some respite to neighbouring properties. Due to the sensitive location of the site it is considered appropriate to restrict the use of the external areas to between 0900 and 2100 Wednesday and Saturdays. Furthermore, the use of rear external area is also restricted by weather conditions which would impact its usability as there is no external covering. Amended plans were received during the course of the application to remove the outdoor seating proposed to the left of the entrance door, given their close proximity to the windows contained within the principal elevation of 2 Rosa Cottages to limit the impact of the use of the external areas to the front on the residential amenities of this neighbour. To the rear, the external area is enclosed by a combination of 1.8 metre high close boarded timber fencing with additional trellis above and trees and other decorative planting which provides a degree of screening and a sound barrier to directly adjoining private gardens, particularly that of No.2 Rosa Cottages.
- 7.2.9 Notwithstanding the above, given the sensitive residential location it has been agreed with the applicant that this consent would be temporary for a period. This would allow the Council to closely monitor the situation and also enforce the amount of tables/chairs within the rear garden to ensure that the use of the external areas are not in use outside of the requested days and times. Conditions are also suggested to restrict the number of tables and chairs within each section and the limit the maximum table size to no more than six covers and the restriction of any outdoor music.
- 7.2.10 As a result, whilst it is noted that there could be a possibility of increased noise and disturbance towards neighbouring amenity, it is considered that given the exceptional circumstances to allow to the business to recover from being closed as a result of the pandemic, subject to suitably worded conditions, temporary consent is considered appropriate for a period of six months.

7.3 *Parking Provision*

- 7.3.1 Objections have also been raised that the existing parking generated by the restaurant use causes obstructions to users of the highway impacting on highway safety given the parking limitations in the area. Currently, parking facilities serving the parade and local residential properties are in the form of bays and areas of hardstanding in-front of the building line.
- 7.3.2 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. The standards set for an A3 Restaurant/Cafe is 1 space per 5sqm of floorspace of dining area plus 3 spaces per 4 employees.

7.3.3 It is acknowledged that parking within the area is limited; however, the restaurant is an existing use. As existing the internal floorspace for dining equates to 60sqm and therefore a requirement for 12 spaces. Given the current restrictions for hospitality venues to re-open for outdoor service this floorspace would not be utilised and the combined floorspace of the external front and rear areas total 45sqm and resulting in a smaller requirement of 9 spaces. As such, it is not considered that the impacts of the proposed variation for a temporary period of 6 months would lead to parking implications on surrounding highway network.

7.4 *Conclusion*

7.4.1 Whilst it is acknowledged that there may be an increase in disturbance as a result of the proposed variation, in this case it is considered that a suitable outcome to accommodate the needs of both local residents and the business is to grant planning permission for a temporary period of 6 months to allow for the restaurant to recover from the impact of the coronavirus pandemic. Whilst it has been proposed to use the external areas between the hours of 0800 and 2200 Wednesday and Saturdays to achieve an appropriate balance it is considered to restrict the use between 0900 and 2100 Wednesday and Saturdays. After the 6 month period has expired the use of the external areas for outdoor seating areas would cease with the conditions attached to planning permission 15/1210/RSP taking effect once again.

7.4.2 Condition 6 of planning permission 15/1210/RSP specifies the times that the openings within the rear extension are required to be shut. As there have been no changes to the site circumstances and relationship with the neighbouring properties this condition is still considered to be reasonable and relevant. Furthermore, given that the use of the external areas would be until 2100 and to ensure that these areas are closed to customers beyond this time provides further justification for the retention of condition 6. Condition 3 of planning permission 15/1210/RSP restricted the insertion of any side windows which is still considered relevant and would be retained.

8 Recommendation

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

C1 This permission for the use of the front and rear external areas (shown hatched in red as shown on plans PL-002A and PL-004A) is granted for a limited period which will expire 6 MONTHS from the date of this permission. On or before that expiry date the use of the external areas shall cease unless further permission has been obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C2 The development shall be maintained in accordance with the following approved plans: PL-000, PL-001, PL-002A, PL-003 and PL-004A.

Reason: For the avoidance of doubt and in the proper interests of planning, to protect the residential amenities of the neighbouring properties and in accordance with Policies CP1, CP6, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roofslopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C4 The use of the premises for A3 purposes shall not be open to customers other than between the hours of 0800 and 2300 hours Monday to Saturdays, 1000 to 1700 hours on Sundays and not at all on public holidays. This permission for the operating hours is granted for a limited period which will expire 6 MONTHS from the date of this permission. On or before that expiry date the use of the external areas shall revert back to the original hours permitted under planning permission 15/1210/RSP.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C5 No part of the external areas surrounding the building, shall be used for purposes associated with the A3 use other than those areas hatched in red as shown on plans PL-002A and PL-004A. The permitted external areas shall only be used between 0900 and 2100 Wednesday to Saturday and 1000 and 1700 on Sundays.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 No more than 3 tables and 6 chairs shall be positioned within the extent of the outdoor area to the front and no more than 12 tables and 24 chairs shall be positioned within the external area to the rear of the premises hatched in red as shown on plans PL-002A and PL-004A. The maximum table size in either external areas shall not exceed 6 covers.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C7 No amplified or other music shall be played in the external areas to the front or rear of the premises at any time.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C8 All doors, windows and rooflights within the development permitted under planning permission 15/1210/RSP shall be closed after 2200 hours until the opening hours of the next day.

Reason: To restrict disturbance to the occupiers of nearby properties and to protect the amenities of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 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.