

PLANNING COMMITTEE – 15 OCTOBER 2020

PART 1 - DELEGATED

5. **20/1037/FUL – Installation of security gates at stone arch at Batchworth Lane entrance and installation of rising bollard, turning areas and fencing on estate road towards the Moor Lane entrance to golf club at Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire, WD3 1QN (DCES)**

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.08.2020

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by Batchworth Community Council unless Officers are minded to refuse.

- 20/1773/LBC – Listed Building Consent: Installation of security gates at stone arch at Batchworth Lane entrance and installation of rising bollard, turning areas and fencing on estate road towards the Moor Lane entrance to golf club at Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire, WD3 1QN**

Parish: Batchworth Community Council
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Recommendation: That Listed Building Consent be Granted.

Reason for consideration by the Committee: Called in by Batchworth Community Council unless Officers are minded to refuse.

1 Relevant Planning and Enforcement History

The planning history of the site is considerable. The below entries form the recent and relevant planning history concerning the proposed development.

- 1.1 19/0695/FUL - Erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane. - 17.06.2019 - Withdrawn
- 1.2 19/0694/LBC - Listed Building Consent: Erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane. - 17.06.2019 - Withdrawn
- 1.3 19/0234/FUL - Replacement of gates in listed entrance from Batchworth Heath and erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane - 28.03.2019 - Withdrawn
- 1.4 19/0235/LBC - Listed Building Consent: Replacement of gates in listed entrance from Batchworth Heath and erection of brick pillars and gates and erection of gates along the estate road towards Tolpits Lane - 28.03.2019 - Withdrawn

2 Description of Application Site and Proposed Development

- 2.1 The application site consists of two separate locations within the Moor Park Golf Club which comprises an area of some 140 hectares which contains multiple courses and buildings. The main clubhouse is at Moor Park Mansion which is a grade I listed property (list entry no: 1 173698), located within a Grade II* Registered Park and Garden (list entry no: 1000251). Within the park are a number of separately listed sculptures and architectural

features. The Moor Park Golf Club is located within the Metropolitan Green Belt and partially within a Local Wildlife Site, a Site of Archaeological Interest and the Batchworth Heath Conservation Area.

Proposed gates within stone archway

- 2.2 This location consists of the main entrance way to the Moor Park Golf Club from Batchworth Lane and contains a Grade II Listed building known as 'Nos. 19 and 20' which includes two lodges and stone archway providing an entrance feature to the course. The structure consists of an open archway of neo-classical architectural style, either side of which are two pedestrian access points.
- 2.3 The application proposal includes the erection of entrance gates within the vehicular archway entrance. The gates would be black painted metal and would be open in character. The proposed vehicular entrance gates would have a width of 4.0m and a maximum overall height of 3.0m. The proposed pedestrian gates would have a width of 1.2m and an overall height of 2.3m. The proposed gates would not be physically fixed to the stonework and would be supported by an underground steel structure dug some 0.6m below the hardstanding.

Proposed bollards

- 2.4 This location is positioned some 500m from Tolpits Lane along the tarmacked access track to the Moor Park Golf Club. The area includes the section of tarmac road way, a section of course to the north-east at a raised land level and land to the west which at a relatively similar level to the access track.
- 2.5 The application proposal includes the erection of two rising bollards and associated paraphernalia such as code readers and a control box. The bollards themselves would be 0.6m in height when risen and the below ground structure would be 0.8m deep. The bollards would be circular with a diameter of 0.4m. The code readers would be positioned on a narrow metal post that would be 1.2m in height. There would also be open post and rail fencing positioned either side of the roadway adjacent to the bollards that would have a height of 1.1m and would cover a width of 5.0m to the southern side of the roadway and 2.5m to the northern side. There would be a section of hardstanding laid each side of the bollards, to the southern side of the road, to form turning bays each of some 8sqm in area.

3 Consultation

3.1 Statutory Consultation

3.1.1 Conservation Officer: [No objection]

"The application is for the installation of security gates at stone arch at Batchworth Lane entrance and installation of rising bollard, turning areas and fencing on estate road towards the Moor Park entrance to golf club.

Moor Park Mansion is a grade I listed property (list entry no: 1 173698), located within a II* Registered Park and Garden (list entry no: 1000251). Within the park are a number of separately listed sculptures and architectural features. Gate Location 1, as it is referred to in this pre-application submission, is grade II listed and credited to Robert Adam (list entry no: 1173387).

Pre-application advice has been provided on the scheme (20/0084/PREAPP).

Concerns were raised in previous comments on the proposed reinstatement of gates within the existing listed archway (19/0235/LBC & 19/0234/FUL) regarding their design and method of fixing to the archway. Information has been provided to demonstrate that new gates would be free-standing from the stonework with a subterranean opening mechanism.

The opening mechanism and motor would be set into a concrete foundation alongside the archway. This is an acceptable solution providing there is no structural impact on the archway through excavation at its base.

The remains of hinges within the stonework and a photograph from the 1920s provides evidence for the existence of gates, although they appear to have been removed by the 1950s. The design of the proposed gates has been revised following pre-application advice and they are now more sympathetic in design.

The proposed bollards and associated fencing are considered to be acceptable. The timber post and rail fencing is in keeping with the parkland setting and the slightly sunken position of the road reduces the visual impact of the bollards and control box in views within the Registered Park and Garden.

There are no objections raised as the proposal is considered to be compliant with the provisions of the NPPF (Section 16 regarding the conservation and enhancement of the historic environment). If the application is approved, it is recommended that a condition requires the new gates to be painted black.”

3.1.2 Hertfordshire Highways: [No objection]

“None of the proposed features are located on roads that are considered to be highway maintainable at public expense. The proposed entrance gates would be located approximately 70 to 80m north of the nearest highway on Batchworth Lane. HCC as Highway Authority would not have any significant objection to the provision of gates or bollards as detailed in the application when taking into consideration the distance from the highway. Nevertheless HCC as Highway Authority would recommend that details are provided (and provision made) in relation to the following:

A turning head is provided within the site near to the proposed bollards. However no such facility is provided at the proposed gated entrance. Details would therefore need to be provided as to how vehicles would be able to turn around at the gates and egress the private road and to the subsequent highway in forward gear if they are unable, or do not have the right, to enter the gates. HCC as Highway Authority would recommend that further details are therefore submitted and approved prior to a formal recommendation being made.”

3.1.3 Batchworth Community Council: [Objection – Committee call-in]

“Batchworth Community Council object to this application and requests that it is called into a meeting of the District Council's Planning Committee unless the Officers are minded to refuse. This is done on the grounds that there has not been provided enough information on the impact of traffic, congestion and highway safety implications. The Council is also concerned about the possible loss of existing rights of way to neighbouring residential dwellings in Temple Gardens.”

3.1.4 Moor Park (1958) Ltd: [No objection]

“The Directors of Moor Park (1958) Limited would wish to raise the following comments on the latest application proposals as follows: - In our opinion, the current proposals in both locations i.e. at the Batchworth Heath entrance and in the selected location leading to/from Moor Lane have no material impact on the setting, character or appearance of the Moor Park Conservation Area and hence, on this basis, we would wish to raise no comments or raise any objections from a planning point of view. We do however wish to acknowledge and welcome the more modest set of proposals located on the roadway leading to/from Moor Lane, compared to the earlier designs/schemes for this location. Moor Park 1958 Ltd (MP58 Ltd) wish to emphasise that the residents and their associates of Temple Gardens enjoy unfettered rights of access in perpetuity across Moor Park Golf course roadways. These proposals must in no way compromise these legal rights and MP58 Ltd are working

with the residents to ensure all rights are maintained. We trust the above response, based on what we regard as relevant and material planning considerations, primarily within the approved MPPCA, is of assistance to you.”

3.1.5 Hertfordshire Ecology: [No objection]

“Thank you for consulting Hertfordshire Ecology on the above. The siting of one of the gates (Location 3) falls within the extensive (130ha) non-statutory Local Wildlife Site (LWS) boundary of Moor Park Golf Course, albeit mainly on a hardstanding road through the LWS. The whole golf course was designated as a LWS in 1997 for its grassland interest. The gates at Location 1 are adjacent to Batchworth Heath LWS and just outside the boundary of Moor Park Golf Course LWS, again mainly on an existing hardstanding road. Location 2, which was close to the boundary of the estate with Rickmansworth Golf Course, has been discounted and is not included as part of this proposal. Due to the nature and scape of the proposal, I do not anticipate any adverse effects on the main interest of the surrounding LWS. Some local disturbance to vegetation during construction may be expected and should be kept to a minimum; however I do not consider this will be significant in the context of the whole LWS. Notwithstanding, I recommend a precautionary approach to the works is adopted and advise the following Informative (or similar) is added to any consent granted: All works (including vehicle movements, materials and waste), must be kept within the curtilage of the proposed development site or on existing hardstanding as far as is practicable, to avoid unnecessary detrimental physical impact to the surrounding Local Wildlife Site. I trust these comments are of assistance.”

3.1.6 Landscape Officer: [No objection]

“There are no likely impacts to trees from the stone archway gate proposal, so I have no objections to this element of the proposal. The proposed bollard barrier plan identifies some adjacent trees, although I believe there may be errors on the drawing in respect to road direction. I have been able to identify the trees in question from the drawing. The proposal does require some excavation within the root protection area of a couple of trees, but the extent should be quite low and within tolerable range for the trees. It is possible that one of the turning areas will impact a tree, however this is a relatively young tree, which I would have no objections to its removal should this be required. In light of the above I do not wish to raise any objections to the proposal.”

3.1.7 Historic England: [No objection]

“Thank you for your letter of 27 August 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”

“It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

3.1.8 The Gardens Trust: [No objection]

“Thank you for consulting The Gardens Trust, of which HGT is a member. We are familiar both with the history and topography of Moor Park and with the work of Robert Adam. We have no objections to these proposals providing no damage is done to the Adam gateway during construction. However, we do not understand why the gates themselves are not of the usual Adam design. The void above the gates should be a circle as at Syon Park in London, also by Adam and with gates as originally designed. We suggest that the design of the gates be altered to give the effect intended for an arch of this type, also seen at Dyrham Park Barnet and elsewhere.”

3.1.9 National Grid: [No response received]

3.2 Public/Neighbour Consultation

3.2.1 Site notice posted (FUL): 08.07.2020, expiry date: 29.07.2020

Site notice posted (LBC): 03.09.2020, expiry date: 24.09.2020

3.2.2 Press notice published (FUL): 10.07.2020, expiry date: 31.07.2020

Press notice published (LBC): 04.09.2020, expiry date: 25.09.2020

3.2.3 Neighbours consulted for each application: 20

3.2.4 Total no. of responses received: 7 (6 Objection, 1 Support)

3.2.5 Summary of responses:

Objection comments

- We were not consulted on the details [by the Golf Club] prior to submission of the application
- This plan is not an acceptable concept
- TRDC needs to be aware that we have unequivocal rights of access over the roads within Moor Park Golf Club
- Our property was constructed in 1936 so since that time the club has had no unconstrained right to operate gates at the entrance
- There has been no criminal activity in Temple Gardens
- The development is not a necessity and rights of way over the roads are more important
- The gates at the archway will cause disruption to those living in the gatehouses
- There is no indication of as to where any card readers or other paraphernalia such as cameras may be put
- A system solely dependent on number plate recognition is unfeasible due to delivery vehicles
- The concept has not been thought through
- There are hundreds of movements of cars, vans, and trucks going into Moor Park on a daily basis
- A queue of vehicles going into MPGC would cause a substantial deterioration of traffic flow
- No indication has been given as to how entry and exit systems will work for us, our visitors, our servants, deliveries and emergency services
- It is not possible to separate the operation of the system from the physical design
- The bollard location is in a bad position due to the location of the second green – a bad shot could result in a ball landing near it
- A tail back could cause danger given the location of the third green
- TRDC and MPGC seem to be unaware of the rights of way conceded to Temple Gardens at the time of their construction.
- Land registry plans are attached showing rights of way
- The proposal would be detrimental to the Moor Park environment and would exacerbate traffic conditions at Batchworth Lane.
- The proposal presents safety issues and threaten to be unworkable in the context of strong right of way conditions
- The residents of Temple Gardens have rights of way over the roads involved
- The gates are not a replacement as they have not been there since the 1930s
- The bollards create a health and safety hazard because of the golf course
- We believe the proposal is flawed
- Generally supportive of any proposal to increase security however the proposal hasn't been well thought out

- The siting of the bollards near the second green risks damage to cars
- The proposed gates at Batchworth would create traffic queues which would be inconvenient and hazardous
- Rights of way would be severely restricted by this scheme
- Residents impacted by Covid who rely on deliveries will be impacted by this scheme
- Any change to the way the road is operated must have the agreement of the residents of Temple Gardens

Support comments

- As a resident of the Gate House, we are the most affected by the installation of the gates and rising bollard
- There has been a growth in the number of vehicles entering and exiting despite the private road and property signs
- Many vehicles use the private road to save time during the rush hour
- There have been several instances of hit and run during the day and night
- Vehicles enter Moor Park after midnight and park for periods of time. The nature of these visits is questionable
- On the first day of lockdown there was a car burning incident which would not have happened within the grounds if there were gates
- We are confident that the installation of gates would improve security of our property and the whole club

3.2.6 Material planning considerations are addressed in this report

3.2.7 **Officer comments:**

- The comments relating to rights of way and access are noted however this matter is not a material planning consideration. The grant of planning permission would not override any private rights of way or access. This matter would need to be addressed privately between the interested parties.
- All residents within Temple Gardens were not initially sent a neighbour letter upon the validation of the FUL application however were all subsequently consulted for the statutory 21 day period.

4 Reason for Delay

4.1 Committee cycle.

5 Relevant Planning Policy, Guidance and Legislation

5.1 National Planning Policy Framework and National Planning Practice Guidance

In February 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.

5.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

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

5.3 Other

Batchworth Heath Conservation Area Appraisal (adopted January 2013)

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.

6 **Planning Analysis**

6.1 Site Visit

6.1.1 A site visit was undertaken for the proposal in February 2020, when formal pre-application advice was sought from the LPA in relation to the proposed development, prior to the start of social distancing measures being implemented and site visits becoming less frequent. Officers were therefore able to make a full assessment of the impact of the proposed development notwithstanding the fact that any further site visits, during the application time frame, were not able to be carried out.

6.2 Impact on the Metropolitan Green Belt

6.2.1 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

6.2.2 The NPPF identifies the five purposes of including land in Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2.3 The requirements of the NPPF are considered to reflect policies of both the Three Rivers District Council Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013). Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt.

Proposed gates within stone archway

6.2.4 This proposal would consist of the installation of free standing metal gates within the vehicle and pedestrian entrances at the Batchworth Lane entrance to the Moor Park Golf Club. It is submitted that the proposal constitutes the reinstatement of the set of historic gates within the Grade II Listed archway which appear to have been removed some time after c.1920. The gates are partially shown on a magazine excerpt submitted within the set of appendices at Appendix 2A accompanying this application. It is also evident that the rusted remains of the hinges are still in situ within the stonework of the arch. Whilst the proposal may not be deemed to be a building, it would involve the installation of a set of gates of a relatively substantial size and as such the proposal is considered to constitute an engineering operation for the purposes of the NPPF. The impact upon openness is a material consideration in assessing impact upon the Metropolitan Green Belt.

6.2.5 It is considered that the proposed gates would be read against a historically established entranceway which would serve to limit any impact upon the visual aspect of openness. It is considered, given the nature of the proposed development, that openness would be reduced to a degree. Notwithstanding, it is considered that the gates would not cause harm to openness given the substantial and established presence of built form in this location. The LPA therefore do not consider that the proposed development would cause harm to the Metropolitan Green Belt.

Proposed bollards

6.2.6 This proposal would consist of two rising road blockers sunken within the existing tarmacked access track and ancillary equipment to facilitate their operation. This ancillary equipment includes a control box and code readers elevated on metal posts. There would also be open post and rail fencing positioned either side of the existing access road and a section of additional hardstanding each side of the road to form turning areas.

6.2.7 It is considered that this proposal, whilst it would be a relatively obvious feature in the context of the access track, would not result in harm to the openness of the green belt given its low level nature. As built structures, the road blocker and equipment constitute the occurrence of built form however it would be located in amongst the backdrop of an established landscaped area with undulating land levels including a relatively sharp rise in land level to the east which is considered to further mitigate and limit the visual effect of the proposal. The proposed wooden post and rail fencing would be of a low height and open in character and would not impact upon openness in this regard. The proposed additional paraphernalia is considered to be relatively minimal in quantity and scale. It is considered appropriate to include a condition for the paraphernalia to be painted black or dark green to further limit its visibility. The proposed turning areas are not considered to cause harm to the openness of the Green Belt given their relatively limited scale, only large enough to facilitate turning. The proposed hardstanding is not considered to constitute an urbanising form of development which would result in harm. The LPA therefore do not consider that the proposed development would cause harm to the Metropolitan Green Belt.

6.3 Impact upon Character & Appearance, Heritage Assets and Conservation Area

- 6.3.1 The pre-application sites are set within the grounds of Moor Park Mansion which is a grade I listed property (list entry no: 1 173698), located within a II* Registered Park and Garden (list entry no: 1000251). Within the park are a number of separately listed sculptures and architectural features. Gate Location 1, as it is referred to in this pre-application submission, is grade II listed and credited to Robert Adam (list entry no: 1173387).
- 6.3.2 The Conservation Officer was consulted on the proposed development and raised no objection to either proposal in terms of their impact upon designated Heritage Assets. The Conservation Officer stated that information has been provided to demonstrate that the gates proposed within the stone archway would be free-standing from the stonework with a subterranean opening mechanism which is considered to be an acceptable solution providing there is no structural impact on the archway through excavation at its base.
- 6.3.3 The Conservation Officer also highlighted that the remains of hinges within the stonework and a photograph from the 1920s provides evidence for the existence of gates, although they appear to have been removed by the 1950s. The Conservation Officer noted that proposed gates have been revised following pre-application advice and they are now considered to be sympathetic in design. It is noted that the Gardens Trust commented that the proposed gates could have taken a different design approach to the gates however, given that the specialist advice of the Conservation Officer raised no objection, the proposed gates are considered to be acceptable. The Conservation Officer recommended the inclusion of a condition for the gates to be painted black and as such will be included on any planning permission granted.
- 6.3.4 The Conservation Officer considered that the proposed bollards and associated fencing are considered to be acceptable. The timber post and rail fencing is in keeping with the parkland setting and the slightly sunken position of the road reduces the visual impact of the bollards and control box in views within the Registered Park and Garden.
- 6.3.5 In summary, the proposed development is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD.
- 6.4 Impact on amenity of neighbours
- 6.4.1 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'.
- 6.4.2 Given the scale, nature and location of the proposed development, the LPA do not raise any concerns with regard to the impact of the proposal on the residential amenity of neighbours and consider that the proposal would be acceptable in this regard. The objection comments made in relation to the proposed gates and bollards obstructing private access rights is not a material consideration that can be taken into account in the planning process.
- 6.4.3 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.
- 6.5 Highways & Parking
- 6.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 6.5.2 Hertfordshire County Highways were consulted on the proposed development and stated that none of the proposed features are located on roads that are considered to be highway maintainable at public expense.

6.5.3 Hertfordshire County Highways stated that the proposed gates at the Batchworth Lane archway entrance would be located approximately 70 to 80m north of the nearest highway on Batchworth Lane and, as the Highway Authority, would not have any significant objection to the provision of gates or bollards as detailed in the application when taking into consideration the distance from the highway. Highways noted that the application does not propose the construction of a turning area at the Batchworth Lane entrance. It is however considered that there is sufficient space to turn and manoeuvre should unsolicited entry be refused.

6.6 Trees & Landscape

6.6.1 Policy DM6 of the Development Management Policies LDD 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.

6.6.2 The proposed development does not propose the removal of any trees. The Landscape Officer was consulted on the proposed development and highlighted that the proposed bollard location does require some excavation within the root protection area of some trees, but the extent is quite low and within tolerable range for the trees. It is possible that one of the turning areas will impact a tree, however this is a relatively young tree, which the landscape officer would have no objections to the removal of should this be required. In light of the above no objections are raised in respect of tree and landscape impacts.

6.7 Biodiversity

6.7.1 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.

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

6.7.3 Hertfordshire Ecology were consulted on the proposed development given its proximity adjacent to and partially within a non-statutory Local Wildlife Site. It is considered within their comments that, due to the nature and scope of the proposal, I do not anticipate any adverse effects on the main interest of the surrounding Local Wildlife Site although it is advised a precautionary approach to construction works is undertaken.

7 Recommendation

7.1 That PLANNING APPLICATION 20/1037/FUL BE GRANTED subject to the following conditions:

7.1.1 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: TRDC0001A (Location Plan), TRDC0001B (Location Plan), KMP 005, MK:20.7001, SK 04

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and application forms and no external materials shall be used other than those approved. The gates within the stone archway at the Batchworth Lane entrance hereby approved shall be painted black and permanently maintained in this condition. The paraphernalia associated with the operation of the bollards hereby approved, including the control box post and code reader posts shall be painted black or dark green and permanently maintained in this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.1.2 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently

required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

7.2 That LISTED BUILDING CONSENT APPLICATION 20/1773/LBC BE GRANTED subject to the following conditions:

7.2.1 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: TRDC0001A (Location Plan), TRDC0001B (Location Plan), KMP 005, MK:20.7001, SK 04

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and application forms and no external materials shall be used other than those approved. The gates within the stone archway at the Batchworth Lane entrance hereby approved shall be painted black and permanently maintained in this condition. The paraphernalia associated with the operation of the bollards hereby approved, including the control box post and code reader posts shall be painted black or dark green and permanently maintained in this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.2.2 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 £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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.