12 **17/1136/FUL - Conversion of existing club house building to community building including cafe and function room with associated landscaping at YMCA, LEAVESDEN COUNTRY PARK NORTH, COLLEGE ROAD, ABBOTS LANGLEY HERTFORDSHIRE, WD5 0GU for One YMCA**

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| --- | --- | --- |
| Parish: Abbots Langley Parish Council | Ward: Leavesden | |
| Expiry Statutory Period: 25 July 2017 | Officer: Jane Rodens | |
|  |  | |
| Recommendation: That planning permission is granted subject to conditions. | |
|  | |
| This application is brought before the Committee: Because the land is owned by Three Rivers District Council | |

1. **Relevant Planning History**
   1. 16/0721/FUL - Demolition of existing clubhouse building and erection of replacement community building including cafe with public toilets and associated landscaping. Permitted 27.05.2016, not yet implemented
   2. 15/1890/FUL - Resurfacing and refurbishment of tennis courts to include surfacing to create a MUGA facility, 3G pitches, replacement fencing to existing courts and extension of footpath around southern edge and erection of 8 x 10m high directional lights to court. Permitted 20.11.2015, not yet implemented.
   3. 15/1873/PREAPP - Pre-Application: Replacement single storey building including café, toilets and community room. Officer response dated 05.11.2015 stating in summary:

'In summary, I do not consider that the replacement building would, in itself, result in any significant harm to the Green Belt or neighbouring residential amenity. However, little detail has been provided with regard to the proposed use of the replacement building. The proposed use should not result in a detrimental impact to the Green Belt, neighbouring residential amenity or any other harm through an intensification of the use of the site. Full detail of the proposed use should be provided including opening hours, staff numbers, expected visitor numbers, parking provision etc. It would also be useful for you to provide details of the existing use of the building, if possible.'

* 1. 15/0555/PDND - Prior Notification of Demolition: Demolition of an existing single storey building. Permitted 20.04.2015, not yet implemented.
  2. 14/2232/CLPD - Certificate of Lawfulness Proposed Development: Replacement of hardsurfacing and re-lining of two existing tennis courts for additional sports use and replacement of existing perimeter fencing. Withdrawn 28.01.2015.
  3. 10/1454/FUL - Covering of two existing pergolas and addition of one new. Permitted 01.10.2010.
  4. 05/1211/RSP - Retrospective Application: Erection of front iron double gates and railings. Permitted 11.11.2005 and implemented.
  5. 03/1244/FUL - Erection of 15 x 6m high floodlighting columns to multi sports play area. Permitted 03.12.2003, not implemented.
  6. 00/00675/FUL - Single storey extension and internal alterations. Permitted 20.07.2000, not implemented.
  7. 97/0550 - Retention of former hospital buildings and change of use for leisure sports and community use including childcare. Permitted 21.08.1997 and implemented.

1. **Site Description**

* 1. The application site relates to a parcel of land within the Leavesden Country Park which is accessed by vehicles via College Road and can also be accessed by pedestrians via Linnet Road The site contains a single storey clubhouse building which is sited immediately to the south-east of the YMCA Woodland Centre and a large car park which serves the wider Leavesden Country Park site.
  2. The building has a largely rectangular footprint of approximately 210sq.m inclusive of a small plant / boiler room projection to the north-west side of the rear elevation. It has a gable roof with a maximum height of 5m and is finished in cream painted brickwork.
  3. Currently the building is vacant and the windows and doors are boarded up for safety purposes.
  4. The site is within the Metropolitan Green Belt and is an allocated Open Space. A blanket Tree Preservation Order (TPO284) also covers the entire site and surrounding area.
  5. The other buildings within the wider park are primarily single storey and include a gym and day nursery. There is also a children's play area and hard surfaced sports pitches.
  6. The park is surrounded by residential development to the west and south-east with properties within Linnet Road, Peacock Walk and Harlech Road backing onto the park.

1. **Proposed Development**
   1. This application seeks full planning permission for the conversion of existing club house building to a community building including cafe and function room with associated landscaping.
   2. The conversion of the building is proposed, which is to consist of removing all of the internal walls. One half of the building is proposed to contain a function room, while the eastern half next to the park, is to be converted into a café. Both sections will have separate entrances, kitchens and WC’s.
   3. A window on the north elevation is proposed to be altered to a door, this is to facilitate a ramp in to the building and the café half of the conversion. The south east elevation is also to have a ramp to a serving hatch from the café.
   4. The building is proposed to be re-clad, in weatherboard in “Dark Oak” colour, there is indicated to be signage on the cladding advertising the café. The guttering is proposed to be aluminium, black in colour, the windows are UPVC and grey in colour, the tiling on the roof is proposed to be Slate which is black in colour.
   5. There is proposed to be a new bin store to the north east corner of the proposal site attached to the boiler room and WC, this is proposed to be hit and miss timber fencing, this is 1.8m in height, 1.5m in depth and 4.1m wide.
   6. To the north of the building there is proposed to be an area of hardstanding with access paths to the main YMCA building and the rest of the park facilities.
2. **Consultee Responses**
   1. Abbots Langley Parish Council: No objection
   2. Hertfordshire Ecology: [No objection, informative suggested]:

Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:

1. There is no ecological information on the HERC database relating to this site. The building location on the urban fringe adjacent to open ground and there are lines of trees in the immediate vicinity which could provide flight lines for foraging bats, although there are no bat records in the immediate area.
2. The proposals will retain the building but cause significant impacts to existing structures due to refurbishment. The building construction looks reasonably robust, in reasonable condition and well-sealed, despite a lack of recent use. Brick built with what appears to be flat sheeting for roofing material, this construction is less likely to support bats within the roof structure. There is no information on whether there is an enclosed roofspace, although I suspect not from what appears to be a simple design and past use.
3. The wider site has previously been subject to activity and roost surveys (Ecology Link, 2015). Low levels of bat activity was recorded. The clubhouse was not subjected to detailed surveys but was subsequently considered to have low potential to support roosting bats due to a lack of suitable features or obvious access points.
4. Consequently, I do not consider there is sufficient likelihood of bats being present for the LPA to justify requiring any form of bat survey of the building prior to determination. However, this is not to say bats are not present, and consequently **I recommend that an informative is placed on any approval** to the effect that:

* *If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.*

1. I note new hedging is proposed and this should incorporate native species and reflect the character of any ancient hedgerows in the area where appropriate.
   1. Herts and Middx Wildlife Trust: No response received
   2. Hertfordshire County Council Highways: [No objection]:

Proposal

Conversion of existing club house building to community building including cafe and function room with associated landscaping

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway comments:-

This application requests permission for the conversion of the existing club house to a community building, including a café and function room within the Leavesden Country Park. There are no proposed alterations to the existing vehicular or pedestrian/cycle access or to the level of parking provision within the site.

The country park is located within the residential area of Abbots Langley and close to local shops and public transport facilities. The primary access to the site from the highway network is from a priority junction on College Road where visibility to and from approaching traffic is of an acceptable standard. Secondary (gated) access for refuse collection and emergency is available from Linnet Road.

The details submitted for consideration include a Construction Plan layout identifying the vehicle access routes, parking and wheel wash facilities proposed during construction operations. The nature and location of the proposed development is not expected to generate a significant number of vehicular trips particularly during peak travel periods. It is therefore unlikely to have a detrimental effect on the safety and operation of the surrounding highway network. The Highway Authority has therefore not identified any significant highway related concerns with the proposal and does not raise any objection to the application.

* 1. Hertfordshire Constabulary: No response received
  2. Fire Protection Department: [No objection, advisory comments]:

We have examined the application and make the following comments:

**ACCESS AND FACILITIES**

**1.** Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.

1. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 18 tonnes.
2. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

**WATER SUPPLIES**

1. Water supplies should be provided in accordance with BS 9999. - **Current water supply not sufficient.** For help with water supplies, please contact our Water Officer Cathy Price on [Cathy.price@hertfordshire.gov.uk](mailto:Cathy.price@hertfordshire.gov.uk)
2. This authority would consider the following hydrant provision adequate:

* Not more than 60m from an entry to any building on the site.
* Not more than 120m apart for residential developments or 90m apart for commercial developments.
* Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
* Not less than 6m from the building or risk so that they remain usable during a fire.
* Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
* Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

Officer Response: Condition 5 is proposed to address the Fire Protection Department comments

* 1. Leisure Department: No response received
  2. Environmental Health: No response received
  3. Local Plans: No objection

The proposal is within the Key Centre of Abbots Langley. Policy PSP2 of the adopted Core Strategy (2011) states that within Key Centres development will focus predominantly on sites within the urban area, on previously developed land. This site is both within the urban area and on previously developed land. Policy PSP2 goes on to highlight the need to improve facilities at Leavesden Country Park. This is supported by policy CP1 which sets out the need to protect and enhance existing community, leisure and cultural facilities. Converting the old unused clubhouse into a community building will improve the facilities at Leavesden Country Park.

The site is located within the Metropolitan Green Belt. Policy CP11 of the Core Strategy states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Paragraph 89 of the National Planning Policy Framework (NPPF) sets out some exemptions to inappropriate development in the Green Belt, including the partial or complete redevelopment of previously developed sites.

The proposal involves the conversion of the existing clubhouse into a new community building with the same footprint. This would be in line with paragraph 89 of the NPPF, and would be considered appropriate development in the Green Belt. The removal of existing fencing will make a positive contribution to the openness of the Green Belt.

Policy DM12 requires proposals submitted for improved community, leisure or cultural facilities, to be accessible by sustainable modes of transport. The site is close to local bus routes and is approximately 30 minutes walk to Kings Langley station, and as such meets this requirement.

* 1. Thames Water: No response received
  2. National Grid: [No objection, advisory comment]:

**Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.**

**Can you please inform Plant Protection, as soon as possible, the decision your authority is likely** **to make regarding this application.**

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

**Your Responsibilities and Obligations**

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations. This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does **NOT** include:

* Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
* Gas service pipes and related apparatus
* Recently installed apparatus
* Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982). This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications. Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you require further assistance please contact the Plant Protection team

1. **Neighbour Consultation**
   1. Site/Press Notice:

* Site notice required, published on 16 June 2017, expired on 7 July 2017.
* Press notice not required.
  1. No. consulted: 27
  2. Summary of 3 responses received.
* Why have the plans changed from nocking the building down, to reusing this one, it is going to need a lot of work to the building to bring it up to standards.
* There is concern over the noise in a community space next to houses, this is going to increase the amount of people that have access to the area and therefore increase the amount of noise.
* Opening hours to be restricted to the hours of the current YMCA opening - until 10pm week nights and 5pm weekends, and it should not encourage anti-social behaviour.
* It should not be rented out for parties, but used for community purposes, there is no concrete evidence of what the building is going to be used for.
* There should be the same restrictions as before on the access for lorries and other construction traffic to the site.
* What measures are going to be included to ensure there is no anti-social behaviour.

1. **Reason for Delay**
   1. Not applicable.
2. **Relevant Local and National Policies**
   1. On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.
   2. The Three Rivers Local Plan Core Strategy:
   3. The Core Strategy was adopted by the Council on 17 October 2011 Relevant Policies include: PSP2, CP1, CP6, CP7, CP8, CP9, CP10, CP11 and CP12.
   4. Development Management Policies LDD:
   5. The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM2, DM4, DM6, DM9, DM10, DM11, DM12 and DM13 and Appendix 5.
   6. The Site Allocations LDD:
   7. The Site Allocations LDD (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA5.
   8. Other
   9. The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.
   10. The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
3. **Analysis**

Principle of Development

* 1. Policy PSP2 of the Core Strategy states that development in Key Centres, including Abbots Langley, will improve provision of, and access to, services and facilities, to meet future demands, specifically through 'improve facilities and accessibility at Leavesden Country Park.' This is supported by Policy CP1 of the Core Strategy which sets out the need to protect and enhance existing community, leisure and cultural facilities. Policy DM11 of the Development Management Policies LDD states that open spaces, sports and recreation facilities and children's play spaces perform important functions within communities and contribute significantly to quality of life.
  2. The proposed development would involve the conversion of a redundant former clubhouse building to create a new community facility and café with public toilets. The development would therefore provide improved facilities at Leavesden Country Park and provide a support the existing use of the country park.
  3. The proposal would therefore enhance the use of the existing country park and provide facilities which would serve the local community in accordance with Policy PSP2 and CP1 of the Core Strategy and Policy DM11 of the Development Management Policies LDD.
  4. The proposed facility may be considered a town centre use and Policy CP7 of the Core Strategy advises that where there is an identified need for new town centre development, Town and District centres will be the focus for this development. The NPPF seeks to promote competitive town centre environments and paragraph 24 of the Framework sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Paragraph 27 of the Framework states that where an application would fail the sequential test or is likely to have significant adverse impact on public and private investment in centres within the catchment area of the proposal or on town centre vitality and viability, it should be recommended for refusal.
  5. The application site is not within a town centre location and the application is not accompanied by a formal sequential test assessment. However, the proposed development is to serve the existing country park to provide a facility which is not currently available. The submitted information indicates that the facility would predominantly serve existing users of the park and would not materially intensify the use of the site.
  6. Local Plans have no objections to the proposal and commented that the conversion of the building would improve the facilities at Leavesden Country Park. The application would not result in demonstrable harm to the vitality or viability of existing centres or to investment in centres and as such would be acceptable in accordance with Policy CP7 of the Core Strategy.
  7. In the application there is no detail on the proposed opening hours of the proposed change of use of the property. Therefore it is recommended that a condition is added to the application for the proposed hours of use to be 7am - 10pm. This is the same condition that was applied to as the previous application 16/0721/FUL which was approved at Planning Committee and is the same opening hours as the gym and day nursery adjacent to the site.

Impact on Metropolitan Green Belt

* 1. The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and maintaining the essential characteristics of Green Belt including openness and its permanence.
  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.'
  1. The NPPF also states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; or to improve damaged and derelict land.
  2. The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are given at paragraphs 89 and 90 and include, amongst others:
* engineering operations; and
* the re-use of buildings provided that the buildings are of permanent and substantial construction;
  1. Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD reflect the guidance of the NPPF.
  2. Unlike the previously approved application this proposal is for the retention of the building and only for the change of use. In regards of the change of the built form, it is considered that there would be no material change as there are to be no extensions to the building therefore no material change to the openness of the Green Belt.
  3. With regard to use, the building is of permanent and substantial construction and would provide a mixed use community facility and café. The building is sited adjacent to a gym and day nursery with outdoor sport pitches and children's play area also found within the country park. Given its size and siting within the park it is considered that the café would largely serve existing users of the park rather than encourage significant numbers of visitors solely to use the café. The function room would have a similar intensity of use and type of use as those associated to the gym, day nursery and wider country park. The development is therefore not considered to result in an intensification of use of the site or greater harm to the Green Belt in comparison to the existing site circumstances. The country park is served by a large car park and it is also not considered that additional pressure to provide further hardstanding parking areas would occur.
  4. It is considered that the additional ramps and landscaping, including hard landscaping would be engineering operations that would not impact on the openness of the Green Belt. All of these elements will be low level and not easily viewed from the car park to access the site and the rest of the Country Park as they are situated behind hedges and the YMCA building to the north. The proposed landscaping is considered to reflect the current materials in the area and therefore would not add an addition that is contrary to the characteristics of the current materials in the area.
  5. The proposed opening hours, 6am -10pm as recommended by a condition will ensure that the proposed use of the building will not extend in to times that are outside the current uses within this area of the Green Belt.
  6. The development is therefore considered to constitute engineering operations and re-use of buildings. The proposed use would not result in greater harm to the openness of the Green Belt and would therefore constitute an exception to inappropriate development in the Green Belt. Furthermore, the development would positively enhance the beneficial use of the Green Belt through provision of a community facility and café with public toilets to serve the recreational use of the wider country park and would meet the aim of the NPPF set out at paragraph 81.

Impact on Character & Appearance

* 1. Policy CP12 of the Core Strategy relates to the 'Design of Development' and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
  2. The application site is within the wider Leavesden Country Park and is not readily visible from the streetscene. As there are to be no large changes to the scale of the building that are to be highly visible it is considered that the development would not result in a detrimental impact to the character and appearance of the area.
  3. It is considered that the materials that are proposed to clad the out-side of the property are acceptable as they are similar to those used on the main YMCA building that is adjacent to the site. It would therefore not dominate the area and would be in character with the other buildings in the area.

Impact on Residential Amenity

* 1. Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Policy DM9 of the Development Management Policies LDD relates to 'Contamination and Pollution Control' and sets out that the Council will ensure that noise from proposed commercial and recreational use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings.
  2. It is considered that the uses proposed would not have a detrimental impact on the amenity of the neighbouring properties within Linnet Road with the existing YMCA buildings in-between. The siting of the function room and café facility approximately 35m from the nearest residential dwellings within Linnet Road and on the opposite side of the existing YMCA buildings would reduce the potential additional noise impact of the development on neighbouring residents. Furthermore, the proposed use of the building would not be materially different in terms of type of activities to those associated to the surrounding buildings and wider country park. As discussed above, it is not considered that the development would attract significantly greater numbers of visitors and provided opening hours are restricted to the same opening hours as the gym there would be no extension of activities within the park compared to the current situation.
  3. It is therefore not considered that significant harm would occur to the residential amenities of neighbouring properties through loss of light or outlook associated to the change of use of the building, or additional noise from the use. However, a condition would be attached to control the opening hours of the proposed building to align with those of the existing adjacent gym.
  4. Neighbour comments regarding potential antisocial behaviour in evenings are noted. The restriction of opening hours to those of the gym is considered to overcome potential for groups of people to congregate outside of the existing usable hours of the park. While it is accepted that youths may congregate within the park, it is not considered that the proposed development would exacerbate existing issues as the park is currently accessible for access to the gym. Furthermore, the additional activity associated to the proposed facility would provide greater surveillance of the area.

Landscaping & Trees

* 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.
  2. It is recommended that a hard and soft landscaping scheme is submitted. A condition would be attached to any planning permission granted requiring the submission of such a scheme.

Highways, Parking & Access

* 1. Policy CP10 of the Core Strategy sets out that development will need to demonstrate that it provides a safe and adequate means of access.
  2. The Highway Authority has not raised any objection to the development stating that the proposal is unlikely to generate a significant number of vehicular trips particularly during peak periods.
  3. In the application details have been submitted detailing the proposed compound and wheel wash facilities if the application is to be approved. It is considered that these are acceptable and should be conditioned to ensure that they are carried out through the development and to protect the residential amenities of occupiers on the surrounding residential roads and the safety of the highway.
  4. Policy CP10 of the Core Strategy requires development to make adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD set out parking standards.
  5. Leavesden Country Park is served by a large car park and the proposed development is not considered to lead to a significant intensification of use of the site. Sufficient parking is therefore considered to be available to serve the proposed development while continuing to serve the wider country park.

Wildlife & Biodiversity

* 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.
  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.
  3. Hertfordshire Ecology have stated that there is no concerns in regards of the likelihood of bats being present in the property, therefore there is no requirement for a bat survey to be conditioned, but an informative on bats is suggested.

1. **Recommendation**
   1. 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: CP01 A, PL01 A, PL02, PL03, PL04 B and PL05 C

Reason: For the avoidance of doubt, to maintain the openness of the Metropolitan Green Belt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP6, CP7, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM9, DM10, DM11, DM12 and 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 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number PL-05 C; and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory 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

C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species for a period for five years from the date of the approved scheme was completed.

Reason: This is a pre-commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 Should they be required, detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and shall be maintained in full operation until such time as the fire hydrants are adopted by the Fire and Rescue Authority for Hertfordshire.

Reason: To ensure the development is served with fire hydrants and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C6 The use hereby permitted shall not operate other than between the hours of 7am - 10pm Monday - Sunday inclusive of Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to protect the Metropolitan Green Belt in accordance with the NPPF, Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

C7 The development should be carried out in accordance with the Construction Plan (CP01 A) throughout the construction period.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

9.2 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 application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. 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.

I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 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 applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

I5 Notwithstanding the submitted plans, the applicant is advised that planning permission and/or advertisement consent may be required for any signage proposed at this site.

I6 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.