

THREE RIVERS DISTRICT COUNCIL

APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED): SECTION 70

John Bowers  
Canvas Architects  
Nickron House  
Bury Lane  
Rickmansworth  
Herts  
WD3 1DN.

**Our Ref :** 11/0026/DIS  
**Your Ref :** 6031/B1/JB  
**Date :** 29 March 2011  
**Contact :** Laurence Moore  
**Tel No :** 01923 776611  
**Department :** Community and Environmental Services

Dear Mr Bowers

**Site Address:** Car Park Grove Crescent Croxley Green  
**Planning Application Reference:** 09/1288/FUL  
**Development:** Proposed Block of Six Flats in Two Storey Building on Existing Car Park with Associated Car Parking and Landscaping

I refer to your letter dated 8<sup>th</sup> February 2011 received in this office with the appropriate fees on 9<sup>th</sup> April 2011, regarding details pursuant to conditions 11,13,14,15, 22 & 23 of planning permission 09/1288FUL for the above site. I also refer to my letters dated 15<sup>th</sup> November 2010 and 3<sup>rd</sup> February 2011. All conditions are detailed below.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

To enable this condition to be met, the pre-commencement conditions must be agreed in writing by the Local Planning Authority before any development commences on site. However it appears that development has commenced on site.

- 2 Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

I can confirm that the submitted details/samples including Capital Brown Multi Stock facing bricks to the walls and Grovebury Breckland Brown rooftiles are acceptable. I trust that the development will be implemented in accordance with the approved details. (These details were agreed on 5<sup>th</sup> October 2010)

- 3 The development shall not commence until full details (including design, materials, height and type of all boundary treatment(s) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained thereafter at all times.

I can confirm that the details submitted with your letter and application dated 8<sup>th</sup> October 2010 shown on Drawing 6031/PL007 are acceptable. I trust that the approved details will be implemented and maintained in accordance with the requirements of the condition. The condition is not discharged as the details were submitted after development commenced on site.

- 4 Prior to the commencement of development, details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.

I can confirm that the details submitted with your letter and application dated 5<sup>th</sup> October 2010 and shown on Drawings 6031.PL001, 6031/PL002A and 6031/PL004 are acceptable. However the condition is not discharged as the details were submitted after development commenced on site.

- 5 The construction of the development hereby permitted involving the operation of any heavy plant or machinery shall not be carried out on the site except between the hours of 08.00 and 18.00 Mondays to Fridays, and between the hours of 08.00 to 13.00 on Saturdays.

I trust that your client will comply with the requirements of this condition.

- 6 The dwellings shall not be occupied until sewage disposal and drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Details were submitted with your letter and application dated 8<sup>th</sup> October 2010. I can confirm that the details shown on Drawings 1072/50A and 1072/51/A are acceptable. I trust the approved details will be provided prior to the occupation of the development.

- 7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

I can confirm that the submitted 'report on ground investigation and preliminary contamination assessment' dated 1<sup>st</sup> July 2010 Ref G/061015/101 prepared by K F Geotechnical Consulting Engineers is acceptable. I trust that the report will be complied with. This was agreed by the Local Planning Authority on 5<sup>th</sup> October 2010.

- 8 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

No details are required to be submitted at this stage. Please see my comments with regard to condition 7 above. I trust that if any contamination is found that an amendment to the ground investigation report will be submitted to the Local Planning Authority.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

No details are required to be submitted at this stage. Please see my comments with regard to condition 7 above. I trust that if any contamination is found that an amendment to the ground investigation report and remediation strategy will be submitted to the Local Planning Authority.

- 10 The parking spaces numbered 8 to 15 on Drawing 2255/MC/PL02 Revision B shall be provided to serve the proposed dwellings. No development shall take place until a scheme for the allocation, management and maintenance for these parking spaces has been submitted in writing for the approval of the Local Planning Authority. Thereafter no dwelling shall be occupied until the scheme for parking and manoeuvring which serves that dwelling has been laid out as indicated on the approved in principle plan 2255/MC/PL02 Revision B (or any subsequent amendment agreed in writing by the Local Planning Authority) and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose.

Details were submitted with your letter and application dated 8<sup>th</sup> October 2010. These details are considered to be acceptable. I trust the management company to be created will be in operation prior to the first occupation of the development. I trust that the requirements of this condition will be met by your client and that your client will ensure that future occupiers are made aware of the requirements of this condition.

- 11 The parking spaces numbered 1 to 7 on Drawing 2255/MC/PL02 Revision B shall be provided and remain unallocated thereafter for use by the general public and visitors. The development shall not begin until details of the highways works comprising of the laying out and construction of the seven parking spaces on Grove Crescent have been approved in writing by the Local Planning Authority. The dwellings hereby permitted shall not be occupied until these parking spaces have been provided to the satisfaction of the Local Planning Authority in accordance with the approved details.

With reference to the details submitted with your letter dated 8<sup>th</sup> February 2011, The Highway Authority has made the following comments:

*The letter indicates these conditions are dependant on the completion of a S278 Agreement as they require works within the highway and the details of the works will be approved as part of this agreement. I have been advised the Agreement has been completed and works are ongoing. Under these circumstances these details are acceptable to partially discharge the condition to allow works to begin but the condition can not be fully discharged and the dwellings occupied until the works are complete.*

- 12 No removal of trees or scrub to take place between 1 March – 31 August inclusive, unless searched immediately beforehand by a suitably qualified ecologist.

I can confirm that the Elmaw Consulting survey found no bird nests in use. The details are acceptable and this condition is discharged. This was agreed by the Local Planning Authority on 5<sup>th</sup> October 2010.

- 13 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; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

I can confirm that the details shown on your drawing 6031/PL008 accompanying your letter dated 8 February 2011 are acceptable. I trust that the scheme shall be implemented prior to the first occupation of the development.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the occupation of the development; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

As noted above, the details submitted pursuant to condition 13 are acceptable. I trust that the requirements of condition 14 will also be met.

- 15 A landscape management plan including long term design objectives, management, responsibilities, and maintenance schedule for all landscape areas other than small privately owned domestic gardens shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The landscape management plan shall be carried out as approved.

Although details have been submitted and agreed above pursuant to condition 13, it is not possible to discharge this condition. I note the intention to create a management company as detailed in Bugler Homes Ltd letter 8<sup>th</sup> October 2010. However, the details contained in that letter are insufficient. This condition remains outstanding. The Local Planning Authority would expect as a minimum to see the name of the company as well as a schedule of design objectives, management, responsibilities and maintenance schedule.

- 16 The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before development commences.

Details were submitted with your letter and application dated 8<sup>th</sup> October 2010. I can confirm that the details shown on Drawings 1072/50A and 1072/51/A are acceptable. I trust the approved details will be provided prior to the occupation of the development.

- 17 Prior to the commencement of the development details for refuse and recycling storage and disposal facilities shall be submitted to the Local Planning Authority for approval in writing. Thereafter the approved refuse and recycling storage and disposal facilities shall be provided prior to the occupation of that part of the development.

Details are shown on Drawing 6031/PL005 submitted with your letter and application dated 5<sup>th</sup> October 2010. I can confirm that the details are acceptable. However, as the details were submitted after development commenced on the site, the condition cannot be discharged.

- 18 No trees, hedgerows or shrubs within the curtilage of the site, except those shown with the approved Tree Report (IB/1372R/ag) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. Any topping or lopping approved shall be carried out in accordance with BS 3998 (Recommendations for Tree Works) 1989. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.

I note that details have been submitted with your letter dated 16<sup>th</sup> March 2011. This condition remains outstanding and the Local Planning Authority should respond to that submission before 11 May 2011.

- 19 The protective measures, including fencing, shall be undertaken in accordance with the approved scheme (Drawing No. IB 1372R) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

I trust that your client will comply with the requirements of this condition and that tree protection measures will be in place at all times during the course of the construction of the development.

- 20 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The Construction Method Statement was submitted with your letter and application dated 8<sup>th</sup> October 2010.

The Highway Authority has made the following comments in response to your submission dated 8 February 2011.

*The letter indicates these conditions are dependant on the completion of a S278 Agreement as they require works within the highway and the details of the works will be approved as part of this agreement. I have been advised the Agreement has been completed and works are ongoing. Under these circumstances these details are acceptable to partially discharge the condition to allow works to begin but the condition can not be fully discharged and the dwellings occupied until the works are complete.*

*Condition 20 (removal/delivery of materials) requires 'No development shall commence until a method statement has been approved by the LPA. The statement shall include details of removal of material, importation and storage of building materials etc. The development shall only be implemented in accordance with the approved method statement'. Previously the method statement indicated material will be removed to a licensed tip and building materials will be offloaded and stored on site. The available space for the storage of material is also dependant on the areas used for parking of contractors and delivery vehicles and Condition 24 (contractors parking) requires 'Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved and that area shall be maintained available for use at all times during the period of site works'. The applicant has previously indicated the site is too small to provide on-site parking and alternative arrangements will be; the 7 spaces in Grove Crescent to be formed as part of the development will be used; the public car park in Baldwins Lane will be used; some residents leave the area the between 8.00am to 5.00pm and these spaces will be used. It is indicated parking will be monitored and consideration given to the general public at all times. It also indicates the existing hardstanding will be maintained for delivery vehicles which will reverse onto the site. My advice of 8 November 2010 indicated the submitted details were inadequate to discharge these conditions and requested the applicant should provided details of the maximum number of workers to be on the site at any time and demonstrate that the parking provided will be adequate. Details of size of delivery vehicles and how, including turning diagrams, they will enter and leave the site are also required. As no additional details have been provided these conditions can still not be discharged.*

With regard to condition 20, it cannot be discharged as the details were not submitted prior to the commencement of development and from my records no details were received to detail removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site.

However, this is a condition which relates to the construction phase of the development which is nearing completion. It has been noted that tree protection measures have been provided on the site and condition 18 specifically deals with this.

To date, no complaints have been received with regard to removal of material from the site, importation and storage of building materials on site, and construction methods.

- 21 No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

I trust that your client will comply with the requirements of this condition and that tree protection measures will be in place at all times during the course of the construction of the development.

- 22 Notwithstanding the submitted details the development shall not begin until details of the layout and construction of the access driveway to Grove Crescent have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the access driveway has been laid out and constructed in accordance with the approved details.

Details have been submitted with your letter and application dated 8<sup>th</sup> October 2010 and shown on Drawings 1072/50/A and 1072/51/A. The Highway Authority has made the following comments regarding your letter dated 8 February 2011.

*The letter indicates these conditions are dependant on the completion of a S278 Agreement as they require works within the highway and the details of the works will be approved as part of this agreement. I have been advised the Agreement has been completed and works are ongoing. Under these circumstances these details are acceptable to partially discharge the condition to allow works to begin but the condition can not be fully discharged and the dwellings occupied until the works are complete.*

- 23 The development shall not begin until details of the disposal of surface water from the access driveway have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Details were submitted with your letter and application dated 8<sup>th</sup> October 2010 and shown on Drawings 1072/50/A and 1072/51/A. The Highway Authority has made the following comments regarding your letter dated 8 February 2011.

*The letter indicates these conditions are dependant on the completion of a S278 Agreement as they require works within the highway and the details of the works will be approved as part of this agreement. I have been advised the Agreement has been completed and works are ongoing. Under these circumstances these details are acceptable to partially discharge the condition to allow works to begin but the condition can not be fully discharged and the dwellings occupied until the works are complete.*

- 24 Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority and that area shall be maintained available for use at all times during the period of site works.

Details have been submitted with your letter dated 8<sup>th</sup> October 2010. The Highway Authority has made the following comments regarding your letter dated 8 February 2011.

*The letter indicates these conditions are dependant on the completion of a S278 Agreement as they require works within the highway and the details of the works will be approved as part of this agreement. I have been advised the Agreement has been completed and works are ongoing. Under these circumstances these details are acceptable to partially discharge the condition to allow works to begin but the condition can not be fully discharged and the dwellings occupied until the works are complete.*

*Condition 20 (removal/delivery of materials) requires 'No development shall commence until a method statement has been approved by the LPA. The statement shall include details of removal of material, importation and storage of building materials etc. The development shall only be implemented in accordance with the approved method statement'. Previously the method statement indicated material will be removed to a licensed tip and building materials will be offloaded and stored on site. The available space for the storage of material is also dependant on the areas used for parking of contractors and delivery vehicles and Condition 24 (contractors parking) requires 'Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved and that area shall be maintained available for use at all times during the period of site works'. The applicant has previously indicated the site is too small to provide on-site parking and alternative arrangements will be; the 7 spaces in Grove Crescent to be formed as part of the development will be used; the public car park in Baldwins Lane will be used; some residents leave the area the between 8.00am to 5.00pm and these spaces will be used. It is indicated parking will be monitored and consideration given to the general public at all times. It also indicates the existing hardstanding will be maintained for delivery vehicles which will reverse onto the site. My advice of 8 November 2010 indicated the submitted details were inadequate to discharge these conditions and requested the applicant should provided details of the maximum number of workers to be on the site at any time and demonstrate that the parking provided will be adequate. Details of size of delivery vehicles and how, including turning diagrams, they will enter and leave the site are also required. As no additional details have been provided these conditions can still not be discharged.*

With regard to condition 24, it cannot be discharged as the details were not submitted prior to the commencement of development. From my records no details were received to detail on-site parking for all contractors, sub-contractors, visitors and delivery vehicles. However, this is a condition which relates to the construction phase of the development which is nearing completion.

- 25 No development shall commence until details for energy saving measures and a sustainability design and management plan for the site have been submitted to and approved in writing by the Local Planning Authority.

Your letter dated 8<sup>th</sup> October 2010 advises that energy saving measures have been included in within your Building Regulations application. I understand from the Building Control Officer that these details have not been agreed and in any event they have not been submitted to the Local Planning Authority.

In your letter dated 8 February 2011, you advise that you are waiting on information from others. This condition remains outstanding. I invite you to refer to the Council's website [www.threerivers.gov.uk](http://www.threerivers.gov.uk) and search under 'carbon planner'. You will also need to refer to the Council's adopted supplementary planning document – 'sustainable communities'.

In summary, I can confirm that the details submitted pursuant to conditions 2,3,4, 11, 13, 14, 17, 22 and 23 are acceptable but cannot be formally discharged as development commenced on site in advance of the Local Planning Authority agreeing the details in writing.

With regard to conditions 6, 7,10,12,16 and 19, I can confirm that the submitted details are acceptable. I trust that the approved details will be implemented prior to the occupation of the development.

I note that a separate submission has been made in respect of condition 18 on 16 March 2011.

However, no information has been submitted to date with regard to conditions 15 and 25.

In view of the comments received from the Highway Authority, the details submitted pursuant to conditions 20 and 24 are unacceptable. In any event these conditions cannot be discharged as development commenced on site prior these details being submitted to the Local Planning Authority for approval in writing.

Please note that an additional fee is required for each submission. Please find enclosed a receipt for £85.00 for the Local Planning Authority's consideration of your submission dated 8<sup>th</sup> February 2011.

Yours sincerely



Geof Muggeridge  
Head of Development Management and Environmental Health