

**Proposed Draft Conditions**

**Planning Appeal – Rosemead and Fairmead Nurseries, Cuffley Hill, Goffs Oak**

**Reference 3300254**

**Conditions Disputed:**

	<b>Original proposal</b>	<b>LPA</b>	<b>Appellant</b>
1	<p>Prior to the commencement of any above ground works, a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The Landscape and Ecology Management Plan shall include the following:</p> <ul style="list-style-type: none"> <li>- Implementation timescales;</li> <li>- Preparation of an annual work plan, including monitoring (which shall include the provision and maintenance of habitats for a period of not less than 10 years from the completion of development.)</li> </ul>	<p>Prior to the commencement of any above ground works, a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The Landscape and Ecology Management Plan shall include the following:</p> <ul style="list-style-type: none"> <li>- Prior works protected species surveys and recommendations</li> <li>- Implementation timescales;</li> <li>- Preparation of an annual work plan, including monitoring (which shall include the provision and maintenance of habitats for a period of not less than 10 years from the completion of development.)</li> </ul>	<p>Recommend change to reflect HEWT condition</p> <p>Prior to the commencement of any above ground works, a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The Landscape and Ecology Management Plan shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (15..38 habitat units and 0.08 hedgerow units) to achieve a net gain in biodiversity and include the following:</p> <ul style="list-style-type: none"> <li>- Description and evaluation of features to be managed.</li> </ul>

	<p>The development shall be carried out in accordance with the approved Landscape and Ecology Management Plan.</p>	<p>The development shall be carried out in accordance with the approved Landscape and Ecology Management Plan.</p>	<ul style="list-style-type: none"> <li>- Aims and objectives of management.</li> <li>- Appropriate management actions for achieving target condition for conditions as described in the approved metric.</li> <li>- Preparation of a work schedule (including a 30 year work plan capable of being rolled forward in perpetuity), clearly marked on plans.</li> <li>- Details of the body or organization responsible for implementation of the plans.</li> <li>- Ongoing monitoring plan and remedial measures to ensure habitat conditions are met.</li> <li>- Details of species selected to achieve target habitat condition targets detailed in the approved metric are definitively stated and marked on any plans</li> <li>- Details of make, model and location of 24 integrated bat boxes,</li> </ul>
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			<p>24 integrated swift boxes and hedgehog highways between all garden barriers.</p> <ul style="list-style-type: none"><li>- Implementation timescales;</li><li>- Preparation of an annual work plan, including monitoring (which shall include the provision and maintenance of habitats for a period of not less than 10 years from the completion of development.)</li></ul> <p>The development shall be carried out in accordance with the approved Landscape and Ecology Management Plan.</p> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the Developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will</p>
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			<p>be identified agreed and implements so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>The approved plan will be implemented in accordance with the approved details.</p>
2	<p>Prior to the first occupation of the development hereby approved, details for electric vehicle charging point installations shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved details.</p>	<p>Prior to the first occupation of the development hereby approved, details for electric vehicle charging point installations (passive and active points) shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved details.</p>	<p>Building regulations now requires provision for all dwellings therefore the LPA only need to consider the charging point installation in respect of location and aesthetic impact.</p>
3	<p>If the proposed road is not constructed to the full length and layout illustrated on the approved drawings then no building taking access from the proposed road shall be occupied until details of a temporary turning space for vehicles within the site have been submitted to and approved in writing by the Local Planning Authority and the temporary turning space has been provided in accordance with the approved details.</p>	<p>Added requirement for parking and EV charging pending completion.</p> <p>Unclear why this is necessary as it is surely intended to build out?</p> <p>Willing to agree subject to revisions</p> <p>If the proposed road is not constructed to the full length and layout illustrated on the approved drawings then no building taking access from the proposed road shall be occupied until details of a temporary turning</p>	<p>There is no requirement for reference to temporary EV points etc, as they will need to be provided with the parking for the property. We cannot sell and occupy a property without parking being available.</p>

	The turning space shall be retained for use by vehicles until the proposed road is constructed.	space for vehicles and temporary provision for Active EV charging points for occupiers within the site have been submitted to and approved in writing by the Local Planning Authority and the temporary turning space and EV points have been provided in accordance with the approved details. The turning space shall be retained for use by vehicles until the proposed road is constructed.	
4	Prior to the commencement of works details of foul drainage provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.	As per committee report condition 12	There is no required for on site foul water pumps, therefore this is controlled by building regulations.
5	Prior to commencement of above ground works, details of external lighting shall be submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the approved details.	As per committee report condition 23	Lighting is included in condition on landscaping etc.
6	All car parking spaces and garages shall be retained for use for the parking of motor vehicles with no conversion to take place without the prior written permission of the LPA.	As per committee report condition 14	To be justified by the LPA.

7	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no development from Schedule II classes A and E may take place without the express permission of the LPA.</p>	As per committee report condition 27	To be justified by the LPA.
8	<p>Before commencement of the development, additional access plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which:</p> <ul style="list-style-type: none"> <li>i) Acknowledge junction protection measures may be needed at the new access;</li> <li>ii) Show the detailed engineering designs and construction of the new access to the development site from Cuffley Hill and associated highway works (including but not limited to pedestrian dropped kerbs and tactile paving either side, and reinstatement of the footway / closure of the existing access points at both ends of the service road) as shown indicatively on drawing number drawing number 17904-00-012 Rev D (Markides Technical Note 1, 18/7/2019). These works shall be constructed to the specification of the Highway Authority</li> </ul>		<p>There is no requirement for this agreed condition 9 ensures the access is delivered. In essence this is duplicating the approval process required under the Highways Act. We get technical sign off from the Highway Authority and then just submit those plans as a procedural matter. The condition is therefore excessive and superfluous.</p>

	<p>and Local Planning Authority's satisfaction, and completed before first occupation of the development.</p> <p>Reason: To ensure that the approved planning drawings match up with the final s278 drawings (in particular, the possible need for junction protection measures at the access, which will be formally established at the s278 stage), and to ensure the provision of a safe and suitable access arrangement, in the interest of the free, safe and sustainable flow of all highway users.</p>		
9	<p>Before occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of improvements to the two closest bus stops along Cuffley Hill, to include:</p> <ul style="list-style-type: none"> <li>i) Relocation of both bus stop cages onto the running lane of the Cuffley Hill carriageway, and reinstatement of the footway / grass verge as applicable in the existing laybys;</li> <li>ii) Raised Kassel kerbing at both bus stops;</li> </ul>		<p>See Evidence on s106/Grampian conditions.</p> <p>The inclusion leads to double counting as payment has been secured towards these works already.</p>

	<p>iii) Shelters at both bus stops.  This work shall be fully completed to the satisfaction of the Local Planning Authority before first occupation.  Reason: So that all users (including disabled users) of the development have the option of using bus transport, to ensure the site is accessible as possible for all people, without discrimination to any persons, and in compliance with paragraphs 110 and 112 of the NPPF, and LTP4 policies 1, 6 and 9.</p>		
10	<p>Before occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of a new pedestrian crossing point along Cuffley Hill e.g. in the form of pedestrian dropped kerbs / tactile paving and central pedestrian island.  Before first occupation of any part of the development, this work shall be fully completed to the satisfaction of the Local Planning Authority.</p>		See evidence on this matter.



	<p>Reason: So that all residents and visitors of the development can safely and conveniently cross and access the bus stop on the opposite side of the road to the development, to ensure the site is accessible as possible for all people, without discrimination to any persons, and in compliance with paragraphs 110 and 112 of the NPPF, and LTP4 policy 1, 6 and 9.</p>		
11	<p>Before occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of pedestrian dropped kerbs and tactile paving at the following junctions:</p> <ul style="list-style-type: none"> <li>i) Robinson Avenue / Cuffley Hill;</li> <li>ii) The Meadway / Cuffley Hill.</li> </ul> <p>Before first occupation of any part of the development, this work shall be fully completed to the satisfaction of the Local Planning Authority.</p>		<p>The inclusion leads to double counting as payment has been secured towards these works already</p>

	<p>Reason: So that all users of the development can conveniently, safely and sustainably access the nearest schools, shops, rail station, and other key facilities/amenities, in compliance with paragraphs 110 and 112 of the NPPF, and policy 1 of HCC's LTP4, and in the interest of sustainable travel for all users.</p>		
12	<p>Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.</p> <p>Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.</p>		<p>See condition 3 above. Condition 3 is a variation of this condition that allows a phased occupation. This condition requires everything to be complete before occupation which in reality never happens.</p>