DEVELOPMENT MANAGEMENT COMMITTEE 19th AUGUST 2024

Case No: 24/00914/S73

Proposal: VARIATION OF CONDITION 2 (APPROVED PLANS)

AND CONDITION 3 (MATERIALS) FOR 23/00816/FUL

TO REMOVE REAR CONSERVATORY AND

INSERTION OF BIFOLD DOORS, GREY ROOF TILES INSTEAD OF BROWN AND INSTALL FLUSH FITTING

CASEMENT WINDOWS.

Location: 37 HIGH STREET, EARITH, HUNTINGDON, PE28 3PP

Applicant: MRS L BELL

Grid Ref: 538616 274853

Date of Registration: 21ST MAY 2024

Parish: EARITH

RECOMMENDATION – APPROVE

This application is referred to the Development Management Committee (DMC) because the Officer recommendation for approval is contrary to Earith Parish Council's recommendation of refusal.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site comprises a rectangular parcel of land accessed off Chapel Road and sited to the rear of 37 High Street. The site was previously used as a car park associated with 37 High Street, formerly a pub/guest house, now a house in multiple occupation (HMO) pursuant to planning approval 17/01445/FUL.
- 1.2 The application site is located within the Earith Conservation Area and the closest Listed Building is 27 High Street (Grade II) to the south east. The site falls within Flood Zone 1 (low flood risk area) and is identified in Huntingdonshire's Strategic Flood Risk Assessment (2017) as susceptible to groundwater flooding.
- 1.3 Planning permission was granted under delegated powers for planning application reference 23/00816/FUL in June 2023 for a two storey 4-bed dwelling with associated access, parking and amenity space on the existing HMO car park area. This followed a previous application reference 22/00617/FUL for a similar development, which was approved by Development

Management Committee on 17th April 2023. Works have been carried out on site to implement the recent approval (reference 23/00816/FUL).

1.4 This Section 73 application seeks to vary Conditions 2 (Approved Plans) and 3 (Materials) of 23/00816/FUL to remove rear conservatory and insertion of bifold doors, use of grey roof tiles instead of brown and install flush fitting casement windows. Everything else remains as previously approved under application 23/00816/FUL.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (December 2023) (NPPF 2023) sets out the three objectives economic, social and environmental of the planning system to contribute to the achievement of sustainable development. The NPPF 2023 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2023 sets out the Government's planning policies for (amongst other things):
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - · achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website National Guidance

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
 - LP1: Amount of Development
 - LP2: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP5: Flood Risk
 - LP6: Waste Water Management
 - LP9: Small Settlements
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and Vehicle Movement

- LP25: Housing Mix
- LP30: Biodiversity and Geodiversity
- LP34: Heritage Assets and their Settings
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
 - Huntingdonshire Design Guide SPD (2017)
 - Huntingdonshire Townscape and Landscape Assessment SPD (2022)
 - Developer Contributions SPD (2011)
 - Cambridgeshire Flood and Water SPD (2017)
 - Annual Monitoring Report, regarding housing land supply.

Local For full details visit the government website Local policies

4. PLANNING HISTORY

- 4.1 17/01445/FUL Change of use from dwellinghouse and guest house to house of multiple occupancy (7 rooms) and one apartment Granted 09.11.2017
- 4.2 22/00617/FUL Erection of 4 bed dwelling Granted 25.04.2023
- 4.3 23/00816/FUL Erection of 4 bedroom dwelling Granted 26.06.2023

5. CONSULTATIONS

5.1 Earith Parish Council – Recommend Refusal

A number of objections to this development have been received. Recommend refusal of the S73 amendments stated for condition 2 (approved plans) and condition 3 (materials) of this application. The footprint of the building has changed dramatically and has resulted in a loss of off-road parking for this build. The proposed landscaping has been removed and the building is a different shape and sits closer to the front of the development than before. If cars are parked on the road this will result in hazardous conditions on this major route to the school. The build is situated on a bend in the road that forms part of the one-way system with no footpaths.

This development is not on the High Street in Earith and has no access to the High Street so the address given is misleading to the residents. This development sits purely on Chapel Road which is a narrow one-way road in the Village leading to the primary school.

The proposed changes to the plans have made the development footprint too big for the site and has resulted in the build being closer to the surrounding homes and fencing and this creates an overbearing presence in the street scene in this area of the Village.

- 5.2 HDC Conservation Team No objection. The site is within the Earith Conservation area and the subject of previous permission, the amendments will not harm the significance of the conservation area.
- 5.3 HDC Environmental Protection Team No issues to raise.
- 5.4 CCC Highways Following a careful review of the documents provided to the Highway Authority as part of the above planning application, it was noted that, with regard to Condition 2 (Approved Plans), the vehicular access is not affected by the amendments.

6. REPRESENTATIONS

6.1 No representations received.

7. ASSESSMENT

- 7.1 The main issues to consider in the determination of this application are:
 - Principle of development
 - Design, Visual Amenity and Impact on the Conservation Area
 - Residential amenity
 - Highway Safety, Access and Parking Provision
 - Biodiversity
 - Flood Risk and Drainage
 - Other matters

Principle of development

- 7.2 The proposed amendments are set out above and all other parts of the development remain unchanged and therefore the previous planning permission remains relevant and unamended. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. In this instance, the application seeks to vary conditions 2 and 3 of 23/00816/FUL through the submission of amended drawings.
- 7.3 The principle of development has been established by the original permission and therefore this will not be considered as part of this application. In determining an application under this section, Officers have regard to the development plan and all other material considerations.

Design, Visual Amenity and Impact on the Conservation Area

- 7.4 Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.
- 7.5 The dwellings facing onto Chapel Road in the immediate vicinity of the site are varied in design and appearance. The majority of dwellings are detached and set back from Chapel Road with front gardens and/or driveways. There is a mix of both two storey and single storey dwellings with simple pitched roofs and a varied palette of materials including red and buff brick, render, cladding and brown or grey roof tiles.
- 7.6 Condition 3 of 23/00816/FUL states "The materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the details stated on drawing no. JPT/SZR/0122/002 Rev C received by the Local Planning Authority on 5th May 2023, unless otherwise agreed in writing by the Local Planning Authority." The approved materials for the roof were brown concrete profiled tiles. This application proposes instead, Marley Mendip smooth grey tiles. There are examples of similar grey tiles within the vicinity of the site and it is therefore not considered the proposed roof material would appear out of keeping within the street scene. The windows would be anthracite aluminium as previously approved and these would be flush fitting casements.
- 7.7 The approved dwelling has a footprint of approximately 77 sqm. The current application looks to remove the approved single storey rear conservatory projection (3sqm) and introduce bi-fold doors. The proposed dwelling as shown on drawing H9242/01B has a footprint of approximately 75 sqm representing a reduction compared to the approved scheme. The site layout would remain as previously approved, with tandem parking to the side of the dwelling and soft landscaping to the front.
- 7.8 Concerns have been raised by Earith Parish Council that the footprint of the building has changed dramatically, landscaping has been removed and the dwelling now sits closer to the front of the development than before. As set out above, the footprint of the building is reduced through this S73 application. The area of soft landscaping to the front of the dwelling and the setback from the highway would remain as previously approved.
- 7.9 Overall, it not considered the proposed amendments to the design and materials of the approved dwelling would have any adverse visual impact on the street scene and would preserve the character and appearance of the Earith Conservation Area. It is recommended that conditions 2 and 3 are amended to refer to the currently submitted amended drawings. The proposal accords with Policies LP9, LP11, LP12 and LP34 of

Huntingdonshire's Local Plan to 2036 and is consistent with the design principles as set out in the Huntingdonshire Design Guide SPD (2017).

Residential Amenity

- 7.10 Policy LP14 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of a proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.11 The neighbouring property to the west is No 28 Chapel Road. This property has a single storey side extension in close proximity to the party boundary with 2 ground floor side facing windows and 5 rooflights as well as a first-floor side facing window on the original side elevation. A gap of approximately 3 metres would be retained between the side elevation of the dwelling and No 28. It is not considered the proposed amendments would have any material impact on the occupiers of No 28 compared to the approved scheme.
- 7.12 The rear elevation of the dwelling would face towards the rear elevation of the host property No 37 High Street. The omission of the rear conservatory projection and its replacement with bifold doors would not have any material impacts in terms of overlooking or loss of privacy to the occupants of No 37 and future occupants of the dwelling.
- 7.13 The building to the east of the application site is The Apple Tree Surgery which is not currently in use. There is a footpath separating the sites and it is not considered there would be any amenity impacts to users of the building.
- 7.14 Overall, taking the above factors into consideration, the proposal is considered to be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard.

Highway Safety, Access and Parking Provision

- 7.15 Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements and adequate parking for vehicles and cycles.
- 7.16 It is acknowledged that Earith Parish Council has concerns that the proposal would result in the loss of off-road parking and that any car parked on the road would result in hazardous conditions on a route to the school. No amendments to the vehicle access or the onsite parking arrangements are proposed, from the previously approved application 23/00816/FUL. The access would be to the north end of the site onto Chapel Road and the

- driveway would accommodate 2 parked cars in tandem arrangement as previously approved 23/00816/FUL.
- 7.17 The Highway Authority has raised no objections. The proposed development is considered acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036.

Biodiversity

- 7.18 Policy LP30 of the Local Plan requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible.
- 7.19 The application site was formerly a car parking area comprising hard standing and it was considered to have low ecological value. Condition 6 of 23/00816/FUL required details of biodiversity enhancements which were submitted and discharged under discharge of condition reference 23/80483/COND. It is recommended that the wording of condition 6 be amended to ensure compliance with the approved biodiversity enhancements. Subject to this, the proposal is considered to comply with Policy LP30 of the Local Plan.

Flood Risk/Drainage

7.20 The site is located in a Flood Zone 1 which is considered appropriate for all forms of development. Huntingdonshire's Strategic Flood Risk Assessment (2017) identifies the site as susceptible to groundwater flooding. Details of the proposed soakaway are included on the proposed site plan (H9242/00A) and therefore condition 7 of the original permission requiring further details is no longer required. Furthermore, condition 8 of the original permission required details of foul water drainage which have been approved under reference 23/80483/COND and therefore it is recommended this be amended to a compliance condition. The proposal would therefore comply with Policies LP6, LP12 and LP15 of the Local Plan.

Other matters

7.21 An application under Section 73 of the Town and Country Planning Act 1990, if approved, has the effect of the issue of a new, separate, planning permission. Consequently, the conditions applied to the previous permission to which this application relates must be reviewed and added to any approval of this application where they would pass the tests of conditions set out in paragraph 56 of the NPPF 2023.

- 7.22 The wording of condition 1 in respect of the time limit would be amended so as to not extend the time within which the works must be started in accordance with Section 91 of the Town and Country Planning Act 1990, as amended. The list of approved drawings would be varied to include the amended drawings however the wording of condition 2 (approved plans) will remain to ensure the development is carried out in accordance with the approved plans list. Condition 3 (Materials) would be amended to reference the amended drawing detailing the proposed materials. Condition 4 (Levels), 5 (Landscaping, 6 (Biodiversity enhancement), 8 (Foul Drainage), 9 (Bin and Bike Stores), 12 (Highway Drainage) and 14 (Details/Provision of Temporary Facilities) have been approved under discharge of condition reference 23/80483/COND and would therefore be amended to compliance conditions. Condition 7 (Surface water drainage) would also be amended to ensure compliance with the approved plan. It is recommended that the remainder of the conditions on the original application be imposed on this application and would therefore continue to have effect.
- 7.23 The application has not been accompanied by a completed Unilateral Undertaking for the provision of wheeled bins as required by part H of the Developer Contributions Supplementary Planning Document (2011) and Policy LP4 of the Local Plan to 2036. A completed Unilateral Undertaking form has been requested by Officers and members will be provided with an update on this matter prior to the meeting.

Conclusion

7.24 Having regard to national and local planning policies, and having taken all relevant material considerations into account, it is recommended that application should be approved for the proposed amendments. It is recommended that the wording of all conditions on the original application (23/00816/FUL) be replicated on this application under section 73 of the Town and Country Planning Act 1990, excluding those conditions which will be amended as outlined above.

8. RECOMMENDATION – APPROVAL subject to conditions to include the following:

- Time limit 26th June 2026
- Approved plans
- Materials as detailed on drawing H9242/02A
- Levels as approved under 23/80483/COND
- Landscaping as approved under 23/80483/COND
- Biodiversity enhancements as approved under 23/80483/COND
- Surface water drainage as detailed on drawing H9242/00A
- Foul drainage as approved under 23/80483/COND

- Bin and bike stores as approved under 23/80483/COND
- Removal of permitted development rights for gates
- Access laid to CCC specification
- Highway drainage as approved under 23/80483/COND
- On-site parking provision
- Temporary facilities as approved under 23/80483/COND
- Water efficiency
- M4(2) Building Regulation requirement
- Car parking for No 37

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CONTACT OFFICER: Lucy Pateman (Senior Development Management Officer)

Enquiries: <u>lucy.pateman@huntingdonshire.gov.uk</u>

From:
To: Control, Development (Planning)

Subject: RE: Planning Permission Consultation - 37 High Street Earith Huntingdon (ref 24/00914/S73)

Date: 07 June 2024 12:29:08

Good Afternoon,

Further to the Parish Council meeting held last night the Council have asked me to comment that they have a number of objections to this development, and they recommend refusal of the S73 amendments stated for condition 2 (approved plans) and condition 3 (materials) of this application.

The footprint of the building has changed dramatically and has resulted in a loss of off-road parking for this build. The proposed landscaping has been removed and the building is a different shape and sits closer to the front of the development than before. If cars are parked on the road this will result in hazardous conditions on this major route to the school. The build is situated on a bend in the road that forms part of the one-way system with no footpaths. This development is not on the High Street in Earith and has no access to the High Street so the address given is misleading to the residents. This development sits purely on Chapel Road which is a narrow one-way road in the Village leading to the primary school.

The proposed changes to the plans have made the development footprint too big for the site and has resulted in the build being closer to the surrounding homes and fencing and this creates an overbearing presence in the street scene in this area of the Village.

The Parish Council therefore recommend refusal and would like these comments to be considered when you make your final decision.

Regards

Parish Clerk and RFO

Please note that I work part time so there may be a delay in responding to both email and telephone calls.

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From:

Sent: Friday, May 24, 2024 3:25 PM

Subject: RE: Planning Permission Consultation - 37 High Street Earith Huntingdon (ref 24/00914/S73)

Dear Parish Clerk,

Please find correspondence from Development Management at Huntingdonshire District Council attached to this email in relation to the following application for planning permission.

Proposal: Variation of Condition 2 (Approved Plans) and Condition 3 (Materials) for 23/00816/FUL to remove rear conservation and insertion of bifold doors, grey roof tiles instead

of brown and install flush fitting casement windows.

Site Address: 37 High Street Earith Huntingdon

Reference: 24/00914/S73

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Development Management Huntingdonshire District Council

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Development Management Committee Application Ref: 24/00914/S73

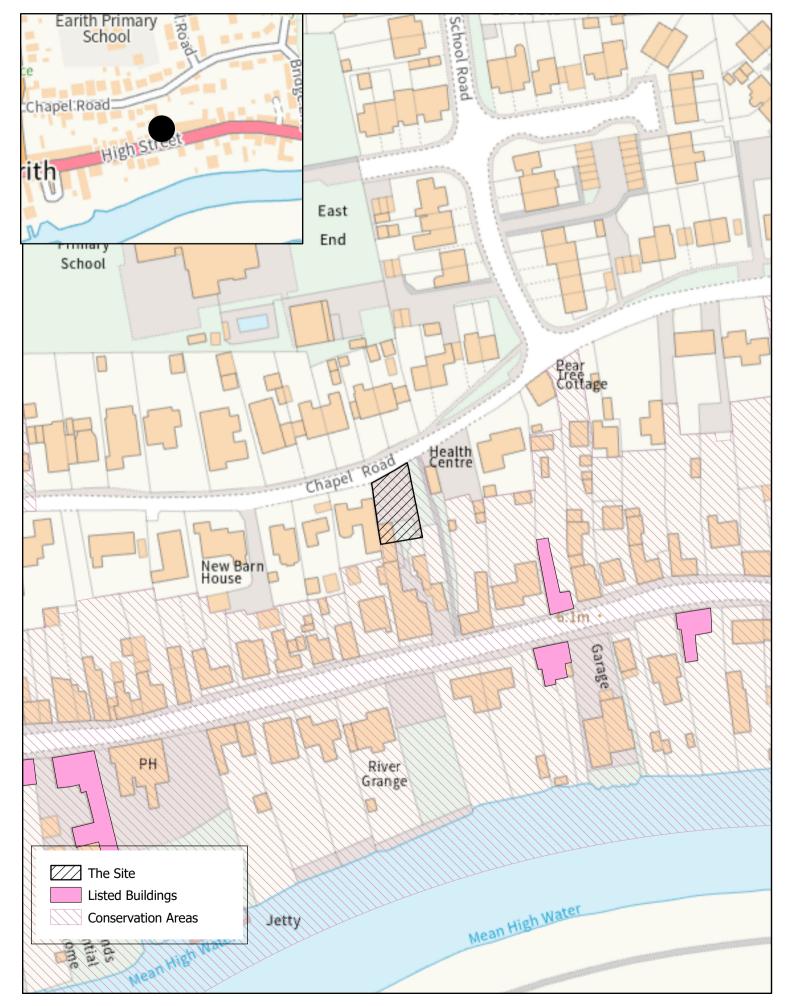


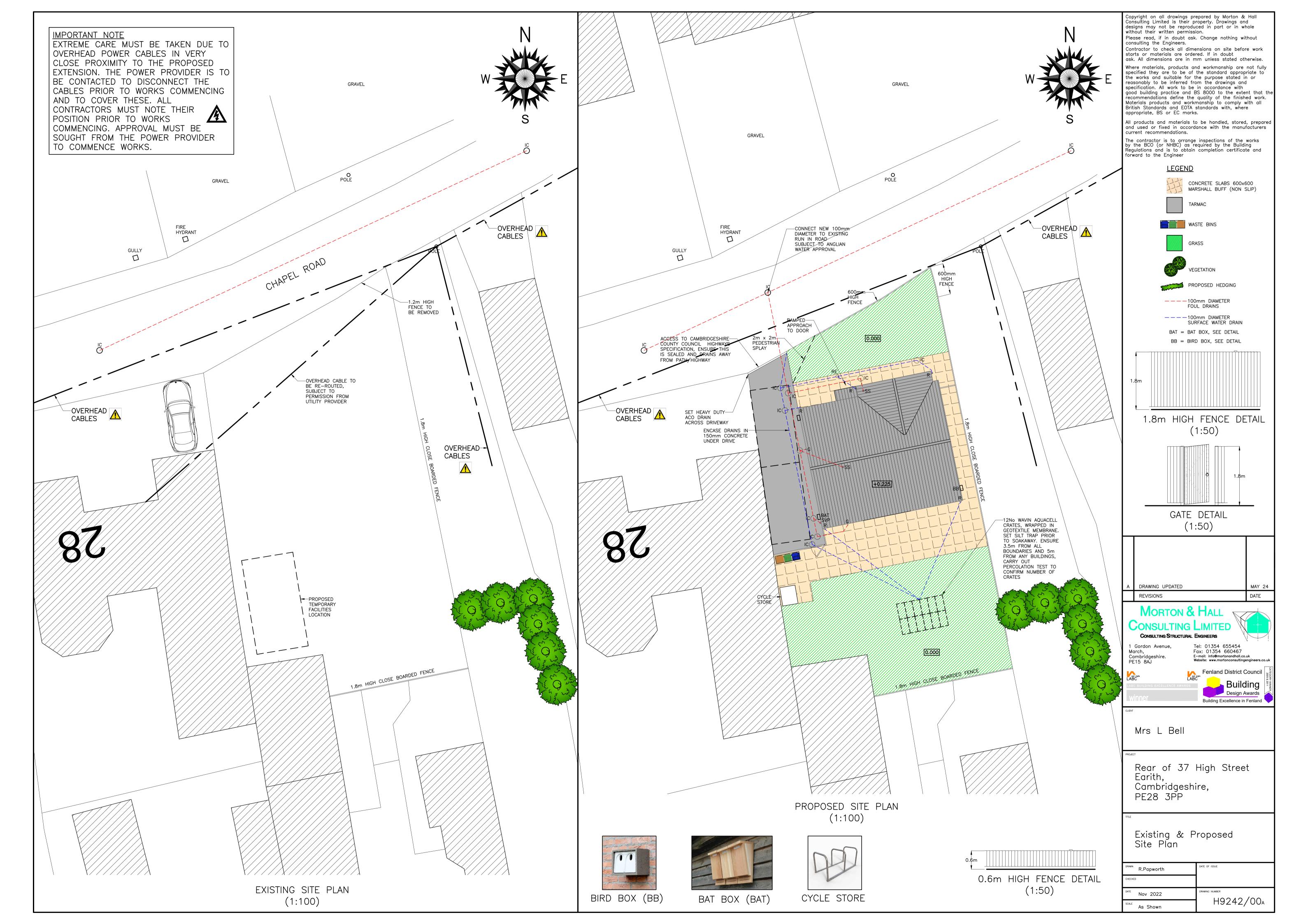
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Date Created: 07/08/2024



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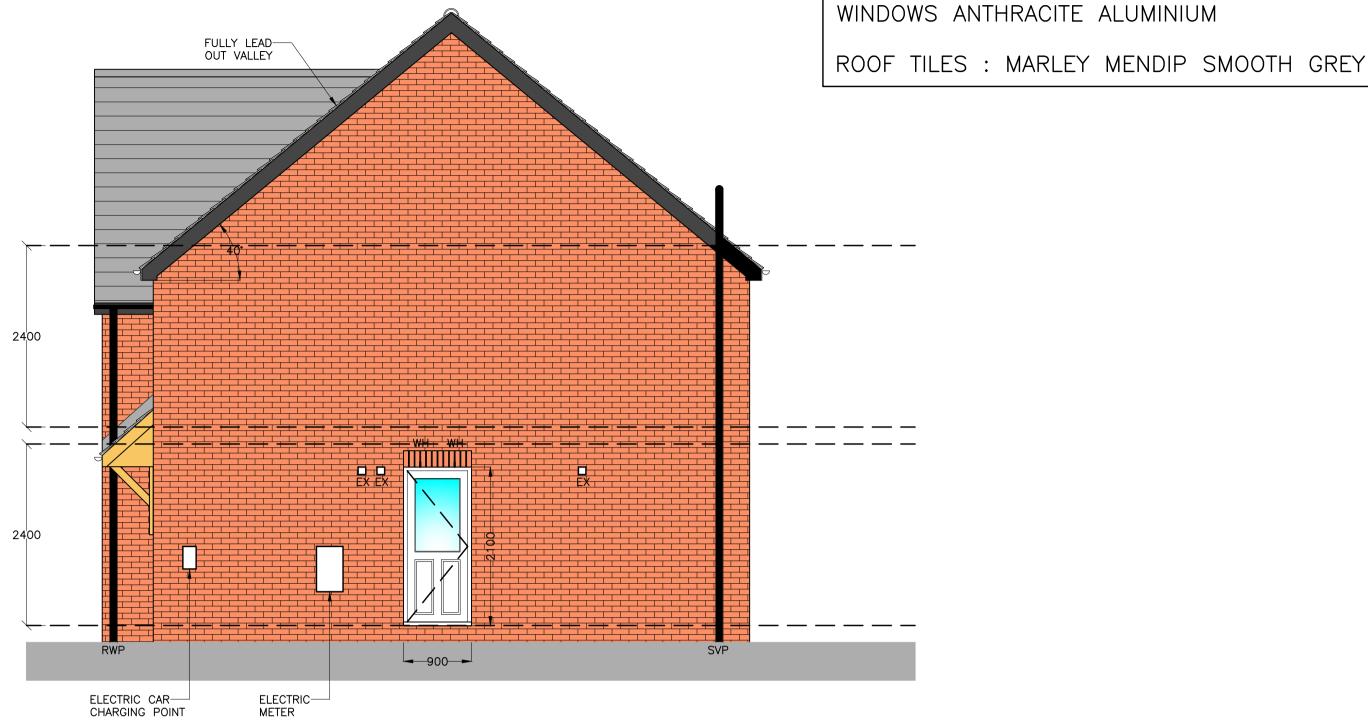




PROPOSED FRONT ELEVATION (1:50)



PROPOSED REAR ELEVATION (1:50)



PROPOSED RHS ELEVATION (1:50)



PROPOSED LHS ELEVATION (1:50)

PHOTOGRAPHIC EVIDENCE DURING CONSTRUCTION

EXTERNAL MATERIALS

WALLS: WIENERBERGER ATHENA BLEND

FASCIA/SOFFIT : BLACK UPVC

APPROVED DOCUMENT L NOW HAS A REQUIREMENT FOR PHOTOGRAPHS TO BE TAKEN FOR EACH DWELLING ON THE DEVELOPMENT AS A RECORD DURING THE CONSTRUCTION OF THE PROPERTY. THE PHOTOGRAPHS WILL NEED TO BE MADE AVAILABLE TO THE ENERGY ASSESSOR AND THE BUILDING CONTROL BODY. ANYONE MAY TAKE THE PHOTOGRAPH OF THE CONSTRUCTIONS DETAILS. FULL DETAILS OF WHICH DETAILS NEED TO BE PHOTOGRAPHED CAN BE FOUND IN APPROVED DOCUMENT L, VOLUME 1, 2021 EDITION APPENDIX B

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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

	DRAWING UPDATED	MAY 24
	REVISIONS	DATE
	1	

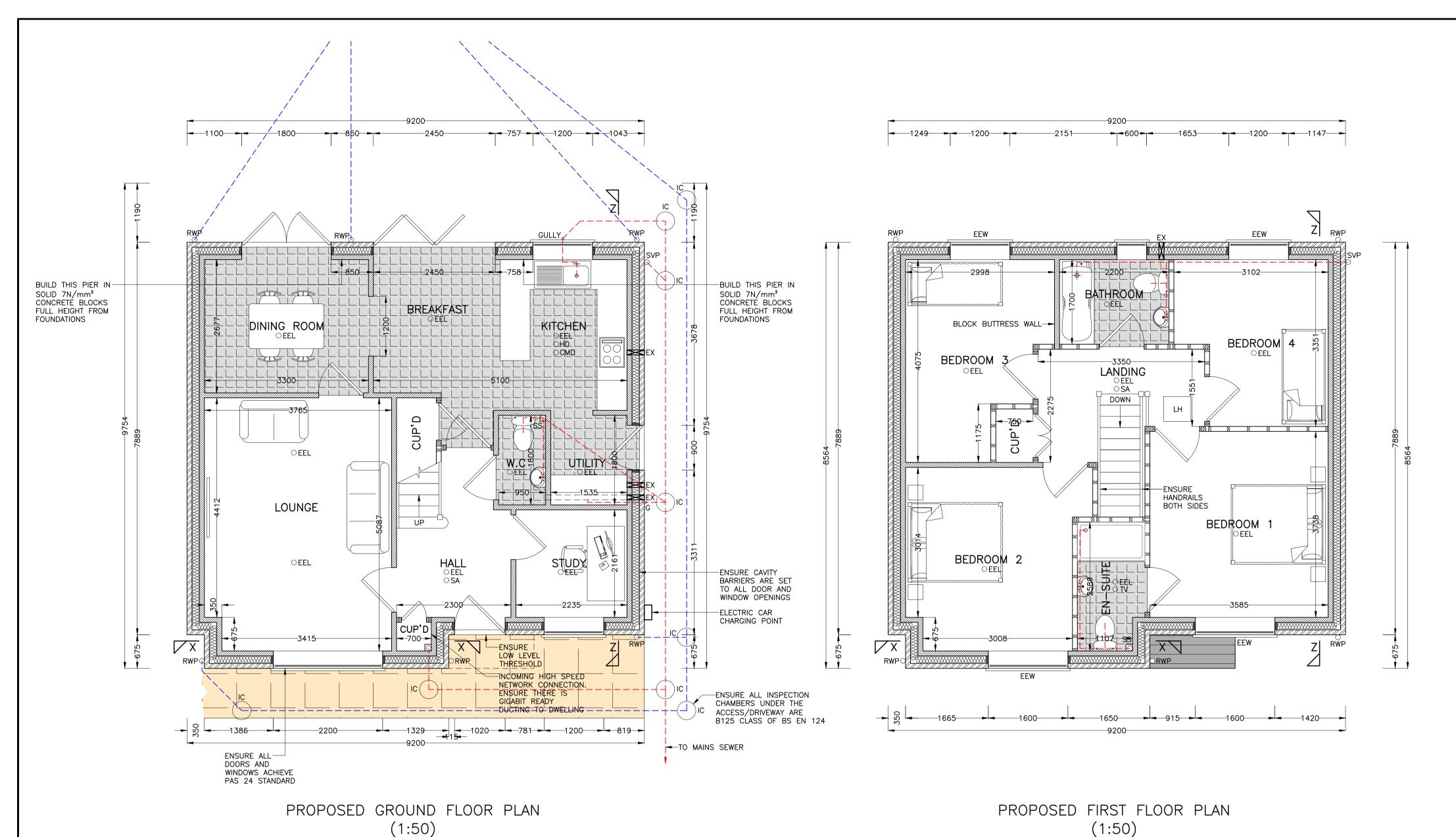


Mrs L Bell

Rear of 37 High Street Earith, Cambridgeshire, PE28 3PP

Proposed Elevations

R.Papworth	DATE OF ISSUE	
CHECKED		
Nov 2022	DRAWING NUMBER	
As Shown	H9242/02₄	



ROOM NAME OPENING VENTILATION OPENING TYPE AREA AREA HALL 10000mm² DOOR 2.14m² STUDY WINDOW 10000mm² LOUNGE 2.97m²10000mm² WINDOW UTILITY DOOR 1.89m² 8000mm² KITCHEN WINDOW 1.26m² 2x8000mm DINING DOORS 3.78m² 10000mm² BREAKFAST DOORS 3.15m² 10000mm² BREAKFAST WINDOWS 7.62m² 10000mm² BEDROOM WINDOW 1.68m² 10000mm² 1.68m² 10000mm² BEDROOM 2 WINDOW BEDROOM 3 1.26m² 10000mm² WINDOW BEDROOM 4 WINDOW 1.26m² 10000mm² BATHROOM WINDOW $0.63m^2$ 8000mm² TOTAL 30.76m² | 132000mm²

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LEGEND

SG = SAFETY GLASS

EX = EXTRACTOR FAN, DUCTED TO EXTERNAL AIR, FAN TO B MOUNTED ON EXTERNAL WALL OR 1.5m MAXIMUM DUCT LENGTH.

OR INCREASE EXTRACTOR CAPACITY TO COMPENSATE FOR THE AIR FLOW LOSSES

SA = INTERLINKED SMOKE ALARM

HD = HEAT DETECTOR

EEL = ENERGY EFFICIENT LIGHT, NUMBER AND POSITION AND TYPE TO BE TO CLIENTS DETAILS. ENSURE THESE ARE A MINIMUM LUMINOUS EFFICENCY OF 75 LIGHT SOURCE LUMENS PER CIRCUIT WATT

SVP = UPVC SOIL AND VENT PIPE

RWP = UPVC RAINWATER PIPE

GULLY = RODABLE GULLY

SS = STUB STACK

TV = TILE VENT FOR EXTRACTOR

EEW = EMERGENCY ESCAPE WINDOW, 800-1100 FROM FLOOR LEVEL, ENSURE CLEAR AREA OF 0.33m², MINIMUM CLEAR DIMENSION OF 450mm

RE = RODDING EYE

CMD = CARBON MONOXIDE DETECTOR

= INSULATED CAVITY CLOSER

EJ = EXPANSION JOINT IN MASONRY, SEALED BOTH SIDES, SET TIES AT 225mm VERTICAL CENTRES

FD30 = 30 MINUTE FIRE RESISTANT DOOR

WH = WEEP HOLE

В	DRAWING UPDATED	MAY 24	
Ā	BUILDING REGULATION QUERIES	JAN 24	
	REVISIONS	DATE	

MORTON & HALL CONSULTING LIMITED CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire. PE15 8AJ



Tel: 01354 655454 Fax: 01354 660467

Mrs L Bell

Rear of 37 High Street Earith, Cambridgeshire, PE28 3PP

Proposed Plans

R.Papworth	DATE OF ISSUE	
CHECKED		
Nov 2022	DRAWING NUMBER	
As Shown	H9242/01 _B	

PHOTOGRAPHIC EVIDENCE DURING CONSTRUCTION

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