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| <b>ITEM NO:</b> | <u>Location:</u>  | <b>The Old Vicarage, Church Lane, Barkway, Royston, SG8 8EJ</b>  |
|                 | <u>Applicant:</u> | Mr & Mrs E Richardson<br>c/o DPA (London)  |
|                 | <u>Proposal:</u>  | <b>Basement extension, ground floor rear extension, first floor rear and side extension and roof extension with 3 rear dormer windows. Front porch, two front bay windows and one rear bay window and one first floor rear bay window. (As amended by plans received 11 November 2016)</b> |
|                 | <u>Ref. No:</u>   | <b>16/01814/ 1HH</b>   |
|                 | <u>Officer:</u>   | <b>Joanne Cousins</b>  |

**Date of expiry of statutory period:** 20 October 2016

**Reason for Delay**

Negotiations with applicant and awaiting bat survey. Extension of time agreed.

**Reason for Referral to Committee**

The development has a floorspace greater than 500sq metres and is on a site of more that one hectare.

**1.0 Relevant History**

- 1.1 Permission granted in 1991 for the replacement of a flat roof with a pitched roof over the attached garage to the western end of the building.
- 1.2 In 1994 permission granted for a detached triple garage with four dormers in the roof to facilitate use of roofspace as a playroom.
- 1.3 A lawful development certificate was granted in September 2016 for a single storey rear extension.

**2.0 Policies**

**2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 - Rural Areas beyond the Green Belt  
 Policy 16 - Areas of Archaeological Significance and other Archaeological Areas  
 Policy 28 - House Extensions  
 Policy 30 - Replacement or Extension of Dwellings in the Countryside  
 Policy 55 - Car Parking Standards  
 Policy 57 - Residential Guidelines and Standards

**2.2 National Planning Policy Framework**

Paragraph 14 'Presumption in Favour of Sustainable Development'  
 Paragraph 17 'Core Planning Principles'  
 6 - Delivering a wide choice of quality homes  
 7 - Design  
 12 - Conserving and Enhancing the Historic Environment

2.3 **Supplementary Planning Document**  
Vehicular Parking at New Development

2.4 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map - October 2016**

Public consultation on the Council's Submission Local Plan has been completed and the Plan is scheduled for submission to the Secretary of State in March 2017. The Policies of the submission Local Plan therefore carry limited weight at this stage (however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption). The policies of relevance in this instance are as follows:-

SP2 - Settlement Hierarchy  
T2 - Parking;  
D1 - Sustainable Design;  
D2 – House extensions and replacement dwellings;  
D3 – Protecting living conditions;  
HE1 - Designated heritage assets  
HE4 - Archaeology

**3.0 Representations**

3.1 **Local residents/site notice** - no representations received.

3.2 **Barkway Parish Council** - raise no objections. The raise the following points:-

1. As all the materials and works traffic will have to come up a narrow road, Church Lane, the Parish Council asks for a 'Construction management plan by condition' regarding times of work and methodology. So no working before 8.00am and beyond 6.00 pm Monday to Friday and no work at weekends.

2. The currently locked entrance on the East side of the plot should be used for works traffic as the North entrance is after a blind corner often concealing roaming children, dogs and other pedestrians.

3. Materials should match or compliment the existing building.

4. It would be appreciated if the surface of Church Lane was resorted to a pristine state at the end of the works as it will have suffered unusually high levels of heavy traffic and goes into potholes frequently.

3.3 **County Archaeologist** - confirms that the development, particularly the excavation of the basement extension foundations and foundation trenches would have the potential to impact upon heritage assets. Recommends that three appropriately worded conditions be included on any planning permission.

3.4 **Hertfordshire Ecology** - request that a professional bat survey be undertaken and if no evidence of bats is found then the application can be determined accordingly. In the event that evidence of bats is found an outline mitigation strategy should be included in order that the impact can be fully assessed. Further Herts Ecology consider the risk to great crested newts is likely to be negligible as no breeding ponds or habitat will be affected by the proposals. However an informative is recommended to ensure that should any be found they are appropriately protected.

3.5 **Herts & Middlesex Wildlife Trust** - object due to the lack of a bat survey. The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding, roosting habitat and there are records of bats from the near vicinity. Therefore there is a reasonable likelihood that bats may be present and affected by the proposals.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2010 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of the presence of European Protected Species it has not acted lawfully. Recent case law (R (on the application of Simon Woolley) v Cheshire East Borough Council) clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed. Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The Old Vicarage is a detached dwelling set within a large plot of 1.0 hectare to the south-west of St Mary Magdalene's Church and within the Barkway Conservation Area.

### **4.2 Proposal**

- 4.2.1 The application seeks permission for additions to the dwelling amounting to an increase of approx. 538 sq. m floorspace over four levels, including the addition of a basement. The lower sections to the western end of the building would be raised to match the higher ridge line of the main building with two gable features formed to the front elevation and two dormer windows to the rear roof slope. A single storey element would be maintained to the western end, a new single storey addition to the rear and an entrance feature to the front elevation would complete the proposals. Overall the additions would be within the width of the existing footprint.
- 4.2.2 With regard to the details of the application the plans pick up architectural features of the main building including replicating the dormers on the rear elevation and window patterns, bay windows and brick work features to the front elevation. The plans have been the subject of amendments which have resulted in a simplified entrance feature and window above and the introduction of a chimney to the end two storey section.
- 4.2.3 A tree report has been submitted by the applicants in support of this application. This shows that trees are in the proximity of the development and whilst no trees need to be removed to complete the work it is recommended that two trees of poor quality be removed these being a Yew and a Lawson Cypress. The location of the basement has been coordinated to ensure that it falls predominantly outside the Root Protection Area.

### **4.3 Key Issues**

- 4.3.1 The key issues here centre on the following matters:
- Impact on the amenity of nearby residential properties
  - Visual appearance and design
  - Impact on the Conservation Area
  - Ecology

- Archaeology
- Construction/highway issues

#### 4.3.2 Impact on neighbouring properties

Given the substantial plot and the position of the additions it is my view that the proposals would have little impact on the living conditions of any of the neighbouring properties.

#### 4.3.3 Visual appearance and Design

The application site is located in the rural area beyond the Green Belt.

Policy 6 seeks to maintain the existing countryside and villages and their character. As this proposal relates to a house extension that does not extend the existing footprint of the dwelling or exceed the existing height of the building and taking into account the size of the plot it is considered that in general terms the proposals will not conflict with the aims of this policy.

Policy 28 and 30 are relevant to house extensions with Policy 30 applying in this instance as the property is outside the settlement boundary. The Policies seeks amongst other things, to prevent extensions that would be harmful to the street scene or result in development that would be poorly related to an existing dwelling and its surroundings. Policy 28 suggests that house extensions are generally acceptable providing they are **"...sympathetic to the existing house in height, form, proportions, window details and materials..."** and **"...pitched roofs are used where appropriate, particularly if the extension is more than the height of a single storey."** Further Policy 30 states that **".extensions will normally be refused if they result in a size, scale and design out of keeping with the original building and give the effect of a new dwelling."**

The proposals are to a substantial county house and remodel existing floorspace while maintaining features of the parent building. I am satisfied that the design, scale and nature of the development is acceptable and will not conflict with current policy.

#### 4.3.4 Impact on Conservation Area

The property is within the Barkway Conservation Area and sits within extensive grounds which include mature landscaping which screen views from the highway. The proposals do not extend beyond the width of the existing building with the main external change being the increase in ridge height to match the main ridge of the building. Overall I am satisfied that this would be acceptable here particularly as features of the parent building are replicated and materials are stated to match. The proposals would satisfy the requirements of sections 7 and 12 of the National Planning Policy Framework in my view.

4.3.5 As the site is in the Conservation Area, I have considered the need for additional conditions and feel that it would be expedient to remove permitted development rights here. The design and scale of the proposed development is unique to this site and future additions should be subject to the control of the Local Planning Authority to ensure that development is appropriate. I would also recommend that a condition be imposed to require precise details/samples of materials to be submitted to ensure that a good quality match is achieved here.

#### 4.3.6 Ecology

The existing property has a large roof and is located adjacent to trees and pods which provide habitats for bats. The nature of the proposals with alterations to the roof may disturb bats and their roosts if they are present in the building. At the time of preparing this report I am awaiting the submission of a Preliminary Roost Assessment which will be the basis for recommendations should bats be found. Members will be updated accordingly at the meeting.

#### 4.3.7 Archaeology

Hertfordshire County Council Historic Environment Team have been consulted on the proposals and have commented that the *"...development site is situated within Area of Archaeological Significance (AAS) no.69 as identified in the Local Plan and is concerned with the medieval core of the village. The site of the medieval manorial complex at the heart of the settlement is located adjacent to the Vicarage at Manor Farm (Historic Environment Record no. 10995) and the Church of St Mary Magdalene (HER no. 4297) 50m to the north-east.."*

As such, I am satisfied that the imposition of conditions recommended would be both reasonable and necessary to ensure that the proposed development would not result in any harm to heritage assets and would comply with relevant local and national planning policy.

#### 4.3.8 Highway/Construction issues

I have noted the points raised by the Parish Council. Whilst I have some sympathy with their concerns I would confirm that conditions can only be applied that are reasonable to the application and can only control matters within the application site. Any damage to the highway would be a matter for the highway authority to resolve and any noise issues would be dealt with under Environmental Protection legislation.

#### 4.4 **Conclusion**

- 4.4.1 Taking into account the comments received from statutory consultees and in view of the conclusions reached above I consider that the proposed development would be acceptable in planning terms and in accordance the provisions of the local plan and the provisions of the NPPF achieving a form of development which does not compromise the amenities of surrounding occupiers or the quality of the local environment and this part of the Barkway Conservation Area. Provided that Herts Ecology do not raise any further material issues or grounds for objection upon the results of the Preliminary Roost Assessment, I consider this application to be acceptable.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

- 6.1 That, subject to the submission of a satisfactory bat survey that confirms that the development will not be harmful to protected bat species, planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.**

**Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A, B, C, D of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

5. **No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
  1. **The programme and methodology of site investigation and recording;**
  2. **The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;**
  3. **The programme for post investigation assessment;**
  4. **Provision to be made for analysis of the site investigation and recording;**
  5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
  6. **Provision to be made for archive deposition of the analysis and records of the site investigation;**
  7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

**Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.**

6. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 5.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

7. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

8. The development shall take place in accordance with the details and recommendations set out in the Tree Survey Report by Econ Associates Ltd (Revision C - 29/09/16) unless the Local Planning Authority agree in writing to vary or dispense with those requirements.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

#### Ecology Informative

In the event of Great Crested Newts being found, work must stop immediately and ecological advice taken on how to proceed lawfully from an ecological consultant, Natural England: 0845 6014523 or the Herts Amphibian and Reptile Group.

1. Keep any areas of grass as short as possible up to, and including, the time when the building works take place so that it remains/becomes unsuitable or Great Crested Newts to cross.
2. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of Great Crested Newts using the piles for shelter.
3. Any trenches or excavations are backfilled before nightfall or ramps provided to allow Great Crested Newts (and other animals) that may have become trapped to escape easily.

#### Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.