

<u>Location:</u>	Rye End Farm Green Lane Codicote Hitchin Hertfordshire SG4 8SU
<u>Applicant:</u>	Dr & Dr K & S Lotzof
<u>Proposal:</u>	Internal and external alterations to Barn, East Stables and West Stables. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.
<u>Ref. No:</u>	20/00643/LBC
<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 13.05.2020

Reason for Referral to Committee:

This application for listed building consent has been called into Committee by Councillor John Bishop due to concerns regarding some works on site.

Reason for Delay:

Case officer resigned and many months of negotiation between the applicant and the Council's Senior Conservation Officer.

1.0 Relevant Policies

1.1 NPPF:
Heritage Sections

1.2 Emerging Local Plan (2011-2031)
Policy HE1 'Designated Heritage Assets'

2.0 Site History

2.1 None relevant

3.0 **Representations**

3.1 **Hertfordshire Ecology:**

Submitted mitigation strategy for bats is acceptable and it is commendable that works to mitigate the impact on bats has started at this building where possible. Every confidence that they will be continued based on current record. **See recommended condition no. 4.**

3.2 **CPRE:**

Proposal needs to be assessed as effecting the character of the listed building and as development within the Green Belt. Concerned that the proposed link extensions undermine the character of the courtyard with a series of out buildings clustered close to the original listed farmhouse. There does not appear to be any justification put forward in the planning application to justify the erosion of this character and layout of existing buildings on this site.

3.3 **Kimpton Parish Council:** **Insufficient detail to comment on the proposal.**

3.4 **Codicote Parish Council:**

Objection:

- Green Belt
- Rare chalk stream must be protected and comments from the Herts & Middx Wildlife Trust must be heeded
- Small bridge over the river on access track totally unsuitable for construction vehicles

3.5 **Herts and Middlesex Wildlife Trust:**

Objection: Bat survey required. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are conditioned in the planning approval.

The design of the buildings (barn and stables) is extremely suitable for bats, they are situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. Therefore there is a reasonable likelihood that bats may be present.

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 2017 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. 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.

In this instance a bat survey of the buildings will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS42020.

3.6 Senior Conservation Officer:

The full assessment of the application is set out in **Appendix 1**. The three preceding assessments on earlier versions are contained on the Council's website.

3.7 Local Residents:

All letters of objection from local residents are displayed on the Council's website. The concerns expressed can be summarised as follows:

Insufficient detail to fully appraise the heritage issues;

Work has started on site which is not appropriate before any consents are issued;

A bat mitigation strategy needs to be undertaken and worked through in accordance with the advice of the Herts and Middlesex Wildlife Trust.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Large grade II listed farm house in substantial grounds with many outbuildings forming a courtyard appearance at Rye End Farm, Green Lane, Codicote.

4.2.1 Proposal

Internal and external alterations to Barn, East Stables and West Stables. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.

4.3 Key Issues

4.3.1 Full a full assessment of this proposal for listed building consent please see attached appendix 1.

4.4 Conclusion

4.4.1 I have nothing to add to the full assessment of the Council's Senior Conservation Officer set out on appendix 1.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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 Listed Building Consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 listed building consent.

3. Prior to the construction of the lean-to against the farmhouse, a sample panel of the brick type, bond and mortar mix shall be erected close to the farmhouse and east stable range and shall either be inspected by the Local Planning Authority on site or photographs submitted to and approved in writing by the Local Planning Authority prior to the construction of the lean-to. Thereafter, the brickwork shall be implemented in accordance with the approved sample panel.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the grade II listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The roof to the lean-to against the farmhouse, shall be covered with clay handmade clay tiles to match the existing section of lean-to roof alongside unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the grade II listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. During the course of stripping the existing roofs to East Stables, Main Barn and West Stables the buildings shall be properly protected and all clay tiles/slates shall be inspected for defects and set aside for reuse. The balance to replace those unsuitable for re-roofing shall be made up either with second-hand salvaged tiles/slates to precisely match the existing or new natural slate/clay handmade tiles subject to samples being submitted to and approved in writing by the Local Planning Authority. Thereafter, the re-roofing shall be undertaken in accordance with the approved materials.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. As part of the conversion works, the roofs to East Stables, Main Barn and West Stables shall retain exposed eaves throughout unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Full details of all wall and roof insulation systems to be used in the conversion of East Stables, Main Barn and West Stables shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby granted consent. Thereafter, the wall and roof insulation systems shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. With the exception of approved drawing no. REF-MNP-WSC-SK-S-4011 Rev P1 received on 21/01/2021, all other sections of the timber frame to the East Stables, Main Barn and West Stables that are deemed necessary to replace or where new sections of frame are required where previous frame members are missing, shall be identified and agreed with the Local Planning Authority prior to the new frame members being formed. Furthermore, where new frame sections are required, these shall be undertaken in oak unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Prior to any works being undertaken to the '*brick cobbled floor*' of the Threshing Barn as referred to at page 74 of the submitted Heritage Statement (Feb 2020), full details as to whether the existing brick cobbled finish is to be retained beneath the proposed new floor surface or salvaged and re-used as part of the new flooring and including details of any proposed underfloor heating system, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the Threshing Barn floor shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Full details of the precise type and size of the roof lights shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the roof lights shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. All window and door joinery (internal and external) shall be manufactured in timber and windows shall have flush as opposed to storm proof frames unless otherwise agreed and approved in writing by the Local Planning Authority. Where windows or doors are shown to receive glazing bars, a 1:1 glazing bar profile including the glazing system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the manufacture and installation of the windows/doors and these shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Details of all internal doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the internal doors shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. All new rainwater goods shall be manufactured in metal and be black painted unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 **Appendices**

7.1 **Appendix 1:** Full report and assessment of listed building matters by the Senior Conservation Officer