

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01594/S73	Removal of Condition 1 (Archaeological WSI) of planning permission 24/00771/FPH granted on 13/06/2024 for: Installation of swimming pool and associated pump house in rear garden. (Development already carried out).	109 High Street Barkway Royston Hertfordshire SG8 8ED

Submitted Plan Nos

1.0 Policies

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework 2023**

Section 2 – Achieving sustainable development
Section 12 – Achieving well-designed and beautiful places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 16 – Conserving and enhancing the historic environment

1.2 **North Hertfordshire Local Plan 2011-2031 (NHLP)**

Strategic Policies

Policy SP1 – Sustainable development in North Hertfordshire
Policy SP9 – Design and Sustainability
Policy SP13 – Historic environment

Development Management Policies

Policy D1 – Sustainable Design
Policy D2 – House Extensions, replacement dwellings and outbuildings
Policy D3 – Protecting living conditions
Policy HE1 – Designated heritage assets
Policy HE4 - Archaeology

2.0 **Site History**

2.1 24/00771/FPH - Installation of swimming pool and associated pump house in rear garden. (Development already carried out).

3.0 **Representations**

3.1 **Press, Site and Neighbour notifications** – None received in respect of this application, but a letter of support has been pulled across from the previous application for reference.

3.2 **Barkway Parish Council** – No comment.

3.3 **HCC Archaeology** – Removal of condition not supported.

3.4 **NHC Conservation Team** – None received.

3.5 **NHC Environmental Health (Air Quality)** – No comment.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Townsend House, 109 High Street is a grade II listed building located within the Barkway Conservation Area. The property is a two-storey residential dwelling set in extensive grounds and lies to the north of the entrance to Townsend Close and to the south of 107a High Street. The eastern boundary of the site adjoins the conservation area and the rural area beyond the green belt. A new dwelling has been constructed to this eastern boundary under 18/00155/FP.
- 4.1.2 The application site is within the settlement limit for the village of Barkway where development is generally acceptable subject to planning policy.

4.2 **Proposal**

- 4.2.1 Removal of Condition 1 (Archaeological WSI) of planning permission 24/00771/FPH granted on 13/06/2024 for: Installation of swimming pool and associated pump house in rear garden. (Development already carried out).

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - The impact that the proposed development would have on car parking provision in the area.
 - The impact that the proposed development would have on the environment.

Design, Appearance and Impact on the Conservation Area:

- 4.3.2 Within a Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Listed Building and Conservation Areas Act (1990). Furthermore, Section 16 (Conserving and enhancing the historic environment) of the NPPF sets out guidance relating to sustaining and enhancing heritage assets. In this regard, Policy HE1 of the NHLP is consistent with the NPPF.
- 4.3.3 The objectives of the NPPF also include Section 12 (Achieving well-designed and beautiful places) and Section 15 (Conserving and enhancing the natural environment). In this regard, Policies D1, D2, CBG1 and CGB4 of the NHLP are consistent with the NPPF.
- 4.3.4 When considering the impact of proposed development on the significance of a designated heritage asset (such as a Conservation Area), the NPPF notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.

- 4.3.5 The application relates to the previous planning approval granted under 24/00771/FPH as detailed above which was considered acceptable and approved. There are no design implications to be considered in respect of the current application.

Impact on Neighbouring Properties:

- 4.3.6 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the NHLP.
- 4.3.7 I am satisfied that the removal of Condition 1 attached to 24/00771/FPH would not impact on existing residential amenity.

Highways and Parking:

- 4.3.8 The proposed development does not include an increase in the number of bedrooms, therefore there would be no car parking issues arising from the proposed development.

Archaeology

- 4.3.9 When considering the impact of proposed development on the significance of a designated heritage asset (such as archaeology), the NPPF (Section 16 – Conserving and enhancing the historic environment) notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. In this regard, Policy HE4 of the NHLP is consistent with the NPPF.
- 4.3.10 Comments have been received from HCC Archaeology team which state that the conditions imposed on the previous approval are still relevant. Although the previous application was for development already carried out, the response from HCC Archaeology team stated: *"Therefore, there is still some potential for archaeological remains to be present, including features from the Roman period. Because the development has already taken place, we recommend that the area immediately adjacent to the pool is archaeologically evaluated. Should archaeological features be found a programme of mitigation may then be devised."*
- 4.3.11 Whilst I respect the importance of such conditions and the need to safeguard and prevent damage to historical finds, I am also aware of the need to consider para 55 of the NPPF which states that planning conditions need to be reasonable. In this case, given that the development has already been carried out, I am of the view that the conditions requested by HCC Archaeology in relation to the area immediately adjacent to the pool are too onerous and unreasonable and that the removal of the condition is reasonable and justified in the circumstances.

Biodiversity Net Gain (BNG)

- 4.3.12 This is a householder application which is exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Environmental Implications:

- 4.3.13 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is compliant with Policies SP1, SP9, SP13, D1, D2, D3, HE1 and HE4 of the NHLP 2011-2031 and Sections 2, 12, 14 and 16 of the NPPF 2023.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 September 2024	