DELEGATED FILE NOTE

CASE OFFICER: ...Richard Tiffin.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00155/FP	Erection of one part two storey and part single storey 3 bed dwelling including double carport together with turning and parking areas.(Amendment to previous approved Planning Permission 17/01586/1 granted 07.09.2017).	109 High Street Barkway Royston Hertfordshire SG8 8ED

Submitted Plan Nos

1613-100 P8 1613-101 P8 1613-102 P8 1613-103 P9 1613-104 P8 1613-105 P3 1613-117 P8 1613-118 P7 1613-109 P8 1613-116 P8 1613-119 P9 1613-120 P8 1613-121 P8

1.0 Policies

LP6 Rural Areas Beyond the Green Belt

LP7	Selected Villages Beyond the Green Belt
LP55	Car Parking Standards
LP57	Residential Guidelines and Standards
SECT7	Requiring Good Design
SECT11	Conserving and enhancing natural environ
SECT12	Conserving and enhancing historic enviro
XCGB1	Rural Areas Beyond the Green Belt
XD3	Protecting Living Conditions
XHE4	Archaeology
XSP5	Countryside and Green Belt

2.0 Site History

2.1 Permission granted for a dwelling nearer to Townsend House under ref 15/01586/1. The applicant does not wish to implement this permission but instead want to build the dwelling subject of the application approved under ref 17/01586/1 now to be amended by this variation. An application for a dwelling further back into the site was refused under ref 15/03169/1.

3.0 **Representations**

3.1 **Local residents** - Representations have been received from occupiers of 6 and 2 Townsend Close. The occupier of No 6 raises concerns over loss of orchard trees and the occupier of No 2 raises no objection on the grounds that the building woud be further away from them compared with the previous approval.

3.3 **Highways** - No objection subject to conditions

3.4 **Environmental Health** - No objection

3.4 **Archaeology** - No objection subject to conditions

3.5 **Barkway PC** – No objection but comments as follows:

Barkway PC considers the movement of the footprint of the previous approved permission to be acceptable, offering greater privacy to the neighbouring properties, whilst the alteration of design, to accommodate over building of the sewer, appropriate.

We note however the concern of residents at the further removal of trees within the plot, formerly an orchard and potential loss of habitiat, and would ask that consideration be given where possible to increased new planting of indigenous fruit trees, on the plot, to reduce the negative impact of the tree removal

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site occupies a position to the rear of both the listed building Townsend House and Townsend Close. The site is currently an orchard.

4.2 **Proposal**

4.2.1 This application seeks full planning permission for the erection of a part two and single storey dwelling including double carport structure with associated parking and turning area. This is the same as that approved under ref 17/01586/1 save that this variation has been moved back into the site (east) by about 5m and has a been widened by 1m to allow access to a main sewer pipe. The red line is the same as before and the view was taken that because the building footprint was moved by 5m a new application would be required rather than considering as an NMA.

4.3 **Key Issues**

4.3.1 Given the principle of development has already been established by the grant of permission under ref 17/01586/1, I am of the view that the only matter to consider is whether the minor change in position and design (to facilitate foul drain) has an material consequences. Given the form of the building is similar and it would be no nearer to neighbours on a large plot, I am not persuaded that moving it east by 5m would have any material consequences beyond those considered in the original application. Indeed it could be argued as better in terms of being further form the listed building Townsend House.

4.4 **Conclusion**

4.4.1 That permission be granted subject to the same conditions imposed on application 17/01586/1, including the condition that should this scheme be implemented that approved behind Townsend House under ref 15/03169/1 can not be implemented.

5.0 **Recommendation**

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

1. The development hereby permitted shall be completed before the expiration of 3 years from the date of this decision notice.

   Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q.2.-(3)

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. The development hereby permitted shall not be brought into use until the proposed access has been constructed, the footway and the verge has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

   Reason: In the interests of highway safety and amenity.

4. The gradient of the access shall not be steeper than 1 in 20 for at least the first 5 metres from the edge of the carriageway.

   Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

5. The access shall be not more than 3.0 metres wide.

   Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

6. The access and parking areas shall be constructed in a hard (bound not loose) surfacing material.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety and to safeguard the living conditions of adjoining residential properties.

7. The turning area as shown on the approved drawing shall be provided, marked out and adequately surfaced and ready for use and shall be retained in that form and kept available for the purposes of the development and maintained thereafter.

Reason: To ensure the development makes adequate provision for the manoeuvering of vehicles likely to be associated with its use.

8. Any vehicular gates on the access road provided shall be set back a minimum of 12 metres from the back edge of the adjacent footway on land that is in control of the applicant and shall open inwards to the site.

Reason: To allow a vehicle to wait clear of the footway while the gates are being opened and closed and to avoid the gates being erected on the highway verge.

9. 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.

10. 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 to E 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.

11. If the development hereby approved is implemented, the scheme approved under LA ref 15/01586/1 shall not be carried out at any time. For the avoidance of doubt, if the scheme approved under LA ref 15/01586/1 is implemented the development hereby approved shall not be carried out.

Reason: The Authority considers that the activity associated with the introduction of two dwellings in this location would be detrimental to the reasonable living conditions of adjoining residential

12. A 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:

The programme and methodology of site investigation and recording;
The programme and methodology of site investigation and recording as identified by the evaluation.

The programme for post investigation assessment;
Provision to be made for analysis of the site investigation and recording;
Provision to be made for publication and dissemination of the analysis and records of the site investigation;
Provision to be made for archive deposition of the analysis and records of the site investigation;
Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B 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 (A)

C 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 (A) and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website https://www.hertfordshire.gov.uk or by telephoning 0300 1234047.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 12 March 2018	