

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/2727/S73B
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NOTATION:

The site lies within the Metropolitan Green Belt and Landscape Conservation Area (52) as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application property comprises of a two storey brick detached dwelling which is accessed by a gated vehicular gravel driveway from the highway known as The Ridgeway. The property is set back from this road by approximately 25 metres and occupies a roughly rectangular shaped residential plot of approximately 56 metres deep by approximately 40 metres at its widest. This curtilage is bordered to the north and west boundaries by the highways of The Ridgeway and Well Road, and on the remaining east and south sides by mature woodland. This adjoining protected woodland is within the same ownership of the applicant and is protected by a Tree Preservation Order (TPO 3 - Woodland area W32).

A single storey building is located just over 5 metres from the dwelling house and comprises of a part brick and wooden framed building which accommodates vehicular garaging accessed by a pair of timber doors on the north elevation and behind this are two smaller storage areas accessed by timber doors on the west elevation. On the east elevation there is a later addition in the form of a lightweight corrugated structure which is accessed by doors on the north elevation and probably formed additional vehicular garaging.

The site is screened in part by mature vegetation along the boundaries adjoining The Ridgeway and Well Road. In regards to the remaining boundaries, the dwelling house is screened by the dense woodland.

DESCRIPTION OF PROPOSAL:

The application seeks variation of the wording of condition 4 of S6/2009/2273/FP to:

'No works of site clearance, demolition or construction, except in respect of the construction of the detached outbuilding required for the re-housing of bats, shall take place in pursuance of this permission until: - A Habitats Regulations (EPS) licence has been obtained from DEFRA. Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the Local Planning Authority'

From

4. No works of site clearance, demolition or construction shall take place in pursuance of this permission until:

- A Habitats Regulations (EPS) licence has been obtained from DEFRA

Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the local planning authority.

PLANNING HISTORY:

S6/2009/2726/S73B – Variation of condition 4 – no decision

S6/2009/2273/FP - Erection of 2 storey side extension, rear extension and new front dormer and replacement front porch and new outbuilding following demolition of existing outbuilding- granted 18/12/09

S6/2008/0182/FP - Erection of two storey side extension and new detached double garage following demolition of existing garage/store - granted 08/05/08

S6/2006/0386/FP – Demolition of Existing Dwelling and Outbuildings and Erection of Replacement 5-Bedroom Dwelling and Detached Garage – refused 18/05/06 and dismissed at appeal

S6/2005/1320/FP - Demolition of Existing Dwelling and Outbuildings and Erection of Replacement 5-Bedroom Dwelling and Detached Garage – refused 13/12/05

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
PPS9 – Biodiversity and Geological Conservation

East of England Plan 2008
ENV3 – Biodiversity and Earth Heritage

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:
None.

CONSULTATIONS

Hertfordshire Biological Records Centre - confirm that there is no objection to the proposed change of wording to these conditions.

PARISH COUNCIL COMMENTS

Northaw & Cuffley Parish Council – state :The PC believe that this condition should remain in place.

REPRESENTATIONS

Potters Bar Society Country Group – advise that the Group object to the variation of these conditions and believe the original wording should remain in place.

Period expired 01/02/10

DISCUSSION:

The main issues are:

- 1) Whether the proposal would impact on protected species.**

Bats

The previous application for this site in the officers report advised:

The main dwellinghouse has been surveyed and bats are present in the existing roof space. A detailed bat report has been produced by a licensed bat consultant and a mitigation strategy is proposed. This will involve carrying out works to the roof at only certain times of the year so that this will not conflict with the breeding season and hibernation of this particular species. As bats are a protected species a high level of protection is afforded for this wildlife and national Planning Policy Statement 9 (Biodiversity and Geological Conservation) and under other legislation (Wildlife and Countryside Act 1981).

Although bats are protected under other areas of legislation, they are still a material planning consideration for the purposes of determining this application. Significant remedial works will have to be carried out to the existing roof as part of the development in addition to the disturbance which will occur to the roof being extended.

It is suggested that it would be reasonable to attach a planning condition therefore to clarify the bat survey report findings that work to the existing roof can only be carried out at certain times of the year and that this work can only commence once a Habitats Regulation licence has been received from Natural England. This has also been suggested by Herts Biological Records Centre. The Bat report submitted by the applicants has identified on page 19 that ‘the earliest possible time to start works is therefore in the spring (March/April) with the restriction that works can only start when the temperatures are above 8 degrees Celsius’. The previous approval on this site gave a more restrictive time in spring as being only April, but with no restraint on temperatures. It would be reasonable to give a longer time period, subject to this temperature in the Spring Period and condition 5 has therefore been modified. HBRC have raised no objections to this extended period.

The applicants have requested a variation of this condition to allow works for the demolition of the existing garage followed by the building of the new garage (with replacement bat roosting sites) as soon as possible.

The new wording of the condition will allow this work to proceed in this manner. No objections have been received by Herts Biological Records Centre and it is accepted the wording on the previous condition was more restrictive than required to facilitate the development works while mitigating the impact on the bats. The requirements of the licence will still be needed for the other works on the dwellinghouse itself, but the new wording will allow the bat replacement roost (the garage) to be constructed in advance on obtaining the bat licence as no bats are present in the garage.

CONCLUSION:

The revised wording of the condition complies with Policy PPS9 & ENV3.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.13.1: Development in accordance with approved details contained in the letter of Jones & sons (Environmental Sciences Ltd) dated 21st December 2009
2. No works of site clearance, demolition or construction, except in respect of the construction of the detached outbuilding required for the re-housing of bats, shall take place in pursuance of this permission until:

- A Habitats Regulations (EPS) licence has been obtained from DEFRA.

Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the Local Planning Authority

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with PPS9 Biodiversity and Geological Conservation.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy Guidance PPS9 and East of England Plan 2008 Policy ENV3, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan.

INFORMATIVES:

1. Please note the requirements in Condition 2 above **imposes a restriction on when certain development works can be carried out** as part of this planning approval in order to protect the bats present on this site. For clarification, this planning condition requires that **a suitable replacement roosting site must be constructed before any works to the roof of the existing house commence.**
2. Due to the impact of the approved works on the existing bat habitat a licence to derogate from the protection of the Habitat and Species Directive in the Conservation (Natural Habitats & c.) Regulations 1994 will need to be granted by Natural England before works start. The licence application will need to include a Method Statement with the results of the surveys (species of bats and roost type). In addition, Natural England will require a copy of the planning consent and a Reasoned Statement providing justification as to why the proposed works meet the requirements of the Conservation (Natural Habitats & c.) Regulations 1994. The mitigation strategy, including the licence application, must be instigated under the personal supervision of the bats consultants.
3. When designing external lighting as part of Condition 2 above, it is necessary to ensure there will be no direct lighting on the bat roosting area, particularly roost access and exit points. Any proposed exterior lighting should ensure dark dispersal flight routes, from the roost sites out into the surrounding woodland.
4. Existing mature trees and hedges should be retained to reduce the potential impact on bats which may be harmful to their habitat.
5. In regards to future bat boxes on trees as part of the mitigation scheme, these should be sited near a source of food. Bats feed over gardens, fields, water and in woodlands. Tall mature tree should be used and the boxes fixed at a height of 4 metres above the ground with the access facing south west or south east. The boxes should not be not too exposed so it will not experience extremes of heat and cold.

Signature of author..... Date.....