

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING DECISION NOTICE – PERMISSION

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

at: VINE COTTAGE WELL ROAD NORTHAW POTTERS BAR

Agent Name And Address

MR P NICHOLAS
BUILDING DESIGN CONSULTANTS
REAR OF 1 HEReward CLOSE
WALTHAM ABBEY
EN9 1QP

Applicant Name And Address

MR & MRS P VICARY
191 CHURCHGATE ROAD
CHESHUNT
EN8 9EJ

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 23/10/2009 and shown on the plan(s) accompanying such application, subject to the following conditions:-

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

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. The development/works shall not be started and completed other than in accordance with the approved plans and details 09044/5B & 09044/1C & 09044/2E & 09044/4 & 09044/6 received and dated 23 October 2009 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. A brick sample to be used in the construction of the external surfaces of the buildings hereby permitted is to be submitted to and approved in writing by the local planning authority prior to the commencement of works for the external walls. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

Continuation ...

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.

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.

5. No construction works (including demolition) to the existing roof of the dwellinghouse shall be carried out on site between the 1st May and the end of August inclusive and between the 1st November and the end of February in any year. In addition, works can only be carried out if temperatures are above 8 degrees Celsius in the Spring (March/April) period. Any other times and temperatures are to be approved in writing by the local planning authority. A suitable replacement roosting site must be constructed before any works to the roof of the existing house commence.

REASON: To protect the breeding season of bats and the winter hibernation period as both brown long-eared and pipistrelle bats have been found in the existing roof space of the dwelling in accordance with the Wildlife and Countryside Act 1981 (As amended) and PPS9 Biodiversity and Geological Conservation.

6 Details of any proposed external lighting to be fixed to the external surface of the buildings hereby approved are to be submitted to the Local Planning Authority for approval in writing. The lighting shall be installed in accordance with the approved details. No further lighting shall be added unless without prior approval from the Council.

REASON: To ensure that no lighting directly impacts on bat roosting areas and, in particular, there is no light spillage to bat access points and to comply with PPS9 and Policy R20 of the Welwyn Hatfield District Plan 2005

REASONS FOR APPROVAL

The proposal has been considered against National Planning Policy Guidance PPS1, PPG2, PPS9 & PPG13 and East of England Plan 2008 Policies SS1, T14 & ENV2 and local plan development plan policies SD1, GBSP1, M14, D1, D2, R17, R20, RA10 & RA3 of the Welwyn Hatfield District Plan 2005), 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 4 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.

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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. Planning permission will be required for the erection of any boundary treatment (apart from hedges) adjoining a highway which is over 1 metre in height.
4. Planning permission will be required for the erection of a perimeter entry gate if it is over 1 metre in height adjoining a highway.
5. When designing external lighting as part of Condition 5 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.
6. Existing mature trees and hedges should be retained to reduce the potential impact on bats which may be harmful to their habitat.
7. 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 too exposed so it will not experience extremes of heat and cold.

Date: 18/12/2009



Tracy Harvey
Head of Development Control