

WELWYN HATFIELD COUNCIL
PLANNING CONTROL BOARD
10th MAY 2001
REPORT OF THE CHIEF PLANNING OFFICER

PCB 10.05.01
PART 1
ITEM NO
FOR DECISION
CPO

S6/2000/1639/FP
ERECTION OF DWELLING HOUSE AND RESTORATION OF NYN PARK ESTATE
NYN PARK, WELL ROAD, NORTHAW, POTTERS BAR

APPLICANT : BESSINGTON INVESTMENTS LIMITED

(Northaw)

1.0 INTRODUCTION

- 1.1 The Nyn Park Estate has a total area of 129 ha (318 acres) and is located to the north of the village of Northaw in the Metropolitan Green Belt. It is bounded by The Ridgeway to the north-west, by Well Road and Judge's Hill to the south-west and by Vineyards Road to the south-east.
- 1.2 At the centre of the estate is the site of the former Nyn House. The most recent house on this site, dating chiefly from the 19th Century, was largely destroyed by fire in 1963 and was subsequently demolished with the exception of a front entrance porch.
- 1.3 There are two vehicular accesses into the site which are both off Well Road, each of which has a gatehouse. The two dwellings in question are known as Hatfield Lodge and Potters Bar Lodge. A further dwelling known as Well House, was built in 1968 and is located close to the western site boundary with Well Road.
- 1.4 The estate comprises extensive areas of woodland, much of which results from earlier commercial forestry planting. The northern part of the estate is designated as a Site of Special Scientific Interest (Well Wood) and the ancient woodland areas form part of the Great Wood to the north of The Ridgeway and are the subject of a Tree Preservation Order.
- 1.5 A large artificial lake in the centre of the estate (Nyn Pond) is also of Nature Conservation interest.
- 1.6 There is a public right of way from Well Road on the western boundary extending 150 metres east to Griffith's Hole well.

2.0 THE PROPOSAL

- 2.1 This application proposes the construction of a dwelling house on the site of the demolished Nyn House, together with the restoration of the larger estate. The main house, in a traditional country house design, would have a footprint of 31 m x 28 m, comprise 3 storeys and have a maximum height of 16.3 metres. Attached to the house would be a garage court, covered swimming pool and gym and guest accommodation. An underground tennis court is also proposed immediately to the south-east of the swimming pool.
- 2.2 The area immediately surrounding the proposed house would be laid to formal and informal garden areas.
- 2.3 The proposed restoration of the estate would recreate the original components of woodland, meadow, heathland, informal parkland and vineyard. This is proposed through the implementation of a landscape strategy which would secure the removal of the extensive coniferous planting, protect and upgrade the SSSI, restore the historic parkland and heathland and increase the native broadleaf woodland within the estate.
- 2.4 Hatfield Lodge and Potters Bar Lodge at the site entrances would be retained while Well House would be demolished.

3.0 **PLANNING HISTORY**

- 3.1 A planning application was submitted under S6/0289/98/FP for a dwelling on the site of the former Nyn House which was a replica of the victorian house. A landscape management plan for the estate was submitted as part of this proposal. Officers had concluded that the proposal constituted inappropriate development in the Green Belt for which no exceptional circumstances were demonstrated. However the application was withdrawn prior to a decision being made.

4.0 **RELEVANT PLANNING POLICIES**

- 4.1 - Welwyn Hatfield District Plan Alterations No 1 1998
- Policy GB 3 – Development in the Metropolitan Green Belt
 - Policy GB6 – Replacement of dwellings in the Green Belt
 - Policy CR 1 – Landscape Conservation Areas
 - Policy CR 6 – Countryside Trees, Woodlands and Hedgerows
 - Policy CR 8A – Nature Conservation – National Sites
 - Policy CR 8B - Nature Conservation – Locally Designated Sites
 - Policy BEV 18 – Archaeology
- 4.2 Planning Policy Guidance Notes
- No 2 – Green Belts
 - No 7 – The Countryside : Environmental Quality and Economic and Social Development
 - No 9 – Nature Conservation
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5.0 **REPRESENTATIONS RECEIVED**

- 5.1 This application has been publicised by the posting of site notices and the direct notification of properties which adjoin the boundaries of the site.
- 5.2 5 letters have been received from local residents, all of which support the application in principle but with concern expressed regarding the following issues :
- * That Well House be demolished as it was only allowed as a replacement for the original country house.
 - * That any illumination of the site be carefully controlled to prevent light pollution.
 - * That construction traffic be controlled to minimise impact on surrounding community.
 - * Seeking assurance that project will be completed in total.
- 5.3 Northaw and Cuffley Parish Council support this application as it would achieve a great improvement within the neglected woodland. Consider this represents a near ideal solution. Express concern that all worthwhile trees be retained.
- 5.4 The Potters Bar Society object on the grounds that the proposed development appears unsustainable and too large in the Green Belt.
- 5.5 The Garden History Society support the proposal as it is based on a historic landscape assessment and because repair, conservation and management of the landscape are envisaged. Also a historical precedence for a family residence within Nyn Park.
- 5.6 Thames Water have no objections to the application.
- 5.7 Detailed comments have also been received from English Nature, Hertfordshire Biological Records Centre, Forestry Commission, County Archaeologist, Environment Agency and BEAMS and will be discussed further later in this report.

6.0 **DISCUSSION**

- 6.1 PPG2 and policy GB3 of the adopted District Plan clearly identify those forms of development which are considered appropriate in the green belt. New residential development is not normally considered to be appropriate. Under the terms of PPG2 and policy GB6 of the District Plan it may be acceptable in certain circumstances to allow the replacement of an existing dwelling in the green belt. However, the previous house on the site was substantially destroyed in 1963 and the site has not been used for residential purposes since that time. In fact, planning permission was granted in 1968 under E/2256/67 for a much smaller dwelling sited on Well Road as a replacement for the old Nyn House. Therefore, I do not consider that the provisions of paragraph 3.4 of PPG2 or policy GB6 of the district plan can be applied in this case. Given that the proposed dwelling is not strictly required in connection with agriculture or forestry it constitutes inappropriate development under the terms of PPG2 and is contrary to policy GB3 of the District Plan. It is therefore necessary to

consider whether very special circumstances exist of sufficient weight to overcome the presumption against inappropriate development in the green belt.

- 6.2 The special circumstances put forward by the applicants can be considered under two main headings. The first of these relates to the advice in paragraph 3.21 of PPG7 which states with regard to the open countryside, that an isolated new house may exceptionally be justified if its is clearly of the highest quality, is truly outstanding in terms of its architecture and landscape design, and would significantly enhance its immediate setting and wider surroundings.
- 6.3 This Council's historic buildings advisor at the Hertfordshire Building Preservation Trust supports this proposal and considers that the applicants have made an excellent case for the layout and design which they have adopted. Therefore, he considers that the proposals meet the requirements of paragraph 3.21 of PPG7 but recommends that strict control be imposed over the approval of materials to be used on the buildings and hard surfaced areas. However, it should be noted that the advice in PPG7 does not supersede in any way the advice on development in the green belt set out in PPG2. In fact, paragraph 4.11 of PPG7 states that policy on green belts as set out in PPG2 is not modified by PPG7. Furthermore, if an isolated new house may only "exceptionally" be justified in open countryside generally, such justification would be even more exceptional in green belt areas, where there is additionally a general presumption against inappropriate development. Therefore, while the architecture is undoubtedly of a high standard, I do not believe that this alone represents special circumstances of sufficient weight to justify inappropriate development in the green belt.
- 6.4 The second case put forward by the applicants relates to their proposals for the restoration of the estate. In support, they have submitted detailed reports covering forestry and estate management, the ecology of the site and a landscape strategy for its restoration. These submissions have been considered in detail by the relevant statutory bodies and this Council's own ecologist. English Nature have confirmed that they do not believe that the proposals will have any adverse impact on the Well Wood SSSI and strongly welcome the applicant's plans for the management of this land. They consider that the proposals for the whole estate represent an important habitat restoration scheme which would potentially enhance the wildlife interest of the SSSI itself.
- 6.5 These views are largely echoed by the Hertfordshire Biological Records Centre who have expressed concern at the declining ecological value of the estate due to a lack of proper management. However, they did initially raise concern over certain aspects of the landscape proposals which were then addressed in greater detail by the applicant. HBRC have now confirmed that they are in favour of the approach proposed to restore the management of the estate subject to the securing of a detailed landscape masterplan to control and guide these works. This also reflects the comments made by the Council's ecologist who considers this to be an excellent opportunity to achieve real landscape and ecological gains from a derelict historic site.
- 6.6 In assessing the environmental and ecological justification for the proposed development, I have had regard to the advice in PPG9 and to policies CR6, CR8A and CR8B of the district plan. I am satisfied that the Well Wood SSSI will not be harmed by these proposals and note English Nature's comments that

this protected area could be further enhanced ecologically. There is a consensus of opinion that the proposals for the restoration of the estate, especially the woodland areas, are sound and represent an opportunity to achieve substantial environmental improvements in this area. My discussions with the Forestry Commission confirm that, in the current market, there could be no viable commercial forestry activity on this site. Therefore, it would not be feasible to pursue the restoration of the estate through a separate forestry enterprise.

- 6.7 Paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the green belt. However, I am satisfied that the impact of the proposed dwelling on the character and openness of the green belt is limited by its secluded location and that the environmental and ecological gains accruing from the restoration of the estate constitute special circumstances sufficient to overcome the presumption against inappropriate development in the green belt. Therefore, I consider that this proposal is acceptable subject to the completion of a masterplan which would provide a detailed framework for the restoration of this landscape. This could be secured through a S106 agreement.
- 6.8 Given that I consider the proposed dwelling to be acceptable in principle, it is also important that its design is of high quality and appropriate to its setting. The applicants have chosen to pursue a traditional form of country house design and, while I would express disappointment that a more modern approach was not considered, there is no question but that the proposed dwelling, by virtue of its appearance and scale, is appropriate to this setting. The scheme originally proposed a substantial enclosed tennis court to the east of the main house. I considered that this appeared incongruous and would be harmful to the setting of the house. The applicants have now submitted plans detailing an underground tennis court adjacent to the covered swimming pool. I have no further objections to this element of the proposal. The construction details of the tennis court are now being considered by the Environment Agency and I will report their formal comments verbally to Members.
- 6.9 There has been some form of country house on this site since the 12th century and the County Archaeologist considers that the proposal is likely to have an impact on significant archaeological remains. The applicants have now submitted the results of an initial field evaluation and the County have confirmed no further objections subject to the imposition of an archaeology condition.
- 6.10 Residents have expressed concern regarding the potential impact of any new boundary enclosures or illumination within the site and I would intend to control these aspects by condition.
- 6.11 There are no highways objections to this proposal but it is important to control the movement of heavy vehicles during both the construction period and the initial extensive landscaping works. I am satisfied that this can be achieved by condition.
- 6.12 The applicants have agreed to the demolition of Well House and I would intend to secure this and the reinstatement of this land through the S106 agreement.

7.0 **CONCLUSION**

7.1 I have carefully considered the arguments put forward by the applicants to justify this development which would normally be considered inappropriate in the green belt. I am not convinced that the architectural merits of the scheme alone constitute the very special circumstances required to justify the development under the terms of paragraph 3.21 of PPG7. However, I consider that the environmental and ecological benefits to be gained from the implementation of the landscape strategy proposed are exceptional and could not be achieved separately from this development. Therefore, together these factors constitute very special circumstances which are sufficient to outweigh the limited harmful impact that this development would cause to the green belt. Therefore, I recommend that planning permission be granted subject to a series of conditions and the completion of a legal agreement as detailed below. This proposal represents a departure from the policies contained in the adopted district plan and so the application must be referred to the Regional Office of the Department of the Environment, Transport and the Regions.

8.0 **RECOMMENDATION**

8.1 I recommend that planning permission be granted in respect of application reference No S6/2000/1639/FP subject to the referral of the scheme to the Secretary of State, and to the completion of a S106 legal agreement covering the following issues:-

1. the preparation of a landscape management masterplan covering the entire area of the application site. The management master plan will include measures by which the implementation of the approved scheme is safeguarded.
2. the demolition of Well House and the reinstatement of the land
3. defining of the residential curtilage of the approved dwelling

and subject to the following conditions:-

1. SCO1
2. The development shall only be carried out in accordance with a landscaping scheme for the proposed curtilage of the new dwelling which shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The scheme shall show:
 - (1) which existing trees, shrubs and hedges are to be retained or removed
 - (2) what new planting is proposed, together with details of the species, size and method of planting.
 - (3) what measures are to be taken to protect both new and existing landscaping during and after development.

The scheme approved shall be implemented and completed in all respects by not later than the planting season following completion of the development, and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON

To enhance the visual appearance of the development

3. SC19 – Materials
4. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995, the details of any new means of enclosure to be erected within the site or along its boundaries shall be submitted to the Local Planning Authority for its prior approval in writing.

REASON

In the interests of visual amenity.

5. Details of any external lighting to be erected within the site shall be submitted to the Local Planning Authority for its prior written approval.

REASON

To avoid any potential for light pollution, in the interests of visual amenity.

6. Prior to the commencement of development, the proposed routes and site access for construction traffic involved in the erection of the dwelling and the restoration of the landscape shall be submitted to and agreed in writing by the Local Planning Authority and construction traffic shall use only those agreed routes and access.

REASON

In the interest of highway safety and the amenity of neighbouring residential properties.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, no development falling within Classes E or F of Part 1 or Class B of Part 4 or Class A(a) of Part 6 or Class A(a) of Part 7 of Schedule 2 to that Order shall take place without the prior written permission of the Local Planning Authority granted on application.

REASON

To enable the Local Planning Authority to exercise control over the siting and size of any future buildings on the site in the interests of safeguarding the openness of the Green Belt.

BACKGROUND PAPERS

Application file S6/2000/1639/FP

Application file S6/0289/98/FP

737/01/05/01