

WELWYN HATFIELD COUNCIL
PLANNING CONTROL BOARD
30TH AUGUST 2001
REPORT OF THE CHIEF PLANNING OFFICER

PCB 50.08.01
PART 1
ITEM NO
FOR DECISION
CPO

S6/2001/114/FP
DEMOLITION OF EXISTING BUILDINGS AND HARDSTANDINGS
AND THE ERECTION OF SIX DWELLINGS TOGETHER WITH
GARAGES, ACCESS, LANDSCAPING AND CONSTRUCTION OF LAKE
LEGGATTS PARK, GREAT NORTH ROAD, LITTLE HEATH,
POTTERS BAR

APPLICANT: MICHAEL SHANLY HOMES

(Brookmans Park &
Little Heath)

1.0 INTRODUCTION

- 1.1 Leggatts Park is an estate of 73 ha (180 acres) in area, located immediately to the north of the settlement of Little Heath and to the east of the Great North Road (A1000). Vehicular access to the estate is by means of a private drive from the Great North Road, opposite its junction with Swanley Bar Lane.
- 1.2 Until 1990, the estate was run as a farm and it now comprises a mixture of pasture and woodland together with several dwellings of varying sizes and their immediate residential curtilages. There are many mature trees of varied species on the site particularly along the drive as a result of the planting programme undertaken in the early days of the estate.
- 1.3 The application site consists of six existing dwellings. The Lodge is located at the entrance to the estate. Leggatts, the large Victorian house, is in the centre and had effectively been used as two separate dwellings for many years. In addition, there is Rose Cottage (a bungalow located to the south of the access drive some 250m from the main entrance) and the Coach House (which originated from the conversion and extension of stables during the 1960s). The Farmhouse, located on the eastern side of the application site, was occupied until last year although all the dwellings are now vacant.
- 1.4 This application is the latest in a series of applications submitted for residential or golf course development since the involvement of the present applicants in the site in 1993. Two earlier planning applications for residential development were refused as contrary to Green Belt policy before planning permission was granted in June 1999 under reference number S6/369/97/FP for the demolition of the existing buildings and construction of 5 dwellings. A copy of my report to the Planning Transportation and Economic Policy Committee dated 15th January 1998 is attached as an appendix to this report. This permission was granted subject to a legal agreement which identified the residential curtilages of the

dwellings and approved a landscape management scheme covering the undeveloped part of the site. This application did not include the Farmhouse which was separately occupied at the time.

- 1.5 In June 2000, planning permission was refused under reference number S6/1999/580/FP for the demolition of existing buildings and construction of an 18 hole golf course with associated clubhouse as it was contrary to green belt policy. However, earlier in 1990 this Council had resolved to grant planning permission for a golf course which included the conversion of Leggatts House to a Clubhouse, subject to the completion of a legal agreement. This agreement was never signed and so that planning permission was never granted.

2.0 THIS PROPOSAL

- 2.1 This application is a revision to the residential layout previously approved in 1998. The application site has now been extended to include The Farmhouse. The application therefore proposes the demolition of all of the existing dwellings within the application site together with existing agricultural buildings, ancillary buildings and the majority of the areas of hardstanding within the site.
- 2.2 The previously approved scheme permitted 5 individual dwellings in replacement for those to be demolished. The smallest, replacing the Gate Lodge had a total floor area of 159 square metres while the largest, replacing one of the two dwellings within Leggatts itself, had a total floor area of 723 square metres. In comparison, this application now proposes 6 individual replacement dwellings (which includes one to replace The Farmhouse). The smallest dwelling proposed, to replace the Gate Lodge would have an unchanged floor area of 159 square metres while the two largest dwellings now proposed to replace Leggatts, have a reduced floorspace of 575 square metres each and overall this scheme proposes marginally less new floorspace than that already approved.
- 2.3 In terms of layout, the proposed location for the dwellings to replace the Gate Lodge and Rose Cottage remain virtually unchanged. As with the previous scheme, the remaining new dwellings are located centrally within the previously developed part of the site with the dwelling to replace the Farmhouse moved further west towards the centre. One of the changes proposed relates to the new dwelling, now known as plot 1, which has been sited slightly further north resulting in the extension of its residential curtilage by some 20m into previously open land. The applicants also propose to pull back the residential curtilages of plots 3 and 4 to exclude the existing and new lakes on the north western side of the application site which would be proposed to be managed as part of a landscape management scheme.
- 2.4 The road layout within the site would also be altered from the approved scheme. Rose Cottage would continue to be accessed from the existing main drive which would then be terminated at this point with the remainder of the existing main drive removed. Plots 1, 2 3 and 4 would be accessed via their new own drives which would branch off from existing tracks within the site.
- 2.5 The dwellings proposed to replace the Gate Lodge and Rose Cottage are very similar in design to those already approved. The design of the remaining new dwellings has been simplified somewhat from the classical Georgian style previously approved. There is no increase in the height of any of the dwellings.

- 2.6 As was required as part of the existing permission, the applicants have confirmed their willingness to enter into a legal agreement to limit the extent of the new residential curtilages and to impose a landscape management plan covering the undeveloped parts of the site, including the acidic grassland in the south eastern corner which would be excluded from any residential curtilage.

3.0 RELEVANT PLANNING POLICIES

- 3.1 Welwyn Hatfield District Plan Alterations, No 1, 1998.

- Policy GB3 - Development in the Metropolitan Green Belt
- Policy GB6 - Replacement of dwellings in the Green Belt
- Policy BEV18 - Archaeology
- Policy CR1 - Landscape Conservation Areas
- Policy CR6 - Countryside Trees, Woodlands and Hedgerows
- Policy CR8B - Nature Conservation – Locally Designated Sites

- 3.2 Planning Policy Guidance Notes
- No 2 - Green Belts

4.0 REPRESENTATIONS RECEIVED

- 4.1 This application has been publicised by the positing of site notices, a press advert and the direct notification of properties adjoining the boundaries of the site.
- 4.2 2 letters have been received from local residents, one in support of the proposal and one objecting to such development within the Green Belt.
- 4.3 North Mymms Parish Council raise no objections.
- 4.4 The Potters Bar Society consider this scheme to be an improvement on previous ones.
- 4.5 Thames Water and the Environment Agency raise no objections.
- 4.6 North Mymms District Green Belt Society raise no objections in principle but raise concerns regarding how any landscape management scheme would operate.
- 4.7 County Archaeologist recommends the imposition of a condition to ensure further investigation.
- 4.8 County Highways Engineers raise no objection subject to the imposition of a condition to control visibility at the access.
- 4.9 Detailed comments have been received from English Nature, Hertfordshire Biological Records Centre and Herts and Middlesex Wildlife Trust. All identify the presence of bats within the main house and express concern at the impact of the development on the ecology of the site, especially the unimproved acidic grassland.

5.0 DISCUSSION

- 5.1 The principle of residential development on this site has already been established in the granting of the earlier planning permission. Therefore, the main issue to be considered now is the acceptability of the changes proposed to the previously approved scheme.
- 5.2 This application proposes the addition of one new dwelling to the 5 previously approved. PPG2 and Policy GB 6 of the current District Plan allow for the replacement of an existing dwelling in the Green Belt under certain circumstances. The applicants have now extended the application site to include the Farmhouse on the eastern side. It is proposed to demolish it and replace it with a dwelling, shown as Plot 3, to be sited some 20m further to the west. While the proposed dwelling would not be sited in the location of the existing, I consider that this revision will help to consolidate all the buildings within the centre of the site and will limit the extent of their residential curtilages and so is acceptable. The proposed dwelling is marginally larger in terms of floorspace than the area it replaces and is no higher. The Farmhouse has not previously been extended and such an increase in size would have been acceptable if proposed as an extension. Therefore, I am satisfied that the addition of a sixth dwelling, to replace the Farmhouse, accords with Policy GB6 and is acceptable.
- 5.3 Revisions to the layout re-locate the dwelling proposed on Plot 1 so that its residential curtilage would now extend further into the open land to the north. This area is screened from views over distance by the woodland to the north and is not visible from public vantage points. Therefore, I do not consider that this revision would be harmful to the openness of the Green Belt and so I could not substantiate a reason for refusal of planning permission on this basis. The revised scheme also reduces the extent of the residential curtilages of 2, 3 and 4 so that they now exclude both the existing and proposed lakes which would remain in an undeveloped area to be controlled by a landscape management scheme. I consider that this will increase our future control over possible unsympathetic formal landscaping in this part of the site.
- 5.4 In response to comments from the nature conservation agencies, the applicants have undertaken a detailed survey of bats in the existing buildings which confirms the presence of a roost in Leggatts. This report also puts forward mitigating proposals to ensure the protection of the bats and I am now satisfied that this can be controlled during the construction period by condition.
- 5.5 This site is not the subject of any nature conservation designation in the current District Plan. However, the County wide Habitat Survey, which will be incorporated into the District Plan Review, will identify a wildlife site along the main access drive and the southern part of the site including the acidic grassland. Planning permission should not be granted for any development likely to harm any wildlife site unless measures are taken to mitigate its effects and reinstate the nature conservation value of the site. The dwellings proposed are outside of the wildlife site, although the garden of plot 4 will be within the designated area. However, planning permission has already been granted for such development and so I do not consider that the layout now proposed would cause any further harm. As with the previously approved scheme I will require the applicants to enter into a legal agreement which would include a landscape management plan to protect and manage the areas immediately alongside the access drive, the area including and surrounding the two lakes and the acidic

grassland in the south eastern corner. I am satisfied that this will afford protection to these ecologically sensitive parts of the site and so is acceptable.

- 5.6 The proposed house types have also been revised and are now less formal in appearance. I consider that they are more appropriate in this countryside location.

6.0 CONCLUSION

- 6.1 I have considered the proposed revisions to the previously approved scheme in the light of green belt policies contained in the District Plan and PPG2. I am satisfied that the addition of a dwelling to replace the Farmhouse accords with Policy GB6 and is acceptable. I am also satisfied through comparison with the previously approved scheme and what is now proposed that the revisions to the residential curtilages are on balance acceptable given the extant permission and due to the secluded nature of the site and conclude that the amended scheme would not harm the openness of the green belt.

- 6.2 The designation of part of the site as a wildlife site has changed since the previous permission was granted. However, I am satisfied that the imposition of a landscape management scheme will protect these important areas and so is acceptable. This proposal was previously referred to the Secretary of State as being a technical departure from the policies contained in the adopted district plan, although the Secretary of State chose not to call in that application this application must also now be referred to the Secretary of State as a modification to the approved scheme.

7.0 RECOMMENDATION

- 7.1 I recommend that planning permission be granted in respect of application reference number S6/2001/114/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 scheme covering the areas previously identified in planning permission reference number S6/369/97/FP
2. the defining of the residential curtilages of the approved dwellings

and subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.

REASON

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

2. The development shall only be carried out in accordance with a landscaping scheme 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. Before any other works on site are commenced in relation to the development permitted, a one metre high chestnut pale fence, or other suitable barrier shall be erected around the outer limit of the crown spread of all trees onsite shown to be retained on the approved plan. This fencing shall be retained in this position until the whole of the development is completed. During this period no materials whatsoever shall be stored, fires started or service trenches dug within these enclosed areas without the prior written consent of the Local Planning Authority.

REASON

To ensure that existing trees shown to be retained, are safeguarded during building operations.

4. No trees shall be felled, lopped, topped, damaged or otherwise destroyed, without the prior consent in writing of the Local Planning Authority.

REASON

The existing trees represent an important visual amenity which the Local Planning Authority consider should be maintained.

5. Before any construction works commence on site, full details or samples of the materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the external appearance of the development is not detrimental to the character of the locality.

6. Both existing and proposed levels of the ground shall be shown on detailed plans and sections, which include finished floor levels of all buildings on the site. The plans shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development, which shall only be carried out in accordance with the approved plans.

REASON

To ensure that the development is carried out at suitable levels, and to ensure a satisfactory relationship between features and buildings both on and off the site.

7. No demolition or development shall take place within the proposed development site unless and until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation work which has been submitted by the applicant and approved by the Planning Authority.
REASON
To secure the recording of any items of significant archaeological material.
8. No demolition of Leggatts House shall take place otherwise than in accordance with a written procedure designed to protect bats visiting the site which shall have been agreed in writing by the Local Planning Authority prior to demolition works commencing, and demolition shall take place in accordance with that procedure.
REASON
To protect the existing bat habitat.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order, no developments falling within Part 1 of Schedule 2 to that Order shall be carried out without the written permission of the Local Planning Authority.
REASON
To enable the Local Planning Authority to control the total amount of development on the site, which is within the Metropolitan Green Belt.
10. The vehicular access width within the highway boundary shall be 4.8m and visibility splays of 2.4m by 160m shall be provided and permanently maintained in each direction, within which there shall be no obstruction to visibility between 0.6m and 2.0m above carriageway level.
REASON
In the interests of highway safety.
11. Any gates provided shall be set back a minimum of 5m from the edge of the carriageway and shall open inwards into the site.
REASON
In the interests of highway safety.

BACKGROUND PAPERS

Application file S6/369/97/FP
Application file S6/2001/114/FP

787/21/08/01