

WELWYN HATFIELD COUNCIL
PLANNING CONTROL BOARD
14TH FEBRUARY 2002
REPORT OF THE CHIEF PLANNING OFFICER

PCB 14.02.02
PART 1
ITEM NO
FOR DECISION
CPO

S6/2001/1530/FP
DEMOLITION OF EXISTING BUILDINGS AND HARDSTANDINGS AND ERECTION
OF SIX DWELLINGS, TOGETHER WITH GARAGES, ACCESS, LANDSCAPING AND
PROVISION OF TWO WILDLIFE LAKES - LEGGATTS PARK, GREAT NORTH
ROAD, LITTLE HEATH, POTTERS BAR (REVISION TO PLANNING PERMISSION
REF. NO. S6/2001/114/FP)

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 now comprises a mixture of pasture and woodland together with six dwellings of varying sizes and their immediate residential curtilages. There are many mature trees of varied species on the site.
- 1.3 This site has a detailed planning history. In June 2000, planning permission was refused for the construction of an 18 hole golf course and associated clubhouse as it was contrary to green belt policy (S6/1999/580/FP). However, earlier in 1990, this Council had resolved to grant permission for a golf course which included the conversion of Leggatts House, subject to a legal agreement. This was never signed and so the permission was never granted.
- 1.4 Planning permission was granted in June 1999 under ref. no. S6/369/97/FP for the demolition of the existing buildings and construction of 5 dwellings. Two earlier applications for residential development were refused as contrary to green belt policy. 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 August last year, this Authority resolved to grant planning permission for a revised residential scheme which included the Farmhouse within the application site and so proposed six new dwellings instead of the five originally approved (in

addition to the retained farmhouse). This application was referred to the Secretary of State as a departure from the District Plan who now confirms that they do not intend to intervene. This permission will be granted subject to the same legal agreement which formed part of the earlier residential approval and which will shortly be completed. A copy of my report to Planning Control Board on 30th August 2001 is attached as an appendix to this report.

2.0 THE PROPOSAL

- 2.1 There is only one change to the scheme that was approved under S6/2000/114/FP and dealt with in August 2001. It is proposed to vary the siting of the building and curtilage for plot 1 by re-orientating it further to the north, so setting the dwelling further away from an established area of trees and shrubs which might otherwise come under pressure from residents to be removed in the future. The land previously occupied by plot 1 would remain undeveloped and would not be included within any residential curtilage. The total area enclosed by plot 1 would remain unchanged from that previously approved.

3.0 MAIN 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
PPG No. 2 – Green Belts

4.0 REPRESENTATIONS RECEIVED

- 4.1 This application has been publicised by the posting of site notices, a press advert and the direct notification of properties adjoining the boundaries of the site. No observations have been received from residents as a result.
- 4.2 North Mymms Parish Council raise no objections.
- 4.3 The Environment Agency has no objections subject to the imposition of standard conditions.
- 4.4 The Countryside Agency has no objections.
- 4.5 The County Highway Authority recommends the imposition of the same conditions as on S6/2000/114/FP
- 4.6 The Hertfordshire Biological Records Centre and English Nature raise no further objections but reiterate the importance of addressing adequately the issue of bats on the site.

5.0 DISCUSSION OF PROPOSALS

- 5.1 The principle of residential development within Leggatts Park has already been established by the granting of earlier planning permissions. The main issue, therefore, is whether the proposed re-siting of plot 1 would accord with green belt policy or have any other adverse impact on landscaping or nature conservation issues within the site.
- 5.2 The re-sited plot would occupy an area of pasture land which is enclosed by mature trees to the north and west. It would cover no greater area than the previously approved plot 1 and would not be visible from outside the site. The size of the dwelling within the plot also remains unchanged. I am satisfied, therefore, that it would have no greater impact on the openness of the green belt at this point and so is acceptable under the terms of policies GB3, GB6 and CR1 of the adopted district plan.
- 5.3 This revision to the layout would improve further the relationship between the dwelling on plot 1 and an area of mature trees and shrubs adjacent to its eastern boundary. This would reduce pressure in the future for the removal of parts of this area of landscaping. Similarly, the revised siting of plot 1 would not have any greater impact on any other areas of landscaping.
- 5.4 In granting earlier planning permissions for residential development on this site, 3 areas of wildlife and ecological importance within Leggatts Park were identified and included within a landscape management plan forming part of a S106 agreement to ensure their long term protection. This current proposal does not impact on any of these areas but, in any event, I would recommend that this planning permissions be granted subject to the same legal agreement. Therefore, I am satisfied that this revised proposal is acceptable in terms of policies CR6 and CR8B of the adopted district plan.
- 5.5 Both English Nature and the HBRC have identified that there are bats on this site. Detailed bat surveys were carried out as part of the previous planning application which were commented upon by the HBRC. The applicants have also now applied to DEFRA for a licence to carry out works on the site. As with the previous permissions, I recommend that a condition be imposed to protect the existing bat habitat and I will continue to discuss this matter with the applicants. In the meantime, I am satisfied that the revised siting of plot 1 raises no new bat issues in this instance.

6.0 CONCLUSION

- 6.1 I am satisfied that the proposed re-siting of the dwelling and curtilage forming plot 1 will have no greater impact on the character and openness of the green belt than the scheme that has already been approved. It raises no new issues affecting the ecologically sensitive parts of the site and so is acceptable. I recommend that planning permission be granted subject to the same conditions and legal agreement as previously.
- 6.2 This proposal was previously referred to the Secretary of State as being a technical departure from the policies contained in the adopted district plan. The

Secretary of State was chosen not to call in any of the previous applications and given that this latest application only represents a minor modification to previously approved proposals it is my view that a further referral to the Secretary of State is unnecessary.

7.0 RECOMMENDATION

7.1 I recommend that planning permission be granted in respect of application ref. no. S6/2001/114/FP subject to the completion of a S106 obligations covering the following issues;

1. The preparation of a landscape management scheme covering the areas previously identified in planning permission ref. no. S6/2000/114/FP
2. The defining of the residential curtilages of the approved dwellings

and subject to the following conditions:

1. SC01 Time Limit Full Permission
2. SC09 Landscaping Scheme Full Permission
3. SC10 Landscaping Tree Protection
4. SC12 No Trees Felling or Lopping
5. SC19 Materials – Details to be Submitted
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 to and approved in writing by the local 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 the 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, granted on application.

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.

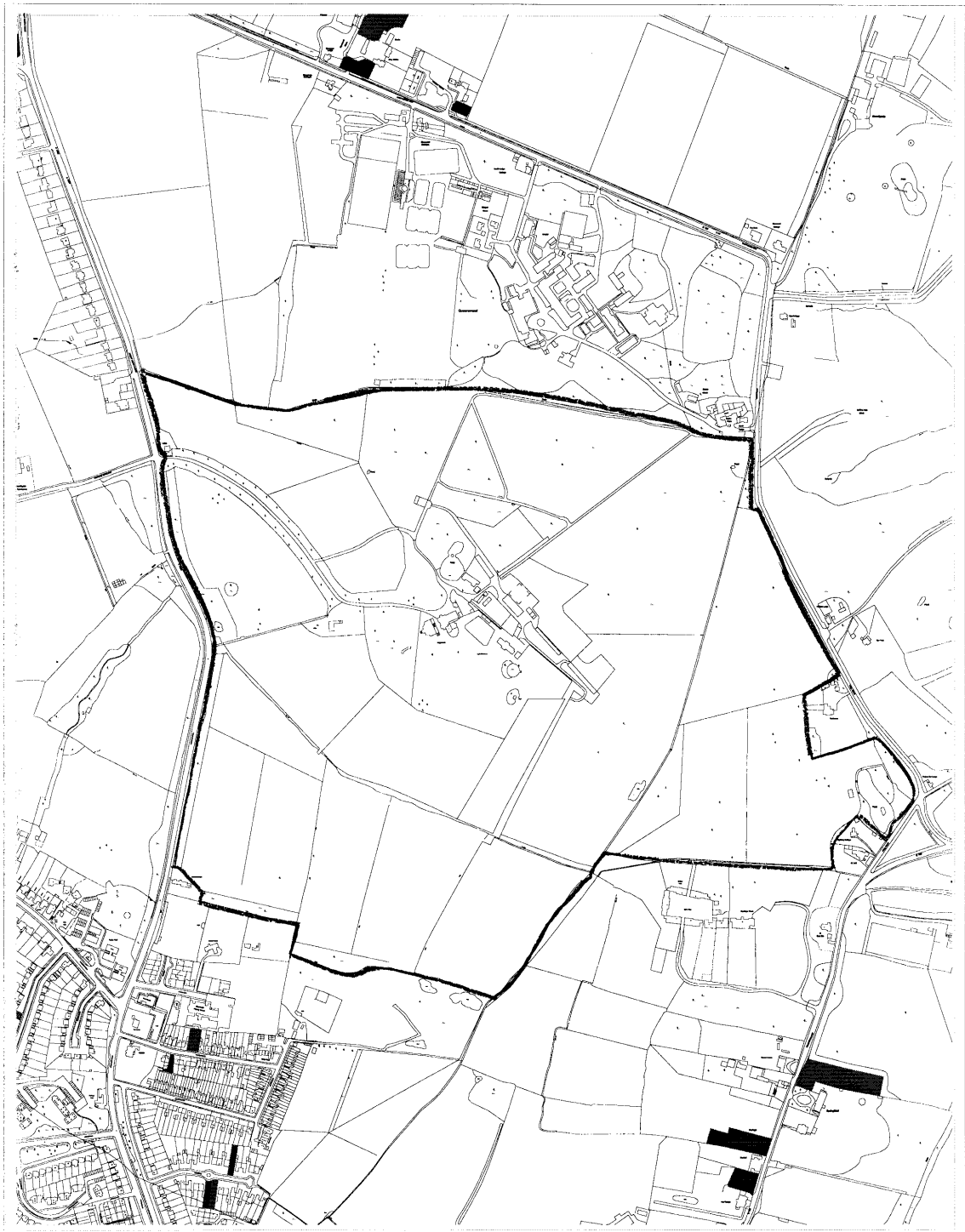
REASON In the interests of highway safety

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 files: S6/369/97/FP
S6/2001/114/FP
S6/2001/1530/FP



**WELWYN
HATFIELD
COUNCIL**

LEGGATTS PARK, LITTLE HEATH

SCALE: 1:7500

DRAWN BY: LIZA WREN

DATE 4th February 2002

Drawing No. 2001/1530

Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

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