

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE
23 SEPTEMBER 2004
REPORT OF THE CHIEF PLANNING AND
ENVIRONMENTAL HEALTH OFFICER

PCC 23.09.04
PART 1
ITEM NO
FOR DECISION
CPEHO

S6/2003/941/FP AND S6/2003/942/LB
CONVERSION, REFURBISHMENT AND CHANGE OF USE OF FORMER GOLF
CLUBHOUSE TO TEN APARTMENTS, CONVERSION OF EXISTING COURTYARD
BUILDINGS TO FOUR DWELLINGS, RETENTION OF THE EXISTING EAST
COTTAGE, ERECTION OF NINE NEW DWELLINGS ADJACENT TO THE MAIN
HOUSE ERECTION OF ONE NEW DWELLING WITHIN THE WALLED GARDEN
WITH NEW GARAGE, STAFF FLAT PLUS ASSOCIATED GARAGING PARKING
AND LANDSCAPING AND SELECTED DEMOLITION OF MODERN EXTENSIONS
TO THE WALLED GARDEN COTTAGE AND MAIN HOUSE
BEDWELL PARK CUCUMBER LANE, ESSENDON, HATFIELD

APPLICANT: SABRE DEVELOPMENTS LTD.

(Hatfield East)

1.0 INTRODUCTION

- 1.1 Members will recall that a report on this application was submitted to the previous meeting of this committee. A decision at that stage was deferred to enable a visit to the site to be carried out by Members of the committee. That visit should have been undertaken by the time of this meeting. The report below is that same as that submitted to the previous meeting, changed only where additional information is available.
- 1.2 The application site, with an area of approximately 5.3 hectares, until recently formed part of the London Hatfield Golf and Country Club with its two 18-hole golf courses (one pay and play at the Old Course and the other a relatively recently constructed Members course) and Old and New Clubhouses. The Club continues to operate and maintain the two courses from the New Clubhouse constructed during the 1990's, on the site of the former Bedwell Park Farm to the north of the application site.
- 1.3 The site is irregular in shape and extends from Berkhamsted Lane in the south to just north of a range of buildings adjacent to the principal Grade II Listed building, formerly the Old Clubhouse. Other than a private residential property in separate ownership, known as Little Bedwell to the west, the application site is surrounded to the north, east and west by the Golf and Country Club.

- 1.4 The site is accessed via a private driveway from the eastern side of Cucumber Lane, close to the junction where the High Road and Kentish Lane (Cumcum Hill) intersect (the B158). This private driveway remains in the ownership of the Golf and Country Club and will continue to serve that use, providing access to the New Clubhouse and associated car parks with a right of access being granted for the application site.
- 1.5 The principal building is a Grade II listed country mansion house dating from several periods but mainly the 1860's. The building is of 2-3 storeys; with the entrance (west) elevation dominated by a four storey tower porch with crenallated parapet and corbelled stone eaves. The building comprises red brick with contrast red brick diaper work, stone windows and cills, below a machine-tiled roof, which has many gables and gabled projections.
- 1.6 To the north of this building lies a courtyard area and the existing East Cottage, linking to a buggy store and tractor shed. plus a more modern detached dwelling known as North Cottage. To the south and west of the principal listed building lies part of the hard surfaced car park that previously served the Old Clubhouse, four hard surfaced tennis courts and associated landscaped gardens and paths linking all parts of the site.
- 1.7 To the south of this lies the former Walled Garden, largely separated from the main part of the site by a Pulhamite wall rockery and hermitage area. Within this walled former kitchen garden is a two storey Victorian cottage, now referred to as the Walled Garden Cottage, which is enveloped by a substantial single storey extension dating from the 1970's. This property is curtilage listed. This property and the walled garden are also reached via a separate access on Cucumber Lane, which is shared with Little Bedwell.

2.0 THE PROPOSAL

- 2.1 The site can be regarded as being in two parts: the main northern part which comprises the listed building, courtyard buildings and East Cottage all of which are reached from the main entrance and accessed from internal drives and pathways and the Walled Garden and Cottage part of the site, accessed separately from Cucumber Lane. Planning permission and listed building consent are sought for the following works:

Principal Listed Building and main northern part of the site

- 2.2 Conversion, change of use and refurbishment of the principal Grade II Listed Building to form ten apartments, with communal landscaped gardens to the east and south. The apartments would be accessed via the main entrance door on the western elevation. Various features of this building are proposed to be restored. Externally these include the reinstatement of the original tower and various chimneys and the replacement of windows and doors to their original size and design. Internally the main staircase is to be reinstated. These works would also involve the demolition of the former men's changing room, a large flat-roofed structure on the front (western) elevation and a single storey flat roofed infill extension at the northern end last used as an office, which would reinstate a small courtyard at this end of the building. Parking in the form of garages would be provided to the west of the building on part of the existing open tarmac-surfaced car park. The garages would be set below a grass bank, with hard standings and turning area to the front. The tarmac would be replaced either with gravel or other

hard surface with a softer granular finish. All of the remaining tarmac would be removed and replaced with soft landscaping.

- 2.3 The existing courtyard buildings adjoining the northern end of the principal building would be converted into four houses and the existing East Cottage would be retained as a residence and refurbished. These buildings would form the southern and eastern sides of a courtyard. On the western side of this courtyard it is proposed that a new two storey detached building be erected to form two dwellings. This area would be known as the Lower Courtyard. The central area would be formally landscaped and the new-build houses would have less formal private garden space to the rear.
- 2.4 To the north of the Lower Courtyard, a new Upper Courtyard is proposed comprising five new dwellings arranged in a horseshoe shape to close the courtyard to the north. Again the central area would be formally landscaped with some of the properties having less formal private gardens. Additional information has recently been submitted relating to the external elevations of the five Upper Courtyard dwellings.
- 2.5 The materials of construction for the new upper and lower courtyard dwellings and the conversion where necessary comprise stock brickwork to match the existing, detailed with stone copings, cills columns and special features, with slate roofs and black aluminium rainwater goods.
- 2.6 Parking for the Upper and Lower Courtyards would be provided in two small garage courts, together with areas of open parking amongst the amongst the existing and proposed landscaping. These parking areas would be accessed via existing access roads and paths and would be screened by existing and proposed landscaping.
- 2.7 Within this part of the site the following buildings and structures would be demolished: North Cottage, a detached 1970's dwelling, the buggy store, tractor shed and courtyard store.
- 2.8 A new detached six-bedroom dwelling is proposed to the west of the Upper and Lower Courtyards, with a detached double garage. The building would be two-and a half storeys in height with accommodation within the roof void at second floor and two small dormer windows on the front and rear elevations and external chimneys at each gable end. There have been minor revisions to this building since the proposal was originally submitted involving the repositioning of windows on the front and rear elevations. The external materials of construction would be stock bricks below a slate roof, detailed with brick stitching, and recessed brick band courses, stone copings, special features and cills. This dwelling would be sited within an existing hard surfaced area concealed from the adjacent parkland by a mature tree belt.
- 2.9 A further detached six-bedroom dwelling with staff accommodation above the garage is proposed on one of the two pairs of hard surfaced tennis courts, to the south west of the principal building. This dwelling would have a similar external appearance and materials of construction as the Upper Courtyard House above, save for the roof materials which would be tiles to reflect the Grade II listed building. It would have an attached triple garage with accommodation above. This property would be accessed by an existing drive running from the south from the main private drive.

- 2.10 New gates and cobble sets are proposed at the entrance to the application site to the front of the main building and at the entrance to the Tennis Court detached dwelling site. In addition the whole site and the curtilages of the Upper Courtyard and Tennis Court dwellings would be enclosed by a boundary treatment comprising railings of a design to reflect the age and character of the principal building.
- 2.11 Landscaping improvements are proposed to restore the original gardens to their former Victorian character and detailed drawings and proposals have been submitted in this regard.

Walled Garden and Cottage

- 2.12 With regard to the Walled Garden Cottage, the somewhat unsympathetic 1970's single storey extensions would be removed and the original cottage would be reinstated. A new six-bedroom detached dwelling is proposed to the east of the original cottage, again of two-and-a-half storey appearance like the other new-build detached houses, with some accommodation within the roof void. It would be linked to the original modest cottage by a single storey flat roofed glazed link. The cottage would provide ancillary residential accommodation in the form of a gym and home office. To the west of the cottage would be a new triple garage with staff flat above, again linked to the cottage by a similar glazed link. This proposal has been modified from the original submission with the main house being repositioned 2.0 metres back from the existing garden wall, with lead flashing between the end of the new dwelling and the garden wall, modifications to fenestration and deletion of one of the dormer windows in the garage.
- 2.13 The Walled Garden would be restored and the existing outbuildings would be retained and adapted as a garden room, hobbies room and pool house. There would be a new uncovered pool and tennis court on part of the garden. This part of the site would be conveyed to the Walled Garden house to ensure it would be retained in single ownership in order to safeguard the long-term future.
- 2.14 It is proposed that a new vehicular access with entrance gates would be created into this part of the site from Berkhamsted Lane to the south, and the existing shared access with Little Bedwell retained and modified as a tradesman's entrance.
- 2.15 The applications have been supported with a detailed 'Planning Statement'; Development Appraisal; Survey of the condition of the building; a report on the historic landscape value of the site and proposals for its restoration; an arboricultural survey and a traffic assessment.
- 2.16 The applicant and their agents' are aware that as the site lies within the Green Belt the development proposed in relation to the new-build units would normally be regarded as inappropriate development, harmful to the openness of the Green Belt. However, they are advancing an argument that the proposals are submitted as enabling development to provide for the restoration of the listed buildings and their landscaped setting and that provides the very special circumstances to justify setting aside Green Belt policy. The principal listed building on the site is in a very poor state of repair, largely as a result of the first and second floors and part of the ground floor being unused for a period in excess of 20 years and with the loss of important physical features from the main building such as the tower and the main

staircase. The walled garden cottage has been unsympathetically extended which detracts from its historic and architectural integrity. It is argued that the proposals have been carefully prepared in the context of the English Heritage Policy statement "Enabling Development and the Conservation of Heritage Assets" published in June 2001. The Policy Statement sets out practical guidance to both local authorities to assist in their assessment of applications for enabling development and also to developers on the submissions required to justify their proposals. Specifically the Policy Statement States that:

"The essence of a scheme of 'enabling development' is that the public, typically the community in a particular area, accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent. Such proposals are normally only entertained when the funds cannot be generated in any other way. So, unlike most planning decisions, the financial consequences of the granting of permission are not only relevant but fundamental to the decision making process." (Page 13).

2.17 The Policy Statement sets out on Page 7, seven criteria that enabling development should meet:

- The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
- The proposal avoids detrimental fragmentation of management of the heritage asset;
- The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
- The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
- Sufficient financial assistance is not available from any other source;
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
- The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development.

Attached as Appendix A to this report is an extract from the 'Planning Statement' submitted in support of the applications where the applicant's agents set out those seven criteria and seeks to demonstrate that their scheme meets the criteria. Attached as Appendix B is an extract from the Development Appraisal.

2.18 In summary, the supporting argument is that:-

- there is a vital and urgent need to ensure the restoration of the Bedwell Park heritage asset;
- given the Green Belt location, enabling development is seen as the only potential route for a comprehensive restoration and the proposal put forward is the best conceivable alternative for securing its future;
- the financial appraisal is based upon sound principles and demonstrates that the redevelopment is the minimum necessary to secure the asset while ensuring that the project is wholly viable;
- the development would not give rise to any disbenefits as considered likely by the English Heritage Policy Statement, as the proposal would represent

betterment over and above the proposals previously granted for the site, in terms of reducing the impact upon the listed building and traffic generation;

- The development would also secure important associated benefits that would allow for the restoration and enhancement of the landscaped grounds of the house, which although not included within English Heritages Register of Historic Parks and Gardens are of importance and it would allow for the demolition of buildings and features that detract from the heritage asset.

3.0 RELEVANT HISTORY

3.1 The following applications are of relevance:-

- **S6/2001/0208/LB** and **S6/2001/0210/FP** – permission and listed building consent for an extension to the existing Country Club for a health and leisure facility, change of use of part of the building for nine residential units, office and conference use at the Old Clubhouse, January 2002.
- **S6/2001/0209/OP** - outline planning permission for the replacement of the pair of cottages at Farm Cottages with a single dwelling with new double garage, August 2001.
- **S6/2001/0211/OP** – refusal of outline planning permission for the erection of a single dwelling and double garage adjacent to the site of the former Gas House, August 2001.
- **S6/2001/0394/OP** - refusal of outline planning permission for the demolition of the single storey extensions, retention of the existing building as a single dwelling, with a single storey side extension on either side, plus two new dwellings and garages at the Walled Garden Cottage (then referred to as The Seminar House), August 2001.
- **S6/1996/0483/LB** – listed building consent for single storey extension to provide new laundry, enlarged ladies locker room and removal of vent, August 1996.
- **S6/1995/0414/FP** and **S6/1995/0539/LB** – permission and listed building consent for conservatory,
- **S6/1993/0709/FP** and **S6/1993/0710/LB** – permission and listed building consent for single storey extension to golf club house, December 1993.
- **S6/1990/1017/FP** and **S6/1990/1020/LB** permission and listed building consent for demolition of maintenance building, external alterations and single storey extensions to enable extended building to be used for hotel, golf and country club, December 1991.
- **S6/1987/0135** – permission for 18 hole public golf course, July 1987.

4.0 MAIN RELEVANT PLANNING POLICIES

4.1 The following policies are relevant to the determination of this application

Hertfordshire Structure Plan Review 1991 - 2011:

- Policy 1 – Sustainable Development
- Policy 5 – Green Belt
- Policy 6 – Settlement Patterns & Urban Concentration
- Policy 25 – Car Parking
- Policy 29 – Traffic and Road Safety Implications of Development Proposals
- Policy 38 – Critical Capital & Other Important Environmental Assets
- Policy 43 – Landscape Conservation Areas

Hertfordshire Structure Plan Alterations 2001- 2016 (Deposit Draft Feb 2003):

- Policy 5 – Green Belt
- Policy 6 – Settlement Pattern & Urban Concentration
- Policy 25 – Car Parking
- Policy 29 – Traffic & Safety Implications of Development Proposals
- Policy 38 – Critical Capital & Other Important Environmental Assets
- NEW POLICY – Landscape Character
- NEW POLICY – Design and Quality of Development

Welwyn Hatfield District Plan, Alterations No 1, 1998

- Policy GB3 – Development in the Metropolitan Green Belt
- Policy GB4 – Development in Settlements within the Green Belt
- Policy GB6 – Replacement dwellings in the Green Belt
- Policy HC15 – Recreational Open Space
- Policy HC16 – Play Space Provision in New Residential Development
- Policy BEV15 – Listed Buildings
- Policy BEV16 – Alternative Uses for Listed Buildings
- Policy BEV17 – Demolition of Listed Buildings
- Policy BEV18 – Archaeology
- Policy CR1 – Landscape Conservation Areas
- Policy CR11 – Re-use of Buildings in the Countryside
- GEN CRITERIA 1 (Design and Siting of Buildings)
- GEN CRITERIA 2 (Landscaping)
- GEN CRITERIA 4 (Servicing, Access and Car Parking)

Welwyn Hatfield District Plan Review Revised Deposit Version, June 2002:

- Policy GBSP1 – Definition of the Green Belt
- Policy GBSP2 – Towns and Specified Settlements
- Policy R12 – Wildlife Sites
- Policy R13 – Protection of Species
- Policy R23 – Works to Listed Buildings
- Policy R24 – Alternative Uses for Listed Buildings
- Policy R25 – Demolition of Listed Buildings
- Policy R27 - Archaeology
- Policy M3 – Transport Assessments
- Policy M19 – Parking Standards for New Development
- Policy D1 – Quality of Design
- Policy D3 – Design for Movement

Policy OS3 – Play Space and Informal Open Space Provision in New Residential Development
Policy RA1 – Development in the Green Belt
Policy RA2 – Development in settlements within the Green Belt
Policy RA4 – Replacement Dwellings in the Green Belt
Policy RA10 – Landscape Conservation Areas
Policy RA19 – Re-use of Rural Buildings
Policy RA31 – New Development Using Rural Roads
Supplementary Design Guidance
Supplementary Planning Guidance – Parking Standards

National advice

PPG1 – General Policy and Principles
PPG 2 – Green Belts
PPG 15 – Planning and the Historic Environment
PPS 7 – Sustainable Development in Rural Areas

Other advice

English Heritage Policy Statement “Enabling Development and the Conservation of Heritage Assets” published in June 2001

5.0 REPRESENTATIONS RECEIVED

5.1 The application has been publicised by press and site notices and the direct notification of all neighbouring properties by letter. Ten letters of representation have been received. Objections were expressed on the following grounds:

- Form of development not appropriate in the Green Belt. Developments would be contrary to PPG 2 and District Plan policies.
- If permitted within Green Belt in the absence of proven very special circumstances, a precedent would be set making it difficult to resist similar schemes in the vicinity, resulting in the erosion of the Green Belt and the rural character of the locality.
- The enabling argument that the developer is putting forward presumably is the very special circumstances to justify setting aside established Green Belt policies. This argument and the financial appraisal accompanying it should be very carefully scrutinised and the English Heritage Policy Statement with regard to the assessment of enabling proposals heeded;
- The intensity of new development would have an adverse effect upon the historic character and appearance of the Listed Building and its setting, contrary to Policies BEV15 and BEV16 of the adopted plan.
- Proposals fail to comply with the criteria contained in policies relating to the re-use of rural buildings, as the increased density of development and intensity of use would have an adverse impact upon the local environment and would be inappropriate development in a Green Belt location;

- Little Bedwell is the nearest existing dwelling to the development. Proposals for the Walled Garden House in particular are in close proximity to Little Bedwell and there is concern about the impact of this 2½ storey dwelling upon the amenity of occupiers of this property;
- Increase in traffic and vehicle movements at the entrance to the site, the junction with Cucumber Lane, Kentish Lane and the High Road and at the junction of Cucumber Lane and Berkhamsted Lane and along these respective roads. All of these roads and junctions are already dangerous and have been the subject of accidents and should be improved to accommodate the traffic from an additional 24 dwellings. In particular the proposed new access from the Walled Garden into Berkhamsted Lane would be extremely dangerous. The proposed access comes out into a part of the lane that is only 12 feet wide, with a high kerb on the opposite side of the road. The Highways Department have already displayed warning signs due to the danger. Two cars cannot pass safely at this point. The approach from Cucumber Lane into Berkhamsted Lane is from a blind corner on a very narrow piece of road. The configuration of Berkhamsted Lane is such that at the proposed new access it would not be possible to see oncoming traffic from either direction and this, combined with the narrowness of the road would be extremely hazardous to highway safety. The only safe and practical access for the Walled Garden is the existing one.
- Existing services – water, drainage and sewerage, are already stretched beyond their capacity. The scheme will worsen the current situation to an unacceptable degree. If permitted the provision of mains water, drainage and sewerage should be explored. The inclusion of a pumping station within the schemes would be suitable.

5.2 Essendon Parish Council – have sent two letters of representation on the proposals. In the first letter the Parish Council comment as follows.

“The general principle of repairing and restoring the main listed building, grounds and the garden cottage listed building are welcomed. The principle of enabling development is accepted, although the particular circumstances of the site standing within the Green Belt is an important consideration. The proposed repair and refurbishment of the main listed building into 10 flats and the conversion of ancillary buildings to the north are acceptable as is the associated enabling housing development to form the enclosed courtyard and adjacent house. The house to be built on the tennis court is acceptable as it yields profits necessary to fund the restoration of the main house. The restoration of the grounds and architectural features is particularly welcomed. Concern must be expressed at the proposed development around the garden cottage site. In our view, insufficient balance has been struck between the scale of the proposals. Of particular concern are:

- Inadequately justifiable development in the Green Belt.
- Poor rather anonymous design, too assertive and dominant over the listed cottage and showing no discernable relationship with either the garden cottage or other architecture on the site.
- The proposed new driveway correctly leads to the listed cottage, yet the architectural dominance of the house to the side attracts and therefore distorts

perceptions away from the garden cottage, undermining it as the heritage centrepiece.

Doubts must be expressed at the safety of the proposed driveway at its junction with Little Berkhamsted Lane. The lane is very narrow here and visibility restricted. In addition, the proposed exit is very close to the junction of Little Berkhamsted Lane and Cucumber Lane. Concerns are held on both counts about the safety of this position for the proposed exit. It was, however, felt to be more preferable to more traffic using the shared entrance in Cucumber Lane. It was hoped that any entrance gates would be well set back from the road and in keeping with the rural surroundings.

In summary while the Council accepts the principle of enabling development and welcomes many of the proposals, it remains unconvinced of the benefit to the site architecturally or in conservation terms of the proposed large house at the garden cottage end of the site. A house more in keeping and of a style reflecting the relationship with the existing cottage, perhaps echoing the garage/staff block on the other side would be more acceptable. This would then bring the scheme in line with PPG15, good conservation practice and the guidance set by English Heritage on enabling development.”

In the second letter, the Parish Council endorse the written comments of one of their Parish Councillors, Councillor M D K Brown, in respect to the requirements of Policy OS3 in the Welwyn Hatfield District Plan Review Revised Deposit Version, June 2002 relating to the provision of play space and informal open space in new residential developments. The Parish Council is concerned, on behalf of residents of the village, that the scheme will lead to an adverse impact on the existing leisure facilities available to children in the village. At a site meeting between the Parish Council and the developers, this point was discussed. The developers, write the Parish Council, were not unsympathetic to the issue, but had a concern that this should not undermine the enabling development case. The Parish Council consider that a commuted sum of £30,000 (a preliminary estimate for the works) should be secured through a Section 106 Agreement to provide new playground equipment and a safety surface at the existing play space and playground adjacent to the school in School Lane. It was felt that this would represent an insignificant sum that would not undermine the developer’s case for enabling development. The Parish Council state that this matter had been discussed with the (then) Head of Strategic Planning.

- 5.3 Hertfordshire Highways recommend that planning permission should be refused, as the proposed new access off Berkhamsted Lane is not considered appropriate to serve the Walled Garden House. The submitted plans fail to illustrate that adequate visibility splays, access width and kerb radii can be achieved. Hertfordshire Highways do not consider that this access location is acceptable due to its reduced visibility. Berkhamsted Lane is an unclassified local access road of a maximum speed of 60 mph. It is considered that visibility splays of 4.5m x 90m are required to meet the requirements of ‘Roads in Hertfordshire – A Guide for New Developments’ and ‘Places, Streets and Movements – A Companion Guide to Design Bulletin 32’. Additionally, the proposed access is located on the inside of a corner and as such has severely limited visibility, potentially prejudicing highway safety and efficiency. The existing access off Cucumber Lane should be used, with some upgrading of the crossover and surface to meet

the standards of a shared surface road as set out in 'Roads in Hertfordshire – A Guide for New Developments'. Hertfordshire Highways is in general agreement with the traffic Survey Report prepared by MMDS Ltd (on behalf of the applicant) that has been submitted in support of this application. It is accepted that the development would result in a lesser amount of traffic generation than the approved leisure scheme (S6/2001/0210/FP). The existing junction at Cumcum Hill, High Road and Cucumber Lane is considered adequate to accommodate the remainder of the proposed development. Greater detail should be provided in relation to all internal road dimensions and junction design, car parking layout and design, refuse collection facilities and associated manoeuvring space for refuse vehicles.

- 5.4 Historic Buildings Advisor of the Hertfordshire Building Preservation Trust (BEAMS) originally commented that the proposals for the conversion of the principle listed building into 10 apartments, conversion of the existing courtyard into 4 units and retention of East Cottage and new Upper and Lower Courtyard dwellings, subject to the submission of greater details and clarifications to be broadly acceptable. Concerns were expressed in relation to the three detached dwellings at the Upper Courtyard, Tennis Court and particularly in relation to the treatment of the Walled Garden properties, both the curtilage listed cottage and replacement dwelling. Following lengthy and detailed discussions with the applicants and the submission of additional and amended material, comments that the scheme is acceptable, subject to conditions and heads of terms in a Section 106 Agreement.
- 5.5 Environment Agency – no objections in principle, subject to conditions
- 5.6 Thames Water has no objection, subject to conditions.
- 5.7 Council's Landscape Officer – On the whole the landscape proposals and landscape restoration are welcome. Comments that some further detail is needed in relation to levels, drainage, kerb edgings and wall foundations around some of the trees (principally, an Oak, Horse Chestnut and Cedar) near the main Listed Building. Requests the retention of Orchard Trees within the walled garden. Applicant has failed to mention that the site lies within County Wildlife Site WS70/047 Berkhamsted Lane Plantation where further information is needed in relation to any trees affected around the proposed access onto Berkhamsted Lane and the ornamental pond to the front of the existing walled garden cottage.
- 5.8 Herts. Biological Records Centre – Two parts of the application site are identified as County Wildlife Sites WS70/091 - Bedwell Park House and WS70/047 - Berkhamsted Lane Plantation. HBRC has records of a pipistrelle bat roost in Bedwell Park House. Requests that a site survey is undertaken and if bats are found to be present a 'Method Statement' should be prepared before any planning permission is given so that details of the way in which bats can be accommodated in the development can be covered by condition. Within County Wildlife Site WS70/047 - Berkhamsted Lane Plantation it is noted that a new access road will result in the removal of the pond. Having visited the site, HBRC knows the pond to be man-made and species-poor. Consequently, it is not considered to be worth conserving. It is recommended that a replacement pond is not constructed elsewhere within the development scheme as the soils do not lend themselves to natural waterbodies.

- 5.9 Welwyn Hatfield Environmental Network – recommends that the Council approve the application as a Listed Building would be preserved; various modern additions to the main house and other houses on the estate would be removed; a distinguished Victorian Garden would be restored, together with a notable rockery and hermitage and the amount of traffic generated would be 50% less than the health club.
- 5.10 Welwyn Hatfield Access Group – Getting Around – comments that the application should be considered against the design standards and criteria as outlined in Appendix A of the adopted District Plan and Part M of the Building Regulations.

6.0 DISCUSSION OF PROPOSALS

6.1 The determining issues in this case relate to:-

- whether the proposal is acceptable in Green Belt terms and if not, whether the amount and nature of the enabling development proposed provides the very special circumstances to justify an exception to policy with reference to financial and other considerations to determine whether the proposals are the minimum necessary to ensure the retention of the historic asset;
- the impact of the detailed works of conversion, refurbishment and alteration on the character, appearance, architectural and historic integrity of the Grade II Listed principal building and curtilage listed Walled Garden Cottage and wall;
- the impact of the size, scale, design and external appearance of the amount of enabling development on the setting of the Grade II Listed Buildings;
- the impact on the landscape setting of the site, within the Landscape Conservation Area and nature conservation interests;
- the implications of the proposed development in relation to the extant planning permission and listed building consent for extension to the existing Country Club for a health and leisure facility, change of use of part of the building for nine residential units, office and conference use at the Old Clubhouse, reference S6/2001/0208/LB and S6/2001/0210/FP;
- highway and car parking considerations;
- archaeology;
- provision of open space and play space within the scheme and commuted sums
- matters relating to drainage and the implications of the development for the capacity of the existing services network.
- Impact on the amenity of neighbouring residential occupiers

Green Belt and Very Special Circumstances

6.2 Policies 5 of the Structure Plan and Structure Plan Review; GB3 of the adopted District Plan, RA1 of the Review Plan and PPG2 identify those forms of development which are considered appropriate in the Green Belt. New residential development is not normally considered to be appropriate unless it is for agriculture or forestry. The new build dwellings are not required in connection with agriculture or forestry and it therefore, constitute inappropriate development and is thereby contrary to PPG2 and the relevant Structure Plan and District Plan policies. It is therefore, necessary to consider whether there are any very special circumstances of sufficient weight to overcome the presumption against inappropriate development in the Green Belt.

6.3 The applicants have put forward a case for very special circumstances based upon an argument for enabling development to provide for the restoration of the listed buildings the main Grade II listed former Old Clubhouse and the curtilage listed Walled Garden Cottage and wall and their landscaped setting and that provides the very special circumstances to justify setting aside Green Belt policy.

6.4 In order to assess this, The English Heritage Policy Statement “Enabling Development and the Conservation of Heritage Assets” published in June 2001 advises that there are seven criteria that enabling development should meet:-

1. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
2. The proposal avoids detrimental fragmentation of management of the heritage asset;
3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
5. Sufficient financial assistance is not available from any other source;
6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development.

6.5 The English Heritage Policy Statement also advises:-

“It is of the essence of proposals for enabling development that a scheme which would otherwise be unacceptable in planning terms, is the only practicable means of generating the funds needed to secure the future of the heritage asset in question. It is entirely appropriate, therefore, to require applicants to provide evidence to the local planning authority in support of such a claim, particularly financial evidence.”

6.6 The Policy Statement also suggests that specialist expertise is required to judge whether the extent of works proposed, the costs, the profit levels, and the anticipated final values are fair and reasonable in all the circumstances.

“It is important that the financial justification submitted, and the assessment of the needs of the asset which underlies it, are subject to a proper critical assessment by an appropriate professional team. If a local planning authority does not have the full range of expertise in house, it will clearly be necessary to involve external consultants.”

6.7 All of this advice will help the Council to properly assess whether Criterion 6 is satisfied: that the amount of enabling development proposed is the minimum necessary to secure the future of the heritage asset. In order to carry out this assessment it was necessary to appoint two consultants: one Roy Welling a Quantity Surveyor with conservation accreditation to assess whether the costs of carrying out the scheme are realistic and the other Martin Bishop from Bryan

Bishop and Partners with valuation expertise in this form of development and the local property market who could assess whether the anticipated final values were achievable. As stated previously an extract from the originally submitted Development Appraisal is attached as Appendix B to this report and Bryan Bishop and Partners' report is attached at Appendix C.

- 6.8 With regard to financial matters, the costs of the scheme had to take account of the following factors: Site costs (open market value of the property in its current condition and other costs incidental to acquisition); Design and Construction (surveys, historic asset repair, historic asset conversion, landscaping costs, professional fees and contingency); Statutory and Other Charges (Planning and Building Control Fees, Legal costs as part of a Section 106 Agreement); Interest; Letting and Sales Costs; VAT on all of the above and Developers Profit. Taking all of these into account, the total costs are shown to be £23,234,875 as set out in the table below.

EXPENDITURE	£
Site Costs	5, 536,250
Design & Construction Costs	10,914,277
Statutory & Other Charges	60,000
Interest	2,065,760
Letting & Sales Costs	813,221
VAT	810,834
Developer's Profit	3,034,533
TOTAL	23,234,875

- 6.9 With regard to costs, after some detailed discussion between Roy Welling about specific items, it was agreed that all of the above costs were reasonable.

- 6.10 The following table sets out the anticipated income from the scheme.

INCOME	Units No.	GIA sq.ft	Conversion £	New Works £
Sales (1)				
Main house conversion	10	22,776(2)	8,541,000	
Courtyard conversion - houses	4	7,944(2)	2,979,000	
East Cottage Conversion	1	807(2)	302,625	
New Lower Courtyard	2	2,928(2)		1,098,000
New Upper Courtyard	5	8,073(2)		3,027,375
Upper Courtyard det. house	1	4,413(2)		1,721,070
Tennis Court house	1	4,768(2)		2,074,080
Walled Gdn house & cott conv	1	7,351(3) (4)		3,491,725
Sub-totals	24	59, 060	11,822,625	11,412,250
TOTAL			23, 234, 875	

1. Sales generally based upon £375 per sq. ft GIA apart from the three detached units as follows: Upper Courtyard House based upon £390 per sq. ft GIA; Tennis Court House based upon £435 per sq.ft GIA and Walled Garden House based upon £475 per sq. ft GIA.
2. Areas exclude garages bin/cycle stores.
3. Area excludes garage/workshops and outbuildings.
4. Area includes cottage conversion at 527 sq. ft.

- 6.11 With regard to sales, the applicants have stated that their predicted sales values are at the higher end of the property market and this further reinforces their assertion that the amount of new floorspace to be created is the minimum required to enable the restoration to take place and secure the future of the heritage asset. This information was considered by Martin Bishop of Bryan Bishop who advised that he considered an average of £357 per sq. ft GIA was a reasonable figure at July 2004 prices, while the applicants' figures related to June 2003. He also advised that there has been an approximate 10% increase in sale prices in the intervening 12 months. While this is at variance with the applicant's predicted figures, there would need to be additional new floorspace on the site to take account of the shortfall in predicted income. I would not wish to see any further floorspace created than is proposed. As the applicants are confident that their predicted income is achievable, I consider that they have demonstrated that the amount of development proposed is the minimum necessary to secure the future survival of the heritage asset.
- 6.12 With regard to the other six criteria set out in the Policy Statement Criteria 1 and 7 will be addressed in the following sections. In respect of Criterion 2, in most cases the enabling development leads to the sub-division of the larger usually single ownership of the property into smaller multiple ownerships. The sub-division should not be to the detriment of the management of the whole asset. The applicant's have sought to address this by having new external partitioning kept to a minimum and where it does have to take place in relation to the two new detached dwellings in the upper portion of the site it would have only a limited impact and in relation to the Walled Garden house would be no different to the current situation. A Management Company would be formed which would be responsible for the maintenance of the landscape setting of the listed buildings and the grounds. The way in which this would be operated can be covered in an Agreement under Section 106 of the 1990 Act. The proposed residential use would be sympathetic to the original use of the property which was as a single residential use and would ensure the appropriate re-use of the whole of the building as required by Criterion 3. The Financial Appraisal demonstrates that problem facing the heritage asset has arisen from the inherent needs of the asset itself rather than the circumstances of the owner or the purchase price paid as required by Criterion 4. Criterion 5 requires that there are no other opportunities for financial assistance from other sources and that is true in this case.

Impact of the detailed works of conversion, refurbishment and alteration on the character, appearance, architectural and historic integrity of the Grade II Listed principal building and curtilage listed Walled Garden Cottage and wall

- 6.13 The Council's Historic Buildings Advisor is, in relation to the scheme as originally submitted and in the light of the additional detailed information (comprising details relating to new internal partitions and dividing walls; fenestration; the retention of existing door frames and joinery and the matching of these in any new work; reinstatement of the tower, chimneys and iron railings to the balcony area on the east elevation of the principal building) received in relation to the conversion, refurbishment and alteration of the principal building to 10 units and the conversion of the range of buildings attached to the northern end of this building to four units, the retention of East Cottage and works to the former walled garden cottage and walled garden, satisfied that subject to conditions and clauses in any

Section 106 Agreement, there would be no adverse effect on the character, appearance, architectural integrity of the Grade II principal listed building and curtilage listed buildings. I concur with this view and consider that the scheme is acceptable in these respects and complies with the appropriate Structure and District Plan policies.

Impact of the size, scale, design and external appearance of the amount of enabling development on the setting of the Grade II Listed Buildings

- 6.14 Given that the case for the minimum amount of development to secure the future of the heritage asset has been accepted in terms of the amount of floorspace needed, the Council's Historic Buildings Advisor is satisfied that the amount of new build development in the main part of the site, excluding the Walled Garden area, and its geographical juxtaposition with the principal listed building at the former Old Clubhouse would not have any harmful effect on the setting of this building. The seven small dwellings to be created around the Upper and Lower Courtyard by reason of the size, scale, bulk, massing and external materials have the appearance of outbuildings subservient to the principal building and continue the broadly linear form of this building. The proposed garaging and parking arrangements in this part of the site has been designed in such a way that it does not intrude upon the setting of the listed building. I consider that there would be no adverse effect upon the setting of the principal building from this part of the scheme. The new Upper Courtyard and Tennis Court detached dwellings are similarly located and articulated in such a way as to have no unacceptable adverse effect upon the setting of the principal listed building.
- 6.15 The selected demolition of the modern North Cottage, golf trolley and buggy store, small office extension in the northern part of the principal building and modern front extension to the building will also improve the setting of this building.
- 6.16 The replacement dwelling at the walled garden cottage is a more controversial element of the proposals. While planning permission for the substantial single storey extensions to this property was granted in good faith in the 1970's, it would now be acknowledged that this extension is unsympathetic to the character and appearance and setting of the curtilage listed modest gardener's cottage and the removal of this extension is welcomed. The existing floorspace of this dwelling, however, is significant and as this is in situ, it is relevant to the size of the replacement dwelling. The replacement dwelling is substantial in size, scale, bulk and massing being of 2½ storeys, while the existing property is mostly single storey save for the former gardener's cottage element. There is also the garage accommodation with the staff flat above. The floorspace of this property at 683 square metres exceeds that of the existing building on the site.
- 6.17 Where there is general support for the scheme, there have been objections and concerns raised in relation to this part of the scheme from the Parish Council and other interested parties. Given the existing built development on the site and the enabling development argument, there is justification for permitting a substantial replacement dwelling in this location, which may not fully comply with the replacement dwelling policies. The amended scheme seeks to distance the bulk of this dwelling from the retained cottage and kitchen garden wall by moving it

2.0m away from these structures. This allows the former gardener's cottage and kitchen garden wall to be viewed in their original context.

- 6.18 The developer envisages that the replacement dwelling and former kitchen garden and surrounding wall, including the Pulhamite Rockery and hermitage will form a substantial property in single ownership, as this is the most appropriate way to ensure its restoration, maintenance and long-term future. I concur with this approach and consider in view of the advice of the Historic Buildings Advisor that this part of the scheme is integral to the enabling development argument and that there would be no adverse effect upon the character appearance and setting of the former gardener's cottage and kitchen garden wall that would warrant a refusal of permission.
- 6.19 In relation to Criterion 7 of the Policy Statement, the disbenefits associated with the scheme relate to the provision of new build development in the Green Belt that does not form one of the exceptions to the restrictions on development. Any form of new building reduces the openness of the Green Belt. However, the benefits of the scheme in relation to securing the appropriate repair, refurbishment and restoration of the principal listed building and walled garden area to secure their long-term survival outweigh the disbenefits.
- 6.20 I consider that, on balance, given the supporting case postulated by the applicant's; advice from specialist consultees on financial matters and the advice from the Historic Buildings advisor that the enabling development argument has been satisfactorily made and the seven criteria set out in the English Heritage Policy Statement have been met and that this constitutes the very special circumstances to permit the development, contrary to Green Belt policy.

Impact on the landscape setting of the site, within the Landscape Conservation Area and nature conservation interests

- 6.21 The location of the new build elements of the scheme have been located in such a way that makes good use of existing landscape features within the site. Consequently, there would be no significant visual intrusion in the landscape from the proposals. The amount of tree removal is to be kept to a minimum and includes specimens in poor health and those that are not normally associated with a Victorian Garden. The proposed hard and soft landscaping schemes proposed are generally acceptable. The Council's Landscape Officer is broadly satisfied with the scheme and the areas of additional detail that are referred to in relation to levels and so on and the retention of species of Orchard trees within the Walled Garden can be covered by condition.
- 6.22 The request from the Hertfordshire Biological Records Centre that survey work in relation to bat roots and a Method Statement to address the way in which bats, if found to be present, can be accommodated in the development should be carried out in advance of the grant of any planning permission are noted. However, given that applications are not normally refused planning permission on such matters as mitigation measures of a variety of forms can usually be found and that such species are also protected under other legislation, I consider that a condition to require this survey to be carried out and measures agreed to accommodate bats if found to be present prior to the commencement of development would adequately address this issue.

Implications of the extant permission and listed building consent for the extension to the existing Country Club for a health and leisure facility, change of use of part of the building for nine residential units, office and conference use at the Old Clubhouse

- 6.23 The permission in respect of the above was granted on the basis of there being very special circumstances for the development in that this scheme sought to secure the long term future of the listed building which was sufficient to outweigh the limited harmful impact that an additional amount of new building would cause to the Green Belt. It was not accepted that a similar justification could be made for new build dwellings at the Gas House and Walled Garden (S6/2001/0211 and S6/2001/0394) and these applications were both refused planning permission. The replacement dwelling at Farm Cottages, which accorded with the replacement dwellings policy, was permitted (S6/2001/0209/OP). It now transpires that the applicants, the Hatfield London Golf and Country Club, were relying on loans and the revenue generated from the new build dwellings to fund the scheme. The refusals of permission for the dwellings made the scheme unviable and part of the site was subsequently sold to the present applicants.
- 6.24 Even though the leisure permission remains extant there is no realistic likelihood of it going ahead. As the new built development associated with it is in the same location, as the seven new dwelling in the Upper and Lower Courtyards, if this permission is granted and implemented it would supersede the leisure permission. There is no prospect of both permissions being capable of implementation simultaneously, so there is no need to seek to revoke the earlier permission to protect the openness of the Green Belt.

Highway and car parking considerations

- 6.25 Hertfordshire Highways are satisfied that, in relation to the 24 units that would use the main entrance to the site, there would be no adverse effect upon highway safety arising from the use of access point and the amount of traffic to be generated in the local highway network, given that the Golf Club continues to operate from the site and with reference to the previous planning permission for additional leisure facilities in association with the golf course (S6/2001/0210/FP). Accordingly, a refusal of planning permission on highway grounds in relation to this part of the scheme would not be justified.
- 6.26 However, there are sustainable highway objections to the creation of a new access onto Berkhamsted Lane to serve the new Walled Garden House. The visibility splays required for an access onto this road would be 4.5m by 90m in each direction. The configuration of the carriageway suggests that this is not achievable. This coupled with the narrowness of the highway means that any access onto Berkhamsted Lane would be likely to give rise conditions prejudicial to the free and safe flow of traffic on the adjacent highway. I am in discussions with the applicant to have this part of the proposal deleted and the access for this property to revert back to the access onto Cucumber Lane shared with Little Bedwell. I anticipate that this matter will be resolved by the meeting and will report verbally an update at that time.

6.27 The amount of car parking to be provided is acceptable in relation to the supplementary planning guidance on parking standards.

Archaeology

6.28 Policies 38 of the Structure Plan and Structure Plan Review, Policy BEV18 of the adopted plan and R27 of the Review Plan seek to ensure that proposals for development within or adjacent to areas of archaeological significance do not adversely affect known archaeological remains. In this case, the areas of proposed new build largely coincide with existing buildings to be demolished, other than in the case of the new upper courtyard and tennis court large detached dwellings, which are within existing hard surfaced areas. I consider that the position with regard to archaeology can be satisfactorily addressed by a standard condition to require no development or demolition to take place until the implementation of a programme of archaeological investigation is carried out.

Provision of open space and play space within the scheme and commuted financial sums

6.29 Adopted and review plan policies provide for contributions toward and/or the provision of social infrastructure, play space and informal open space for new residential development on a site of this size. There is adequate space both communally for the occupiers of the apartments and courtyard dwellings and in private gardens for the single detached units and some of the courtyard dwellings to meet the needs of these policies. Any financial contributions for schemes off-site, even if the development did not provide for adequate play and open space on site, would lead to the requirement to provide more floor space within the site to fund this. Referring back to Criterion 6 of the English Heritage Policy Statement, if the enabling argument is accepted, then it must be the minimum necessary to secure the heritage asset. The Policy Statement also suggests that enabling schemes should not be expected to comply with such policies.

Capacity of the existing services network

6.30 The comments of interested parties relating to the implications for the capacity of existing services are noted. However, in the absence of any objections from the relevant statutory undertakers, a reason for refusal on these grounds could not be sustained.

Impact on the amenity of neighbouring residential occupiers

6.31 The property closest to the development is Little Bedwell at the southern end of the site. There would be no adverse effect on the amenities that occupiers of this property could reasonably expect to enjoy in terms of loss of sunlight, daylight, privacy or overbearing effect from either the development around the main building, tennis court house or walled garden house due to the distances involved, orientation of properties and existing boundary treatments and landscaping.

7.0 CONCLUSION

7.1 I have carefully considered the enabling development argument put forward by the applicant to justify the development proposed, which would normally be considered inappropriate in the Green Belt. I concur that the enabling development argument has been justified and that the scheme will secure the long term future of the listed building and that this constitutes very special circumstances which are sufficient to outweigh the limited harmful impact that an additional amount of new building would cause to the Green Belt..

8.0 RECOMMENDATION

8.1 I recommend that planning permission be granted in respect of application reference no. S6/2003/0941/FP subject to the referral of the scheme to the First Secretary of State as a departure from the development plan, the competition of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the matters set out below and the following conditions:-

- ensure that the restoration works to the principal listed building, the former Old Clubhouse, commence at the same time as the commencement of the new build dwellings and to be completed prior to the first occupation of the a specific new build unit within the main part of the site comprising the Upper and Lower Courtyard, and the single detached dwellings on the Tennis Court site and Upper Courtyard and in the case of the Walled Garden, the walled garden cottage and wall shall be restored prior to the occupation of the new-build Walled Garden House
- to secure the non-severance of the remaining land on the main part of the site as shown by the blue line on Plan no. 02-150/06 entitled Land Ownership, prepared by Enplan and dated 23.07.2004 and to secure its appropriate maintenance by the proposed Management Company;
- to secure the non-severance of the land shown to be in private ownership in relation to the Walled Garden house and Walled Garden as shown on Plan no. 02-150/06 entitled Land Ownership, prepared by Enplan and dated 23.07.2004.

1. SCO1- Time limit
2. SC19 – Materials
3. SC09 – Landscaping scheme – full permission
4. SC10 – Landscaping – tree protection
5. SC12 – No tree felling or lopping
6. Notwithstanding any details submitted with the application, prior to the commencement of the development hereby permitted a Schedule of Works and Repair for the principal listed building, former gardener's cottage and wall surrounding the walled garden shall be submitted to and approved in writing by the Local Planning Authority. The scheme as may be approved shall be completed prior to the occupation of any part of the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the historic and architectural integrity of the Grade II listed building.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking, re-enacting or modifying that Order), no development falling within Classes A, B, C, D, E, F, or H of Part 1 or Class A of Part 2 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 or structures on the site in the interests of safeguarding the openness of the Green Belt.

8. Notwithstanding the any details submitted with the application, details of all 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. The scheme as may be approved shall be completed prior to the occupation of any of the units hereby permitted and retained thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON In the interests of visual amenity.

9. 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.

10. No demolition or development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON To ensure that remains of archaeological importance likely to be disturbed in the course of development are adequately recorded.

11. No demolition or development shall take place within the application site until the applicant has undertaken a written survey of investigation to establish whether any bat roosts are present at the site. If any are found to be present a Method Statement shall be submitted to and agreed in writing by the Local Planning Authority which sets out the measures to accommodate each species of bats within the development. The development shall thereafter be carried out in accordance with the approved scheme.

REASON To ensure that endangered species are adequately protected.

12. Before any development commences, details of existing and proposed ground levels, finished floor levels of the dwellings and garages, driveways, pathways and parking areas hereby permitted shall be submitted to and approved in writing by the LPA. The development shall be carried out and completed thereafter in accordance with the approved details.

REASON: In the interests of existing trees and the appearance of the development in the Green Belt .

13. SC26 – Setting Out

14. Before any development commences, full details of the proposed demarcation and extent of the associated individual curtilages of the four courtyard conversion dwellings, the retained East Cottage, the seven new dwellings in the Upper and Lower Courtyards and the detached dwellings on the Upper Courtyard, Tennis Court and Walled Garden shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.
REASON: To enable the Local Planning Authority to have control over the development of the land having regard to the Green Belt location of the site.
15. Before any development commences, full details including levels, sections, constructional and surfacing treatment of the proposed access drives, vehicle parking and turning areas, all pedestrian paths and any means of illumination thereto shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.
REASON: To ensure a satisfactory standard of development in the vicinity of Grade II Listed Buildings and to protect important trees to be retained as part of the development.
16. Prior to the first occupation of any of the apartment dwelling units proposed within the main Grade II Listed Building, the new replacement spire tower as shown on the approved elevational drawings shall be erected, installed and completed to the approval of the Local Planning Authority.
REASON: In order to ensure a satisfactory standard of development in the interests of the visual, architectural and historic integrity of the Grade II Listed building.
17. Prior to the commencement of the development hereby permitted details of foul and surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall thereafter be carried out, completed and retained in accordance with the approved details prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority
REASON: To ensure the satisfactory drainage of the site
18. Surface water source control measures shall be carried out, completed and thereafter retained in accordance with details, which shall have been submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby approved.
REASON: To prevent the increased risk of flooding and to improve water quality.
19. Notwithstanding the submitted plans hereby approved, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority and shall be provided prior to first occupation of the units that they will serve and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To prevent the maximum refuse carrying distance being exceeded.

20. The staff accommodation to be provided above the garages serving the new detached Tennis Court and Walled Garden Houses shall be used and occupied only in conjunction with the remainder of those properties as single family dwellings and shall not be let, sold or otherwise occupied as a separate residential unit.

REASON: In order to prevent the creation of further residential units having regard to the Green Belt location of the site.

21. The development hereby permitted shall be carried out and completed in accordance with the following plans:

1002/003; 1002/200A; 1002/201A; 1002/203; 1002/204; 1002/205; 1002/300A; 1002/302; 1002/400; 1002/401; 1002/402; 1002/403; 1002/608; 1002/700; 1002/800; 02-159-01A; 02-159-02A; 02-159-03A; 02-159-04A and 02-159-05A received 16.06.03.

1002/500A; 1002/501A; 1002/604A; 1002/605A; 1002/606A; 1002/607A; 1002/701A; 1002/801; 1002/905; 1002/906; 1002/907; 1002/908; 1002/909; 1002/911 and 1002/950A received 26.08.04.

1002/602D and 1002/005D, received 20.09.04.

REASON: For the avoidance of doubt.

Informatives:

1. In connection with Condition 3 above, the landscaping scheme for the northern part Walled Garden shall provide for the planting of replacement fruit tree species, of a suitable cultivar. The Hertfordshire Orchard Initiative can provide advice in this regard and they can be contacted on 01992 556158.
2. In connection with Condition 11 above, the developer is advised that a suitably licensed bat worker is required to undertake the survey to ascertain whether a bat population is using the site and how they could be accommodated within the new development. The survey will need to include detailed searches of the following properties and features:
 - The main listed building; East and North Cottages, the buggy store and garaging;
 - The Walled Garden Cottage and modern extension;
 - All of the outbuildings in the centre of the Walled Garden;
 - The Pulhamite Rockery.
3. The developer is advised that before any work affecting bats or their roosts starts, a Habitats Regulation Licence must be applied for and obtained from the Department of the Environment, Food and Rural Affairs. A copy of "Bats, Development & Planning in England" and a list of qualified bat consultants is attached to this Decision Notice.
4. In connection with Conditions 15 and 19 above details of all internal road dimensions and junction design; car parking layout and design; refuse collection facilities and associated manoeuvring space for refuse vehicles should be submitted on plans of a minimum scale of 1:200 and be in accordance with the requirements of "Roads in Hertfordshire – A Guide for New Developments" and "People, Streets and Movement – A Companion Guide to Design Bulletin 32".

8.2 The reason for the grant of planning permission will be non-standard:

It is considered that the proposed development, by reason of the case made for enabling development, constitutes very special circumstances, that justifies a departure to established Green Belt policy, does not have an unacceptably harmful visual impact on the character and appearance of the Green Belt, setting of the listed building, landscape, rural character of the area in which it is located or residential amenity as:

- the development proposed has a limited visual impact on the openness of the Green Belt, landscape and rural character of the site, is acceptable in terms of scale and design and respects the setting of the Grade II Listed Buildings, does not result in unacceptable overlooking or loss of privacy and does not have any unacceptably dominating impact with regard to neighbouring uses.

8.3 I recommend that listed building consent be granted in respect of application reference no. S6/2003/0942/LB subject to the following conditions:-

1. SC02 Time limit listed buildings
2. SC19 Materials
3. Notwithstanding any details submitted with the application, prior to the commencement of the development hereby permitted a Schedule of Works and Repair for the principal listed building, former gardener's cottage and wall surrounding the walled garden shall be submitted to and approved in writing by the Local Planning Authority. The scheme as may be approved shall be completed prior to the occupation of any part of the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.
REASON: To safeguard the historic and architectural integrity of the Grade II listed building.
4. No demolition or development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON To ensure that remains of archaeological importance likely to be disturbed in the course of development are adequately recorded.
5. No demolition or development shall take place within the application site until the applicant has undertaken a written survey of investigation to establish whether any bat roosts are present at the site. If any are found to be present a Method Statement shall be submitted to and agreed in writing by the Local Planning Authority which sets out the measures to accommodate each species of bats within the development. The development shall thereafter be carried out in accordance with the approved scheme.
REASON To ensure that endangered species are adequately protected.

6. Prior to the first occupation of any of the apartment dwelling units proposed within the main Grade II Listed Building, the new replacement spire tower as shown on the approved elevational drawings shall be erected, installed and completed to the approval of the Local Planning Authority.

REASON: In order to ensure a satisfactory standard of development in the interests of the visual, architectural and historic integrity of the Grade II Listed building.

7. The development hereby consented shall be carried out and completed in accordance with the following plans:

1002/003; 1002/200A; 1002/201A; 1002/203; 1002/204; 1002/205; 1002/300A; 1002/302; 1002/400; 1002/401; 1002/402; 1002/403; 1002/608; 1002/800; 02-159-01A; 02-159-02A; 02-159-03A; 02-159-04A and 02-159-05A received 16.06.03.

1002/604A; 1002/605A; 1002/606A; 1002/607A; 1002/801; 1002/905; 1002/906; 1002/907; 1002/908; 1002/909; 1002/911 and 1002/950A received 26.08.04.

1002/602D and 1002/005D, received 20.09.04.

REASON: For the avoidance of doubt.

Informatives:

1. In connection with Condition 5 above, the developer is advised that a suitably licensed bat worker is required to undertake the survey to ascertain whether a bat population is using the site and how they could be accommodated within the new development. The survey will need to include detailed searches of the following properties and features:
 - The main listed building; East and North Cottages, the buggy store and garaging;
 - The Walled Garden Cottage and modern extension;
 - All of the outbuildings in the centre of the Walled Garden;
 - The Pulhamite Rockery.
2. The developer is advised that before any work affecting bats or their roosts starts, a Habitats Regulation Licence must be applied for and obtained from the Department of the Environment, Food and Rural Affairs. A copy of "Bats, Development & Planning in England" and a list of qualified bat consultants is attached to this Decision Notice.

BACKGROUND PAPERS

Hertfordshire Structure Plan Review 1991- 2011

Hertfordshire Structure Plan Alterations 2001- 2016 (Deposit Draft Feb 2003)

Welwyn Hatfield Local Plan Alterations No. 1 1998

Welwyn Hatfield Review Local Plan Deposit Draft, June 2002

English Heritage Policy Statement "Enabling Development and the Conservation of Heritage Assets" published in June 2001

Application file(s) S6/2003/0941/FP; S6/2003/0942/LB, S6/2001/0208/LB;
S6/2001/0210/FP; S6/2001/0209/OP; S6/2001/0211/OP; S6/2001/0394/OP.

