

WELWYN HATFIELD COUNCIL  
PLANNING CONTROL COMMITTEE – 29<sup>TH</sup> OCTOBER 2009  
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2009/1877/FP

HATFIELD LONDON COUNTRY CLUB, CUCUMBER LANE, ESSENDON, AL9 6HN

DEMOLITION OF FARM COTTAGES (2 DWELLINGS) ADJACENT TO CLUB HOUSE AND BARN ADJACENT TO PULHAM HOUSE. ERECTION OF DETACHED HOUSE AND DOUBLE GARAGE ADJACENT TO PULHAM HOUSE ON EXISTING BARN SITE WITHIN GOLF COURSE

APPLICANT: Tokyo Leisure Development Co. Ltd

(Hatfield East)

**1 Site Description**

- 1.1 Hatfield London Country Club is located within the rural area to the south and east of the village of Essendon. The site is approximately 190 hectares and contains two 18-hole courses and a 9-hole Pitch & Putt course, together with a Club House and a range of ancillary buildings.
- 1.2 The Golf Club opened in 1992. At that time, the Golf Club House was located in Bedwell Park, a Grade II listed Mansion House. Subsequently, a new Club House was constructed and the listed building is being converted into residential use following planning applications S6/2006/0325/FP and S6/2006/0425/LB. This development included a substantial amount of enabling development, which Members might recall, and now, the area immediately surrounding the Mansion House comprises a residential enclave. This land does not fall within the ownership of the applicant, but the golf course runs along three sides of the enclave.
- 1.3 The current Club House, ancillary buildings and car parking, together with Farm Cottages and a further residential property 'Sandpit Cottage', are located some distance to the north and east of Bedwell Park on the site of the former Bedwell Park Farm.
- 1.4 Access to both the residential enclave of Bedwell Park and the Golf Club complex is via private internal roadways running off the junction of Cucumber Lane and High Road (B158). The Golf Club complex is located just under a mile to the north of Bedwell Park. A number of public footpaths cross the site from Essendon, these are located to the north of the Club House.
- 1.5 Farm Cottages are located a short distance to the north of the Club House. They

comprise a pair of two-storey semi-detached cottages with matching single storey extensions. They are constructed of rendered brickwork under slated roofs. Access to the Cottages can only be achieved through the car park serving the Golf Club which is a private access, controlled by a barrier.

- 1.6 The site for the replacement dwelling is located adjacent to, and just south of Bedwell Park and the new residential development. Specifically, the site lies between a new dwelling, 'Pulham House', to the north and an older property, 'Little Bedwell', to the south

## **2 The Proposal**

- 2.1 The application is for full planning permission and entails the demolition of Farm Cottages within the central part of the golf course replacement with a dwelling located on the more southerly part of the overall Golf Club site.
- 2.2 The area of land proposed for the replacement dwelling is approximately 2,030m<sup>2</sup>. It is roughly rectangular in shape and contains a number of mature trees. The boundaries are all demarcated by existing hedgerows and shrubs. The western the boundary of the site abuts the golf course.
- 2.3 There is an Atcost Barn currently located in the north-eastern corner of the proposed site, constructed of a steel frame clad in corrugated metal with a corrugated asbestos roof. The Barn is open-fronted and has a height of 5.9 metres to the ridge and a floorspace of 127m<sup>2</sup>. This would be demolished as part of the redevelopment.
- 2.4 Access to the proposed site is via an existing internal estate road which runs in front of Bedwell Park and Pulham House and enters the site at its northern edge.

## **3 Planning History**

- 3.1 S6/2001/0211/OP Site For One New Dwelling House After Demolition Of Existing Cottages. (Outline Application) Approved – 17<sup>th</sup> September 2001
- 3.2 S6/2009/0477/PA Demolition Of Three Dwellings & Outbuildings And Erection Of Single Detached House & Garage – 29<sup>th</sup> January 2009 which included:-

As advised previously there isn't a policy for development proposals such as this one. As you are aware the development would be inappropriate development and in accordance with PPG2: Green Belts, a case for very special circumstances would need to be advanced for an application to have any chance of success.

## **4 Planning Policy**

- 4.1 National Policy

PPS 1: Delivering Sustainable Development

PPG 2: Green Belts

PPS 7: Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPG 13: Transport  
PPG 15: Planning and the Historic Environment  
PPG 16: Archaeology and Planning

#### 4.2 East of England Plan 2008

SS1: Achieving Sustainable Development  
T14: Parking  
ENV2: Landscape Conservation  
ENV3: Biodiversity and Earth Heritage  
ENV6: The Historic Environment  
ENV7: Quality in the Built Environment

#### 4.3 Welwyn Hatfield District Plan 2005

SD1 Sustainable Development  
GBSP1 Definition of the Green Belt  
R3 Energy Efficiency  
R5 Waste Management  
R11 Biodiversity and Development  
R17 Trees, Woodland and Hedgerows  
R28 Historic Parks and Gardens  
M14 Parking Standards for New Development  
D1 Quality of Design  
D2 Character and Context  
D4 Quality of the Public Realm  
D5 Design for Movement  
D6 Legibility  
D7 Safety by Design  
D8 Landscaping  
H3 Loss of Residential Accommodation  
IM2 Planning Obligations  
RA4 Replacement Dwellings in the Green Belt  
RA10 Landscape Regions and Character Areas  
RA25 Public Rights of Way

### **5 Representations Received**

- 5.1 The application was advertised by means of site notice and neighbour notification letters. No letters of representation have been received.

### **6 Consultations Received**

- 6.1 **Hertfordshire County Council - Archaeology** - responded to the pre-application consultation. They consider that the development is such that it should be regarded as likely to have an impact on significant archaeological remains. Suggested that a condition is attached.
- 6.2 **Hertfordshire Biological Records Centre** - recommend refusal as there is a strong likelihood of bats being present in Farm Cottages, due to bats being found in the club house 78 metres away.

6.3 **Hertfordshire Gardens Trust** – do not object to the barn being demolished and a new house being built on the site.

## **7 Parish Council Representations**

7.1 No comments have been received from Essendon Parish Council

## **8 Discussion**

8.1 This application is presented to the Planning Control Committee because it is a departure from local plan policy.

8.2 The main issues for consideration with this applications are:

- 1. Loss of residential dwellings**
- 2. Impact on the Green Belt**
- 3. Highway and Parking Matters**
- 4. Impact on the Amenity of Neighbours**
- 5. Design and impact on the character of the area**
- 6. Other Material Planning Considerations**

### **1. Loss of residential dwellings**

8.3 Planning policy H3 identifies the criteria that should be taken into account if loss of residential accommodation would result through a development proposal. The criteria are that:

- (i) the design or location of the residential unit means that it is wholly inappropriate for continued residential use; or
- (ii) the loss of the unit would be necessary for the long term preservation of a listed building; or
- (iii) the development is to meet an identified and proven community need, which cannot be met elsewhere.

8.4 The proposal would not comply with the latter two points. The applicant has submitted the following point regarding the accommodation:

*Farm Cottages are currently two independent dwellings. Although the policy presumes against the loss of dwellings, in this particular case, the dwellings have, as recently as 2001, been granted planning permission for their replacement with a single dwelling. Indeed, as a matter of law, the two dwellings could be combined into one without the need for planning permission.*

8.5 In 2001, policy HC3 of the 1998 plan had criteria (i) and (ii) as listed above. At this time, the loss of one unit of accommodation was considered acceptable. It is therefore considered that there has not been a significant policy switch to come to a different view to that in 2001

8.6 The applicant has submitted a structural survey for Farm cottages. This states

that the dwellings, which are not currently occupied, even though the applicant advises Council Tax is still being paid, are in a poor state of repair such that it would not be economically viable for them to be repaired.

- 8.7 It is therefore a possibility that the applicant would consider applying for a replacement dwelling on the existing site, if permission for this development was not forthcoming, as in 2001. Although for reasons discussed under 'Impact on the Green Belt', this would, in their opinion, be far from ideal.
- 8.8 Therefore, the loss of one unit of residential accommodation is acceptable. For the purposes of ongoing discussion, it is intended to refer to the two cottages as one unit.

## **2. Impact on the Green Belt**

- 8.9 Planning Policy Guidance Note 2: Green Belts defines the criteria under which replacement of existing dwellings might be acceptable. Paragraph 3.6 specifies that "[t]he replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces."
- 8.10 Policy RA4 reiterates much of PPG2 and sets out the Council's policy with regard to replacement dwellings in the Green Belt. The policy states that replacement dwellings located within the Green Belt will only be considered as 'appropriate' development when they do not materially exceed the size of the original dwelling in terms of its floorspace, height and volume; would have no greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development in the surrounding countryside and is designed to reflect the character and distinctiveness of its rural setting.
- 8.11 In this instance, Members will note that the proposed location of the replacement dwelling would be some distance, approximately 1 mile, from the location of the existing dwelling. The replacement dwelling would therefore not have the same residential curtilage as the existing dwelling, however it would be within the same ownership curtilage.
- 8.12 Both PPG2 and local plan policy RA4 are 'silent' on the issue of replacement dwellings in different locations. There has generally been an understanding that if the proposed is within the same curtilage and would either improve the overall openness or have a neutral impact, that a replacement subject to compliance with all other criteria, would be acceptable.
- 8.13 The applicant has submitted the following reasoning to support their case. Their reasoning has been advanced as very special circumstances, these have been inserted in italics.

*The development will ensure that the important "openness" of the Green Belt is maintained by not materially increasing the amount of built development on the wider golf course site. In effect, the new dwelling seeks to replace the Cottages. Additionally with reference to the recent appeal at 'Glenside', Vineyard Road, Northaw, May 2009, the Inspector notes:*

*“Neither RA4 nor PPG2 define ‘replacement’ or qualify how this term is to be interpreted.”*

- 8.14 *The Inspector also makes reference to two other appeal decisions which he considered illustrate that this is the correct approach. The first of these is Mount Lodge, a site in Berkshire, April 2008. This appeal was refused, not as a consequence of the proposed re-siting in principle, but rather that the proposed siting would be more prominent and that the intrusion of the dwelling on the proposed site would be “harmful to the openness of the Green Belt”.*
- 8.15 *The second appeal is more analogous to the proposal the subject of this application. This proposed the demolition of Orchard Cottage and its replacement elsewhere within the curtilage of Hambledon Park in Godalming, Surrey, April 2008. The Inspector in this case noted:*
- “... although the proposed dwelling would be some distance from Orchard Cottage, due to their shared parkland setting, I nevertheless consider the proposal to be a replacement dwelling for the purposes of Planning Policy Guidance 2: Green Belts (PPG2).”*
- 8.16 *With the conclusions of all three Inspectors in mind, the applicant considers that the current proposal for a dwelling can reasonably be considered as a Replacement Dwelling, subject to ensuring that Farm Cottages are demolished. In particular, the most important attribute of Green Belts, their openness, will be maintained through the demolition of the more obtrusively located Farm Cottages and by ensuring that there is no net increase in dwellings on the overall site. Indeed, with the demolition of the existing Barn on the new site as well as the Cottages, there will actually be of the order of a 10% reduction in built form in the Green Belt even once the new dwelling is constructed. In this way the “openness” will not only be maintained but will be improved.*
- 8.17 It is considered that there is some merit in the case put forwards. However, in all three cases advanced, whilst all three dwellings would be located on a different part of the site to the existing dwelling, the relationship between the existing and proposed dwellings is much more closely related in terms of distance due to the curtilage of the sites being much smaller. In this instance, notwithstanding whether the proposal complies with the criteria in PPG2 and RA4 in relation to size etc, it is considered that the development would be inappropriate and therefore very special circumstances are needed to justify the development. PPG2, paragraph 3.2 states that “very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 8.18 Less weight should also be accorded with respect to the demolition of the barn, bearing in mind that barns are often appropriate development, complying with the purposes and aims of the Green Belt, and their removal would not make an inappropriate development, appropriate. Further reasons have been advanced by the applicant.

- 8.19 In respect to the criteria under policy RA4, the policy requires replacement dwellings to not materially exceed the size of the original in terms of floorspace. In this case, the existing dwelling has not been extended and has a floorspace of approximately 230m<sup>2</sup> and the proposed would have approximately 280m<sup>2</sup>. In terms of percentage increase, this represents an approximate increase of about 20%. This is considered to be a reasonable increase, and if planning permission were granted, it is considered appropriate, to maintain the openness of the Green Belt, to remove permitted development rights in relation to extensions and roof alterations.
- 8.20 The height of the existing dwelling is approximately 8.8 metres whilst the proposed would have a height of 9.02m. This difference is considered to not be significant and complies with policy RA4.
- 8.21 Additionally, the dwelling needs to not material exceed the existing dwelling in terms of volume. The existing dwellings have quite a wide frontage of approximately the same width as the proposed dwelling (approximately 15 metres). To the side, the total depth is approximately 10 metres compared to the proposal of, just in excess of 10 metres. However, this is made up of a projection in the central part of the dwelling of approximately 5 metres depth at ground floor and just over 3 metres at first floor level. The width of the projection is approximately 10 metres, which reduces the overall volume compared to the existing dwelling. It is therefore, on balance considered that the proposed dwelling would have a slightly larger volume that the existing dwelling.
- 8.22 Lastly, it is necessary to consider its visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development in the surrounding countryside. The assessment under 'reflect the character and distinctiveness of its rural setting' will be considered under section 5.
- 8.23 *The new site proposed for the house has been specifically chosen primarily to overcome all the shortfalls of the current location of Farm Cottages.*
- 8.24 *It is a discreet location, adjacent to what is now the extensive residential enclave of Bedwell Park. Its use is, therefore, compatible with the other dwellings in the area, whilst not impacting itself either on the landscape or to the amenity of adjoining residential occupiers, either in physical or practical terms. It will not be an isolated dwelling in the countryside but part of a larger residential grouping. It is also considerably closer to the highway network and the village of Essendon and other facilities than the current site of Farm Cottages.*
- 8.25 *The site is very well screened by existing mature landscaping and established trees, which will be largely retained if the site is developed. The visual impact of the new development will be minimal and certainly not be as prominent in the wider countryside as Farm Cottages.*
- 8.26 *The site currently contains a large Atcost Barn which, is used intermittently for storage by the Golf Club. The removal of the Barn building will, itself, improve the visual appearance of the site. Its removal, together with Farm Cottages, will, after the development is*

*built, result in a net decrease in built floorspace in the Green Belt. This will contribute to the general openness of the Green Belt in the wider Area.*

8.27 The proposed location of the dwelling is on a site where currently no dwelling is situated. An existing Atcost barn of a relatively large size is on the site. However this is considered that in the right circumstances may be determined as appropriate development. Little weight is therefore attached to the existing structure in terms of its replacement. Notwithstanding this, the Atcost barn has very little visual impact from the wider area due to the surrounding topography, landscaping and siting.

8.28 *Within the wider area, Farm Cottages command a significantly higher visual prominence to the proposed relocation site.*

Reference to Ordnance Survey maps show that the development is located on higher land to the west of a valley and that further to the west of the existing site the land continues to rise.

*A replacement dwelling on this site will also be quite a prominent feature within the landscape of the Golf Club. For a number of years the site has been overgrown and only glimpses of the existing dwellings can be seen. If the site were to be cleared and one or two replacement dwellings erected, or the existing brought back into use, they, together with their concomitant residential paraphernalia, would stand out in the otherwise open landscape that is characteristic of this part of the site. This northern part of the overall site is crossed by a number of public footpaths and any new dwelling would be likely to be viewed from these footpaths.*

8.29 It is agreed, that whilst the development currently not overly visible, due to the overgrowth surrounding the houses, that if they were to be made habitable, these buildings through the removal of landscaping, would result in being fairly prominent.

8.30 *As is clear from the accompanying Condition Survey Report, the Cottages are in a very poor state of repair and, whilst the fabric could be refurbished, it would not be a viable proposition.*

8.31 *The viability of refurbishment is also compounded by the location of the dwellings (or single dwelling). The houses are close to the Golf Club complex and surrounded by the golf course. The Golf Club has a significant number of members, of the order of 300+, and is a very busy Club. Play starts at 7.00am on weekdays and 6.00am on weekends and, depending on the time of year, will go on into the evening until the light fails.*

8.32 *The Club operates an 8 minute interval between teeing off which enables a large number of golfers to be on the courses at any one time. In addition, a significant amount of business is based on visits by Golfing Societies for whom they provide breakfasts in the morning*



*and dinner in the evening. Also social occasions that can go on until late in the evening.*

- 8.33 *As a consequence, this level of what is essentially an intensive activity occurs in close proximity to the Cottages, is considerable and potentially intrusive and likely to cause conflict between the residents and the users of the Golf Club. It detracts from the residential amenity of the Cottages and to the privacy of potential occupiers.*
- 8.34 *The only access to the Cottages is through the Golf Club car park which has controlled access via a barrier. The Club are concerned that the potential for unrestricted access through the area outside of Club hours could prove a security risk in this isolated area as well as the restriction causing inconvenience to any future occupiers.*
- 8.35 *In addition, the relatively isolated location away from any other residential properties is a factor that needs to be taken into account. The nearest dwellings are almost 1 mile distant.*
- 8.36 *For all these reasons it is considered that rather than replace the Farm Cottages with a new dwelling in situ, it would be considerably more beneficial in terms of the openness of the Green Belt, the character and appearance of the rural landscape and the interests of the amenity of the future occupiers to relocate the proposed new dwelling on the site identified in this application.*
- 8.37 Overall, it is considered that the existing location of the cottages is probably not ideal, due to its location and separation from the newly formed residential development. However this is not on its own reason to allow relocation on an alternative site. The proposed siting of the house, would however, be closer to other dwellings and there is therefore merit in allowing the proposed development to enable all the residential accommodation and associated paraphernalia to be located more closely together. The main additional benefit would be the removal of the existing dwelling and opening up the Green Belt in this location. The replacement is therefore considered acceptable. It is considered necessary to have certainty that the existing dwelling would be demolished, in order to comply with Green Belt policy. Due to the existing and proposed sites being significantly separated and the red site outline as part of the application not including the existing dwelling, it is essential that this is secured through a legal agreement.
- 8.38 Progress has been made in this regard and the clause in relation to this is suggested should require the existing dwellings to be demolished prior to the commencement of the approved replacement dwelling. It will be necessary for the legal agreement to be completed before the 4<sup>th</sup> November 2009 when the 8-week determination date expires.
- 8.39 With regards to the size of the dwelling, an increase of 20% over the existing, in this instance because the two dwellings are as originally built, is not considered to materially exceed the original, subject to removal of permitted development rights. In relation to the visual aspect, and in particular, the additional bulk to the

side elevations (the existing dwelling has the two corners to the rear elevation 'cut out'). These corners have a footprint of approximately 5.7m<sup>2</sup> each. It is therefore, on balance, considered that the proposed dwelling would have more bulk, but would not be so significant that it is considered harmful to the Green Belt and not outweighed by the very special circumstances advanced and should be refused planning permission.

- 8.40 The proposed development also includes a basement, which is shown would accommodate a fitness room, play room, wine cellar, laundry etc. Whilst there would be a small amount of natural light that would benefit this accommodation through the provision of three lightwells, it is considered that this accommodation could be considered to be incidental to the use of the dwelling. It is also considered appropriate and essential to secure this accommodation as incidental through the planning agreement to ensure that the overall intensity of use of the site remains such that it would not impact on the openness.
- 8.41 Lastly, a garage is proposed as part of the development. A garage for this type of development is not untypical and possibly, due to its close proximity to the golf course might be considered to be fairly essential to prevent damage to vehicles by wayward golf balls. The applicant has stated that they consider it more appropriate to consider a garage at this stage rather than be added incrementally at a later stage.
- 8.42 The proposed garage is double with a floor area of 42 square metres and height of 4.8 metres. This is not considered to be overly large and with consideration that a slightly modified design might be permitted development, on balance this development is considered acceptable.

### **3. Highway and Parking Matters**

- 8.43 The proposed site is located to the east of the main access from Cucumber Lane. The private access road travels on an approximate west - east direction before turning in a southerly direction at the 'cross-roads' within the site. The development would share the access road with users of the golf club, together with those people occupying the new housing within Bedwell Park. It is considered that there would be no overall impact on the highway network compared to what currently exists.
- 8.44 The garage would provide 2 off-street parking spaces. Sufficient space is located to the front of the proposed dwelling to provide for at least 2 further spaces. The proposal would therefore comply with local plan policy in terms of parking standards.

### **4. Impact on the Amenity of Neighbours**

- 8.45 The proposed development would be most closely related to Pulham House to the north and Little Bedwell towards the south. The rear garden of the proposed dwelling abuts that of Little Bedwell and the existing landscaping in this area, currently comprises a mixture of soft landscaping and picket style fence.
- 8.46 It is anticipated that additional boundary treatment would be required if planning

permission is granted to ensure the ongoing privacy of occupants of both dwellings. However, this should be such that the overall openness of the Green Belt is not compromised by inappropriate treatment. Accordingly, a condition is suggested for submission of details and permitted development rights for boundary treatments are suggested for withdrawal.

- 8.47 Overlooking between the proposed dwelling and Pulham House is unlikely due to the design of the proposed dwelling not having any windows at first floor. Additionally, the existing landscaping on the site, which is covered by a tree preservation order, provides further screening.
- 8.48 The distance between the proposed dwelling and the side elevation of Little Bedwell is approximately 50 metres. This is considered a sufficient distance to maintain privacy and again there are further trees within the rear garden, also covered by the preservation order.
- 8.49 It is therefore considered that the proposal complies with policy D1 of the Welwyn Hatfield District Plan.

## **5. Design and impact on the character of the area**

- 8.50 Planning Policy Statement 1, East of England policy ENV7 as well as local plan policy D1 all require developments to be of a high standard of design. The proposed dwelling and garage has been influenced in relation to the size and scale by PPG2 and local plan policy RA4. The applicant's have as part of the application submitted a plan showing a cross-section of the development compared to the adjoining dwelling at Pulham House. This shows the overall scale of the proposed dwelling to be considerably less than that approved at Pulham House
- 8.51 A supporting statement has been submitted to support the proposed design of the dwelling. This states that a deliberate decision was taken to not reflect the design features of the listed Mansion, as this is visually dominant and not readily translatable into a domestic scale building. Equally, the new build terraces and courtyard properties have no features appropriate to a detached single dwelling. Pulham House is the closest dwelling, and modern, but again considered inappropriate to reflect due to being significantly larger and of a greater massing than appropriate for the application site.
- 8.52 The proposed dwelling would be of soft red brickwork under a plain, clay tiled, hipped roof. The front has been articulated with a projecting front gable. The line of small windows tucked under the eaves and exterior porch are accessed under a semi-circular brick archway. Two curved leaded windows are inserted into the first floor elevation; one an oriel window and the other a dormer window.
- 8.53 Both flank elevations are fairly simple, the elevation facing towards the golf course includes a very small projecting single storey extension, included more to add visual interest than to add additional space and volume to the dwelling. To the rear, the elevation mirrors the fenestration of the front elevation but incorporates glazed doors to each of the principle ground floor rooms. A small

projection at ground floor comprises part of the kitchen and incorporates a glazed roof.

- 8.54 The garage would be of the same materials and is of the same architectural style. Overall, it is considered that the design of the dwelling is appropriate to the locality, suitably reflecting the rural location and also the wider setting of the Mansion and golf course. The proposal therefore complies with the above policies.

## **6. Other Material Planning Considerations**

### Biodiversity

- 8.55 The applicants have submitted a biodiversity report & phase 1 habitat survey. The survey, however, only relates to the proposed site for development and does not assess Farm Cottages for biodiversity, and in particular the presence of bats.
- 8.56 Hertfordshire Biological Records Centre have recommended refusal of the application, due to bats being highly likely to be inhabiting Farm Cottages. Bats have been found to be present in the club house which is located approximately 78 metres away. The applicant has been advised of the need for a bat survey and that the planning authority would not support the application without knowing whether bats are present, and if they are, what mitigation, if any, would be required. The agent has commissioned a study, which is due to be undertaken and report submitted following completion of this report.
- 8.57 The survey will show either that bats are present or that they are not. On the understanding that bats are not present, no further action will be required and the development could be approved with Members agreement, subject to compliance with all other matters. However, if bats are found to be present, depending upon the recommendation(s) of the report and further liaison with Hertfordshire Biological Records Centre and Natural England, conditions may be appropriate. Information in this regard will be reported to Planning Control Committee, together with suggested recommendations.
- 8.58 In relation to the proposed site, the report identified eight habitat types although no recommendations for further survey work were suggested. Precautions were however suggested for felling of trees during nesting season and removal of spoil from the site and a condition is therefore suggested in this regard.
- 8.59 On the basis that the ongoing survey fully assess the site for bats and any other relevant species, the application is considered to comply with PPS9, regional and local plan policies for wildlife and biodiversity.

### Landscape Character Area

The site is located within the Brickendon Wooded Slopes Landscape Character area wherein there is a conserve and strengthen approach. Included within the strategy is the promotion of woodland, promote planting of locally indigenous species

- 8.60 The site where Farm Cottages could be landscaped to enhance the woodland cover and landscaping in this area will be required following the demolition of the

dwellings. Suitable landscaping should also be provided in the proposed site, it would therefore be reasonable to attach a condition to achieve these aims and compliance with policy.

### Protected Trees

- 8.61 A tree report and arboriculture implications assessment has been submitted as part of the application. The implications assessment assesses the proposed development against the existing trees on the site. The development would result in the loss of three trees. These are all category R trees, which are trees in such a condition that they will be lost within 10 years and may be removed as good arboriculture practice. These 3 trees are all oaks - two of which are dead standing and the other has numerous structural faults and overall poor vigour.
- 8.62 It was requested that the siting of the dwelling within the plot should take account of the trees that were to be retained to ensure their long-term health in relation to construction works not impacting upon their root protection areas. Additionally, consideration should be given to the future growth of the trees and thus the dwelling should be sited such that pressure for works to the trees in the future would be minimised.
- 8.63 The implication assessment details a number of measures which should be undertaken to protect the existing landscaping on the site prior to development and during demolition of the Atcost barn, during development and post development in the form of appropriate location for boundary treatment. It also addresses a need to retain as much of the existing boundary treatment as possible to maintain the setting for the dwelling and retain privacy for future occupiers.
- 8.64 It is suggested that the measures proposed within this statement are attached to any grant of permission. Subject to this, the proposal would comply with local plan policies D8 and R17, and should ensure the long-term health of the trees and associated landscaping.

### 8.65 Archaeology

Hertfordshire County Council Archaeology have not responded to the consultation. However, they responded to the pre-application enquiry advising that an archaeological evaluation should be undertaken prior to the commencement of development, and depending upon the evaluation, measures may then be required. . Subject to this condition, it is considered that the proposal would comply with PPG16 and East of England Plan 2008 policy ENV6. They advise that they would be able to provide a design brief detailing the requirements for the investigations and provide information regarding professionally accredited archaeological contractors. This can be attached as an informative.

### 8.66 Sustainability

The applicant has submitted a sustainability checklist as part of the application in accordance with policy. This, together with the supporting planning statement

states that space will be made available within the garage for the parking of cycles, permeable surfacing will be used, and with reference to policy R3 (Energy Efficiency) photo voltaic / solar panels will be installed on the south facing rear roof slope, as appropriate. Overall, it is considered that the measures proposed would comply with policy and thus the development is considered acceptable subject to conditions

### Historic Garden

- 8.67 The site is located adjacent to the locally designated historic garden, but does not form part of the gardens associated with Bedwell Park mansion. The adjoining and recently built Pulham House falls within the historic garden and due to this existing development, it is considered that the proposed development would not affect the character of the historic garden. This is agreed with by Hertfordshire Gardens Trust.

### Accessibility

- 8.67 The site is relatively level and thus access across the site for anyone with limited mobility should be possible. The applicant advises that the staircase is wide enough to accommodate a stairlift and a lift could be installed with relatively minor alterations. On the ground floor is a study, which with the adjoining utility room could be modified to provide a bedroom and bathroom enabling a disabled person total access to the ground floor.
- 8.68 The location of the site is poorly served by public transport and therefore there would be a strong reliance on the private motor car.
- 8.69 Permitted Development Rights (Outbuildings)
- 8.70 The applicant considers that permitted development rights for out buildings should not be removed as part of this development. They state that the plot is large, well screened from public views and such modest structures would have no detrimental impact upon the character or appearance of the area. It is likely that sheds will be required to house garden equipment and it would not be reasonable for occupiers to make an application for such structures
- 8.71 Whilst this has some merit. Consideration also needs to be given in relation to the additional size of the dwelling compared to the existing as well as the proposed garage and basement. These two buildings add to the overall built form compared to that existing and it necessary to ensure that any built form is assessed to ensure that it complies with the aims and purposes of Green Belt policy. Additionally, due to the preservation order, it is considered appropriate to ensure that any proposed building would ensure the long-term health of the trees, notwithstanding any wilful damage to protected trees is an offence in its own right. It is therefore considered appropriate to remove permitted development rights in relation to outbuildings.

## **9 Conclusion**

- 9.1 The applicant has advanced very special circumstances for the replacement

dwelling. These, together, are considered to outweigh the harm to the Green Belt, subject to the completion of the legal agreement requiring the demolition of the existing dwelling prior to commencement of the replacement dwelling and the basement area remaining incidental to the main dwelling and not for habitable purposes. The proposed design of the dwelling is considered appropriate to its location and should ensure the ongoing health and vitality of the protected trees.

- 9.2 All other matters, with the exception of bats, which are discussed below have been fully addressed and are considered to comply with national, regional and local plan policy.
- 9.3 The applicant has commissioned a bat survey to assess whether Farm Cottages, proposed for demolition is a habitat for bats. If bats are not present the application is recommended for approval subject to the conditions below and completion of the legal agreement. If bats are present, the recommendation of the application will be dependent upon suggested mitigation measures. If buildings are proposed as part of any mitigation, then the application would highly unlikely be recommended for approval, due to the site being within the Green Belt and the very special circumstances advanced. However, if mitigation comprises bat boxes or similar, for example, then subject to appropriate conditions, the application is recommended for approval. Members will be updated at Committee.

## **10 Recommendation**

- 10.1 It is recommended that planning application S6/2009/1877/FP is recommended for approval:-

Subject to the completion of a legal , on or before 3<sup>rd</sup> November 2009, requiring the demolition of the existing dwelling prior to the commencement of the existing dwelling, the removal of all materials and landscaping and for the basement accommodation remaining incidental to the main dwelling and not used for habitable purposes.

Provided that the bat survey to be undertaken on Farm Cottages does not require mitigation in the form of new buildings, considered as inappropriate development, or any other reason that might result from the contents of the report.

1. C.2.1 – Time Limit
2. C.13.1 – In accordance with plans and details  

PL001 & PL002 & PL003 & PL004 & PL005 & PL006 & PL007  
received and dated 9<sup>th</sup> September 2009
3. C.5.1 – Samples of materials
4. C.6.1 – Removal of permitted development rights (Class A)
5. C.6.2 – Removal of permitted development rights (Class B)

6. C.6.4 – Removal of permitted development rights (Class E)
7. C.6.6 – Removal of permitted development rights (Fences & Walls)
8. C.6.8 – Removal of permitted development rights (Garage)
9. C.4.1 – Landscaping (a, b, e, g, i and j)
10. C.4.2 – Implementation of landscaping
11. C.4.5 – Retention/Protection of Trees & Shrubs
12. C.9.3 – Full Archaeological excavation and evaluation
13. The proposed materials for the hardsurfacing of the driveway and patio areas shall be of a permeable surface, details of which shall be submitted to and approved in writing, prior to the commencement of development, by the Local Planning Authority. Subsequently these materials shall be implemented and retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the sustainability of the site and in accordance with policy SD1 of the Welwyn Hatfield District Plan 2005.

14. Prior to the commencement of development, detailed plans of the proposed photovoltaic's / solar panels shall be submitted to the Local Planning Authority for approval in writing. Subsequently these materials shall be implemented and retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the sustainability of the site and in accordance with policy SD1 and R3 of the Welwyn Hatfield District Plan 2005.

15. All plot boundaries will need to be designed, positioned and installed to avoid damage to retained trees. When within Root Protection Areas, this will include hand excavation of all post holes, and the lining of any post holes with a non porous membrane

REASON: To ensure the ongoing health of existing trees on site and to stop leaches from the concrete damaging the tree roots. In the interests of the amenity of the area and in accordance with policy D8 and R17 of the Welwyn Hatfield District Plan 2005.

16. No demolition works shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

REASON: To protect breeding birds in accordance with the Wildlife and Countryside Act 1981 (As amended) and PPS9.



## **Summary of reasons for grant of permission**

The proposal has been considered against Planning Policy Statement/Guidance PPS 1, PPG2, PPS 7, PPS 9, PPG 13, PPG 15 and PPG 16; East of England Plan 2008 policies SS1, T14, ENV2, ENV3, ENV6 and ENV7 and development plan policies SD1, GBSP1, R3, R5, R11, R17, R28, M14, D1, D2, D4, D5, D6, D7, D8, H3, IM2, RA4, RA10 and RA25 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

## **Informatives**

1. The applicant is advised that Hertfordshire County Council Archaeology section is able to provide guidance regarding a design brief detailing the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the necessary works.
  2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
- 10.2 If the legal agreement has not been completed on or prior to the 3<sup>rd</sup> November, permission should be refused for planning application for the following reason:
1. The applicant has failed to complete a legal agreement to secure the demolition of the existing houses at Farm Cottages, the removal of all debris and the landscaping of the site. Very special circumstances, in accordance with PPG2, paragraph 3.2 have been advanced to outweigh the harm to the Green Belt. The legal agreement is considered essential to ensure the demolition of the existing dwellings to maintain the openness and character of the area. The development is therefore contrary to policy RA4 of the Welwyn Hatfield District Plan 2005 and PPG2.
- 10.3 If the bat report indicates that bats are present within the existing Farm Cottages and mitigation is required that involves development that is contrary to Green Belt policy, a reason for refusal will be advanced. The suggested wording of this will be reported to Planning Control Committee based upon the information received.

Chris Conway, Director (Strategy and Development)  
Date (15 October 2009) LAH

Background papers to be listed (if applicable)

