

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/2574/FP
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NOTATION:

The site lies within the Metropolitan Green Belt, Landscape Character Area and Wildlife Site, with adjoining Right of Way as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The wider Warrenwood site extends to 24.05 ha. Currently, the wider site includes a partially constructed dwellinghouse and stable block, the footings for a barn (granted permission for agricultural use) as well as a number of buildings that were present at the time of the former dwellinghouse – small stable block and garage, plus post and rail fencing constructed in relation to the stables, ménage etc.

A 1930s detached house originally stood on the site, together with a number of outbuildings including the stable and garaging block. Whilst the original dwellinghouse has since been demolished, its stable and garaging blocks remain. The partly implemented replacement dwelling has not been built in accordance with approved plans.

The site is located approximately 2km to the south of the village of Essendon. Access to the site is via Kentish Lane (B158). The application site, to which this proposal relates, comprises 0.83 ha of land. It lies on either side of Hornbeam Lane, which serves the site a number of cottages and also forms a public bridleway.

Within the site boundary and on the southern side of Hornbeam Lane, is the partially constructed two storey dwellinghouse. The structure has no roof and has been left unprotected and subsequently its basement has filled with water. Large amounts of spoil have been excavated from the basement which have been deposited around the site.

To the northern side of the partially constructed dwelling house is the remaining original garaging and stable blocks. This part of the application site is defined along the boundaries of the residential curtilage by landscaping and the bridleway.

The other part of the application site is on the opposite side (northern) of Hornbeam Lane. This comprises the incomplete 20 box stable building. This structure is slightly more advanced with an unfinished roof but a first floor, together with dormer windows. This building has not been built in accordance with approved plans.

Within the wider ownership, land comprises:

to the east of the application site are to be found open fields A change of use of this land area to equestrian use had previously been granted although this permission has not been implemented.

To the south is an access track and concrete pad and brick plinth of the intended agricultural barn. Again, it is incomplete and not built in accordance with the previously approved plans and details.

The existence of partially constructed buildings, unused building materials and spoil heaps across the site, have adversely affected both the site's character and the surrounding area.

DESCRIPTION OF PROPOSAL:

The proposal seeks full planning permission for a replacement dwelling and 20 box stable building. This will be secured following removal of the unauthorised and partially built dwellinghouse and modifications to the existing unauthorised stable block. The application also proposes the removal of the partially constructed barn and the erection of a three bay garaging / store building.

The application seeks permission for the erection of an entirely new dwellinghouse that essentially accords with the scheme as previously permitted. The dimensions are as per the 2001 permission and it remains a two storey property with dormer windows in the roof to increase headroom. The variation is that the basement has been increased but follows the footprint of the building with space limited to use as non-habitable rooms.

In all, the proposed replacement dwelling has a gross floor area of approximately 1060m². This includes a basement providing approximately 356m² of non-habitable accommodation, together with ground, first and attic level floorspace.

The garage and garden store is additional compared to the previous approvals. This is to replace the existing garage and 'old' stables. These retained structures have a combined floor area of approximately 137m² and volume of 397m³. The proposed replacement garaging / garden store building has a floor area of approximately 81m² and volume of 391m³.

The finished stable block will provide 16 horse boxes, feed and hay store, tack rooms and staff rest rooms. It will result in an overall reduction of gross floor area by approximately 3m² compared to the previously approved scheme.

The (agricultural) barn is only partially constructed consisting of a concrete pad and brick plinth. This will be entirely removed and the land restored as part of this proposal.

PLANNING HISTORY:

Previously called Meadow Cottage.

S6/1980/64 Two storey side extension - approved 25 Feb 1980.

S6/1984/133 Two storey extension – refused 13 Apr 1984

Re-named Spike Island

S6/1987/841/OP Two storey side extension – approved 20 Nov 1987

S6/1988/1021/DE Two storey side extension with balcony at first floor – approved 28 Nov 1988.

S6/1989/652/OP Demolition of existing house & construction of replacement dwelling – refused 18 Aug 1989. Appeal lodged and upheld 15 Jun 1990.

S6/1993/350/OP Renewal of OP to demolish and build replacement dwelling – approved 08 Jul 1993.

S6/1996/189/OP Renewal of OP to demolish and build replacement dwelling – approved 10 May 1996.

Spike Island and the adjacent land were purchased by Andrew Perryment (Rose Limited) in 1998.

S6/1998/129/AG Barn for general storage purposes in connection with the agricultural use of the land – Determined no objection and no further details required 09 Mar 1998.

S6/1998/291DE Details pursuant to S6/1996/189/OP relating to replacement dwelling – approved 20 Jul 1998.

S6/1998/1132/FP Revised siting of dwelling house approved under S6/1998/0291 – approved 17 May 1999 subject to existing dwelling being removed before commencement of replacement.

S6/1999/372/FP Change of use of land to equestrian with associated ménage, rides and landscaping – approved 09 Aug 1999.

ENF/99/253 – November 1999. 3 x concrete strips laid in west corner of field opposite Spike Island. PCN served leading to:-

S6/1999/993/FP 24 timber loose boxes on concrete bases for equestrian use – refused 04 Jan 2000. Reported to PCC 06 Apr 2000 when enforcement authorised.

S6/2000/387/FP Variation to Cond 5 of S6/1998/1132/FP to allow retention of existing dwelling for 6 months after new dwelling commenced – approved 17 Jul 2000.

Enforcement Notice TP/EN/12/2000 served 22 September 2000 requiring removal of concrete strips. Appeal lodged and new application submitted.

S6/2000/1492/FP Erection of 20 box stable building – refused 05 Jan 2001 but after appeal lodged against non-determination within 8 weeks.

S6/2000/1520/FP Variation to Cond 5 of S6/1998/1132/FP to allow retention of existing dwelling for 12 months after new dwelling commenced – approved 29 Jan 2001.

A1037 Appeals against Enforcement Notice and non-determination decision issued 05 July 2001. Notice quashed and permission granted for 3 concrete strips. Permission granted for 20 box stable building.

S6/2001/499/FP Replacement dwelling house (revision of S6/1998/1132/FP) showing additional 12 dormer windows and a basement – approved 27 Aug 2002 subject to condition requiring existing dwelling to be removed prior to commencement of approved replacement.

ENF/01/113 - On 26 Sept 2001 it was reported that a mobile home had been sited on land adjacent to Spike Island and was occupied for residential purposes by Mr

Moynihan. Enforcement action was authorised on 14 March 2002. An application for Certificate of Lawfulness was submitted but not determined. The mobile home was removed from the land in 2003 (but was moved to the land where stables were being built).

ENF/03/107 – On 25 April 03 it was reported that earth moving was taking place. Investigations revealed this to be groundwork in respect of the replacement house development.

On 15 Sept 2003 revised details of the siting of the barn showing a 90 degree turn were submitted. On 19 September amended details of the replacement house were submitted. These were approved by letter on 22 September 2003.

ENF/04/009 – On 13 Jan 04 it was reported that the stables building was too high. The officer who inspected thought that the building appeared to be proceeding as approved, although photographs taken at the time reveal that the building is much larger.

ENF/06/071 - On 23 March 2006 it was reported that dormer windows had been inserted in the roof of the stables and that a mobile home was being lived in on the land. Investigations revealed that the building was higher than approved, larger than approved and that a first floor was being installed with dormer windows. The mobile home was being used for residential purposes by Mr Moynihan (unit now removed from the land). However it transpired that legal action was in progress to recover the property and any action should be delayed pending the outcome of the action.

ENF/07/099 - It was noted that the barn was not being built in accordance with the details submitted being a different shape, larger and in the wrong materials. Therefore this could not be the permitted development notified under S6/0129/98/AG and amended by letter dated 22 September 2003.

ENF/07/100 & ENF/07/103 – On 28 March 2007 it was noted that the existing house had not been demolished as required by the condition of the permission (as varied), and it appeared that the replacement house was larger than approved. Furthermore a large pond had been created and the landscaping of the site did not correspond with the details approved.

Property re-named Warrenwood Manor. Re-possessed by Bank May 2008.

S6/2009/2556/MA - Change of use to equestrian with associated ménage, rides and landscaping – concurrent

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

East of England Plan 2008

SS1: Achieving Sustainable Development

T14: Parking

ENV7 Quality of Design

ENV2 Landscape Conservation

ENV3 Biodiversity and Earth Heritage

Hertfordshire Structure Plan Review 1991 – 2011:
None

Hertfordshire County Council Waste Local Plan 1999
Waste Policy 7 - Re-use of Waste Arising from New Developments

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP1: Definition of Green Belt
R3: Energy Efficiency
R11 Biodiversity and Development
R15 Wildlife Sites
M14: Parking standards for new developments
D1: Quality of design
D2: Character and context
D8: Landscaping
RA4 Replacement Dwellings in the Green Belt
RA10 Landscape Regions and Character Areas
RA24 Riding and Livery Stables
RA25 Public Rights of Way
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Rights of Way – object to the proposal. Summarised as: Significant impact on public footpaths; historic problems with construction vehicles damaging these paths; concern regarding structural soundness of bridge; and request contributions (s106) towards mitigating extra pressure on public bridleways

Client Services – no objection. Waste can be placed on the boundary.

Herts & Middx Wildlife Trust – no objection, suggest conditions and informative.

HBRC – no objection, suggest conditions.

Environmental Health – no objection, suggest condition

Landscaping – no objection to the proposal – suggest conditions.

TOWN/PARISH COUNCIL COMMENTS

Essendon Parish Council – happy with the design of the house, garages and stable block. Concerned regarding footpaths becoming overgrown and historically being fenced across.

REPRESENTATIONS

One – application advertised by neighbour notification letters and site notice. Period expired 6th January 2010 raising the following points

Query need for 3 bay garage when outbuildings already exist
Why is garage block needed next to stable block?
One of 3 houses must be reduced or go
Views already affected

Developer already owns existing riding schools – why further one needed

DISCUSSION:

The main issues are:

- 1. Impact on the Green Belt**
- 2. Design of development**
- 3. Impact on character of area**
- 4. Impact on highway**
- 5. Other Material Planning Considerations**

1. Dwellinghouse

Planning permission has previously been granted for a replacement dwelling, originally under appeal and later through a number of renewals. The most recent application 2001/449 was approved in August 2002, with amendments approved in September 2003. The amendments agreed changes to the external appearance predominantly comprising increased depth and decreased width. The structure that is currently part implemented in site, differs significantly from that approved. Due to the passage of time, an extant permission no longer exists. The applicant's have investigated whether it would be possible to adapt and modify the existing structure to bring its scale, massing etc to a size that would be comparable to that approved or acceptable under Green Belt policy. For various reasons, outlined within the planning statement, this would not be possible and it is therefore proposed to demolish the existing structure and 'start again'.

Planning policy has not significantly changed since 2002, even though the district plan was adopted in 2005. The policies relating to replacement dwellings has not altered to such a degree that a different approach should be taken.

The elevational plans and ground and first floor plans are identical to those previously approved. Differences are with the basement and roof (attic) layout. The differences to the roof layout would appear to be as a result of the amended plans that were approved in 2003. Floor plans were not submitted with the request for amendments and it would appear that the reconfiguration of dormer windows, length and width of the building has resulted in a slightly more usable floor area. This difference would be marginal and in the region of approximately 2m².

The proposed basement is larger than that originally approved and subsequently approved in 2009 and 2013. The original floor area was approximately 60m² whereas the proposed is in the region of 86m². The original basement was shown to have 2 small light wells to the front elevation whereas the proposed has removed these, following discussions at pre-application stage. The proposed accommodation would not be for habitable accommodation – all incidental to the main dwelling. It would be necessary for this to remain so to comply with policy RA4 in terms of habitable floor area.

It is therefore considered that the proposal in terms of the dwellinghouse would comply with national and local plan policy.

Outbuildings

The original 'wing' (shown as an orangery with this proposal) to the dwelling that was approved by the Inspector under application S6/1989/652/OP was allowed as an 'off-set' to demolishing the existing garage and stable block. Permission is sought for a detached three bay garage plus garden store to serve the new dwelling. This would

increase the floor area above that previously permitted and the applicant has therefore submitted a case to justify the proposal, detailed below in italics.

A key feature of the proposed garage / garden store is a design which both minimises its landscape impact and complements the main dwelling house. The building has been purposefully positioned in the eastern corner of the site, an area by way of topography and existing mature screening ensures the building will be a subtle feature of the landscape and not at all visually dominant. This part of the site being enclosed by the main dwellinghouse and with the proposed garage / garden store building being subservient to it (as a single storey building), it cannot be considered to have a harmful impact upon the openness of the green belt.

Careful consideration was also made to the size of the proposed garage / garden store in developing the scheme. As set out in our supporting Planning Statement, the dimensions of the building are less than the current stable and garage blocks but continue in a single storey format. Furthermore, relative to the main dwellinghouse the proposal is modest in scale. Its floorspace represents only 7.5% of the floorspace of the main dwellinghouse. The design of the building respects the character of the main dwellinghouse in form, but combined with the utilisation of high quality materials should deliver a building that actually represents an attractive landscape feature of the area. These factors demonstrate that green belt considerations have influenced all aspects of the design of the proposed garage / garden store and also that it does not represent inappropriate development, and hence no green belt policy conflict exists in this respect.

Policy RA3 (Extensions to Dwellings in the Green Belt) of the Welwyn Hatfield Local Plan also covers outbuildings that require planning permission, and hence would apply in this instance. It states that planning permission for extensions to existing dwellings within the Green Belt will only be allowed where a number of criteria are met. These are that the proposal will not result in a disproportionate increase in the size of the dwelling and it will not have an adverse visual impact on the surrounding countryside. The definition of 'disproportionate' is subjective, but based upon the previous consents permitted on the site (which include allowances for an extension of the original dwellinghouse), a further increase in floorspace on the site by 7.5% would not in our view amount to a disproportionate increase. For the reasons highlighted above, the garage / store building will not have an adverse visual impact on the surrounding countryside.

Need Requirements

A further consideration in relation to the proposed garage / garden store is the need for this facility. A shortfall of the previous proposals was the omission of any garaging for cars and storage space for garden machinery and tools, especially given the extent of land associated with the dwellinghouse. It was therefore inevitable that at some stage in the future, the owner of the property would either submit a planning application for such a building.

By approving this building at this time, it ensures that the most appropriate design solution is permitted relative to its location, whilst also making it easier for the Local Planning Authority to defend any potential future development.

We are also aware of pre-application discussions that took place in April 2003 with a Local Planning Authority Officer and the then developer, on this specific issue. At the time it was advised that it would be permissible to include a garage facility on the site, despite the Officer being aware of the 1989 Appeal Decision. Whilst it is appreciated that Officer's advice is not binding upon the Authority, it provides an indication that Officers have in the past considered such a proposal acceptable.

Policy RA3 is not considered appropriate in this case due to a dwelling not currently existing on the site. The proposal would fail to comply with policy RA4 due to built form exceeding the size of the original.

It is acknowledged that a development of this type would be likely to require garaging facilities as well as garden store to manage associated land. The design of the scheme is acknowledged reflects the design of the main dwelling and therefore in this regard there is no objection. The scale and massing of the garage compared to the dwelling is considered acceptable and proportionately would not increase the floor area significantly. The height of the garage could be reduced, however the pitch proposed for the garage is the same as that for the dwelling and is hipped to all four elevations. For this reason, in this instance, it is considered that the overall visual impact together with its location is acceptable and would help to minimise the need for further development in the future.

Overall, it is considered that the inclusion of the garage block is finely balanced, however there are merits to its inclusion and, on balance, it is considered that planning permission should not be withheld.

Stable Block

Planning permission was previously granted on appeal for the stable block. This was for a 20 box stable block with an approximate gross external floor area of 514.2m². The building approved had a width of approximately 31.2m, depth 20.5m and an overall ridge height of 7.2m.

This building is more substantially complete than the dwellinghouse and is significantly larger than the approved stable block and includes increased height, with accommodation in the roof space (openings for what would appear to be dormer windows have been provided) as well as a greater number of stables/storage being provided. It is however, proposed to modify this building, rather than completely demolish it. The modified building would therefore not completely represent the building that was approved on appeal.

To achieve these modifications, it is proposed to remove the first floor accommodation, demolish the additional concrete floor slabs and plinth walls to the rear wings and regrade external ground levels. The finished stable block would provide 16 horse boxes, feed and hay store, tack rooms and staff rest rooms. It would also result in a small reduction of gross floor area by approximately 3m² compared to the previously consented scheme.

The amended scheme would result in a stable block that is wider than originally approved, at approximately 37 metres width, however its length would be less than previously approved at just in excess of 18 metres. On balance it is considered that the increase in width is off-set by the decrease in width. The land levels change to the rear of the stable block whereby levels fall towards the area proposed for the equestrian land. As existing, the built form has a more significant impact than proposed due to the depth of the projections and the change in levels. The

reduction in the projections will help by minimising the overall change in land levels and with the regrading of land is considered would significantly enhance the visual aspect compared to the unauthorised structure, but would also be an improvement compared to the approved, although now expired, permission.

The plans show a doorway at first floor within the front facing gable and also internally, a staircase to the first floor. The plans indicate the first floor would be provided for a hay loft. Whilst this would be additional floor area, the proposal would not be likely to lead to an increased intensity of use, due to fewer horse boxes and the overall massing of the development compared to that approved not being significantly different. On balance, and with suitable conditions restricting usage, this accommodation is considered acceptable.

The stable block is therefore considered acceptable in green belt terms in relation to its scale and massing.

Details submitted with the previous application for the proposed stables in 2000 detailed that the stables were to be used 'privately' i.e. not for commercial purposes. The Inspector as part of the appeal, imposed a condition that the stables should be used in association with the change of use of the land to equestrian use (2000/1492) and not for any commercial livery or riding school. The use of the stables on a private basis is considered acceptable and subject to a condition, the use is considered complies with Green Belt policy.

Agricultural Barn

The agricultural barn on land adjoining the application site was originally permitted under agricultural permitted development rights. A subsequent application permitted the change of use of the land to equestrian, although this has not been implemented. Notwithstanding this, the building that has been commenced on site is not that previously approved, and includes double skin brick layers, space for insulation etc.

The applicant has advised that it is clear that a future agricultural use of the land is not intended. Therefore, the need for this barn for agricultural purposes is no longer justified. For these reasons, it is proposed to remove the structure.

Whilst outside of the defined application site, the land on which the partially constructed barn is located is within the applicant's control. The applicant has advised that they are "...agreeable to a mechanism that ensures the removal of this structure and reinstatement of the land." The applicant has suggested that this might be secured through the use of a Grampian condition – and for the demolition etc. to take place prior to the development commencing.

It was originally considered that it would be necessary for a legal agreement to secure these measures. However, due to the building not being completed, and therefore the enforcement 'clock' not yet having started, the land being in the same ownership, a condition is considered acceptable. It is a possibility that when the land is sold that there may result in separation of the land. This would however, still not prevent enforcement action from being undertaken. It is therefore considered reasonable and appropriate to secure the demolition and associated landscaping through condition.

2. The design of the dwellinghouse and stable block have both previously been considered as part of the two previous applications. The small variations to the

dwellinghouse as originally approved are relatively small and would not be overly visible.

The design and appearance of the replacement dwelling would be of traditional period styling from the Georgian era. Externally, its rectangular plan form is relieved by two forward facing shallow hipped gables with matching hipped gables on the rear and side elevation roofs. The roof incorporates traditional working chimneys and dormer windows to attic rooms. The secondary, day-to-day family entrance is incorporated in a single storey "utility" extension to the main structure designed in the style of an orangery with tall sash windows and roof lantern. Materials indicated within the application form and detailed within the Design & Access Statement would be hand-made facing brickwork, plain clay tiles with stone/recast stone string courses and details, sliding sash fenestration and joinery to be in painted softwood and a carefully detailed timber and metal balcony added to the rear elevation of the house

It is therefore considered, as previously, that the design is acceptable, complying with local, regional and national policies and subject to suitable materials will contribute to the area.

The replacement garage is planned with elevations and external materials matching the house. The design is reflective of the dwelling and is considered acceptable.

The stable block, as mentioned in the previous section is to be modified to achieve a scheme that would be similar to that previously approved. There are differences compared to the previous with matters such as the brick plinth being higher and thus there would be 'less wall'. The window detailing is not as articulate as originally approved, however is not considered to be such that permission should be withheld. The front facing gable projection is narrower and has slightly higher walls. A doorway has been proposed to the first floor, which is shown to provide accommodation to a hay loft. These alterations, again whilst not as articulate as the original scheme, are considered acceptable. The materials that have been used for the existing building (bricks) are acceptable and were approved under the previous application. Tiles have not been applied to the roof – the application form indicates that plain clay tiles would be used. A condition should be attached for submission of materials.

3. The three elements of the proposal are considered acceptable upon the character of the area. Detailed landscaping proposals have been submitted as part of the proposal. These show detailed soft landscaping proposals for the whole of the land area, including fencing proposals.

Detailed plans have been submitted which have been assessed and detailed comments provided.

The surrounding area has a patchwork of fields and trees, many of the woods and trees are protected with Tree Preservation Orders (TPO's). There are three group TPOs (TPO3 G37, G38 and G39) and one woodland order (TPO3 W42) within the site.

A tree survey was not included in the application documents although the trees are clearly labelled on some, but not all, of the drawings. At its minimum all the trees within falling distance of the working and delivery zone should be included.

The Management Plan is detailed but does not give the details covered in an Arboricultural Method Statement, which should be submitted.

The Management Plan suggests controlled burning on site be allowed. It is suggested that a condition is included for details to be submitted detailing designated areas and for bonfires to be restricted to these areas, away from trees, scrub and hedges.

The proposed planting has been difficult to assess due to symbols on plans being indistinguishable. Notwithstanding this, the landscaping proposals can be summarised as not completely being appropriate for the area with changes required to provide more variety and interest. This applies to tree planting, hedgerows as well as ornamental planting within the vicinity of the dwelling.

The Management Plan includes the removal of poplar and sycamore trees to facilitate native tree planting. This area of trees is covered by TPO3 W42. The Plan indicates that the trees to be felled are to be marked up before removal. It has been suggested that their removal is agreed following mark up by the Local Planning Authority.

The following conditions have therefore been suggested:

- A Tree Survey to be collated and includes the Poplar Plantation works, compliant with BS5837:2005, submitted for approval
- An Arboricultural Method Statement, compliant with BS5837:2005, submitted for approval
- Amendments to the landscape plan to vary the planting and enhance the site
- Details to be agreed regarding the removal of TPO trees

The proposed fencing is broadly acceptable – post and rail within fields and mesh to the wider site boundaries. However, it is considered necessary and appropriate to include a condition for the fencing proposed within close proximity to the proposed dwellinghouse to be amended to ensure that the approved residential curtilage does not encroach into the countryside in the future and thus harm the openness and visual amenity of the Green Belt.

4. The impact on the highway will mainly apply to the public rights of way. County Rights of Way department have objected to the proposal due to a number of problems for the public bridleway, with construction traffic accessing the site severely damaging the bridleway surface and bridge. They state that the surface was repaired but not the bridge and therefore an investigation of the bridge's structural soundness would be needed. Traffic movements would also be a problem on a daily basis with movements of staff, horse boxes and deliveries. This might cause safety issues for walkers, cyclists and horse riders. They also indicate that a number of livery and private stables are within the area that put pressure on the right of way. They state that the additional pressure of the stables proposed could be mitigated by dedicating land within the owners control to public bridleway or financial contribution.

They also comment that any fencing would need to take into account of the width of the footpaths that have been walked. Lastly, they comment on the landscape assessment which indicates that a stile will be erected on one of the footpaths. It would appear that this stile would be a replacement, however its provision would need consent from County.

A dwelling has historically been on this site and planning permission for both the dwelling and stables, with a greater number of horse boxes, have previously been granted. This is a material planning consideration with this proposal. County have been contacted to query the location of the bridge due to the definitive map not being clear. They have also been asked to justify their response in view of the history of the site as well as not previously seeking contributions.

Rights of Way section have provided details of the location of the bridge, which is just north of the curtilage of number 3 Hornbeam Lane. Details have also been provided of a letter sent to Caledonian Construction Ltd in 2004 querying the construction details for the development and requesting details to prove rights to allow vehicular access over the land. It would appear that a response was not sent to County.

They have questioned details of their response to previous applications and have provided details under which they request s106 monies for development. The document referred to is an internal document, that is understood provides the guidance to County, as to how contributions should be spent. The approved document for requesting funds is the HCC Planning Obligations Toolkit (June 2008). This has not been adopted by the planning authority and, in this instance, due to the 'amount' of development proposed, a figure not being included, nor any clear justification for the monies, it is not considered appropriate in this instance to seek a contribution.

With regards to the stability of the bridge, rights of access over the land and any stile that might be proposed, it is proposed to include a Grampian condition for details to be submitted showing the rights of access (easement), an informative regarding provision of any structure on the right(s) of way and also to provide details regarding the stability of the bridge prior to construction to County Rights of Way.

5. Waste Management – the applicant has submitted details of measures for appropriate recycling of demolition materials for the house structure and site, stables building, barn brickwork plinth and grounds:

House

The masonry, concrete and steel construction will require demolition by specialist contractors who will seek to profit from the sale of recycled materials off site in the normal way.

Steelwork framing, particularly at upper floor levels, has bolted connectors and is readily dismantlable for re-use. Brickwork is good quality but set in cement mortar and therefore appropriate for crushing on site together with the concrete plank flooring and in-situ concrete basement structure. The combined amount of material will warrant a concrete crusher on site.

Hardcore already piled on site can also be used directly for hardcore. Reclaimed hardcore can be retained on site for use in construction of the driveways and hardstandings to serve the proposed replacement dwelling, the remainder to be taken off site for recycling elsewhere.

Stables

To the rear of the building, the brickwork plinths and concrete floor slabs are to be broken up and taken down to ground level. These materials can be crushed (as above) and re-used to form bases for the stable yard proposed between the two wings and hard standings to the front entrance and car parking areas. As for the

house, hardcore already piled on site can also be re-used on site or recycled elsewhere.

Softwood stud partitioning has been erected throughout the roofspace and can all be dismantled for re-use elsewhere.

Barn

The brickwork plinth, as for the house, is appropriate for demolition to ground level and crushing on site for re-use elsewhere.

Grounds

The grounds, in particular surrounding the house, retain spoil heaps from excavation, subsoils and some topsoil and will need to be reinstated to approved levels. The ground is to be restored in accordance with the Landscape Partnership's proposals and may require reintroduction of top soils or soil forming materials. Specialist advice will be taken in respect of the pond, where some subsoils on site may be appropriate for restoration."

These measures are all considered acceptable and appropriate. Further details, as previously discussed, will need to be submitted regarding proposed site levels to ensure that levels associated with spoil is acceptable following development.

Biodiversity – A detailed biodiversity report has been submitted with the application. This assesses bats, birds, reptiles, amphibians and mammals. Bats have been found to be present within the 2 stable blocks with possibility that bats could also be present within the main building (dwelling) (it was not possible to investigate for health and safety reasons). The site has also been acknowledged to be a likely site for nesting birds and works should be undertaken at suitable times of the year to ensure their protection.

Herts & Middx Wildlife Trust and Herts Biological Records Centre have responded to the consultation. Both parties are happy with the proposals subject to the imposition of conditions. This would mean that the development would comply with national, regional and local plan policies.

Sustainability – the applicant has submitted a sustainability checklist as part of the application. This details that measures such as minimisation of water consumption, permeable surfacing, minimizing heat loss, following the waste hierarchy, contribution to biodiversity and so forth will be undertaken. It is therefore considered that the development will contribute towards the sustainability objectives of the local plan.

Neighbour comments – *need for 3 bay garage when outbuildings already exist* .

The existing outbuildings on the site are to be demolished as part of the application and therefore as previously discussed, there is argument for provision of suitable facilities.

Why is garage block needed to stable block – no garage block is proposed with the stable block, so unable to comment further.

One of 3 houses must be reduced or go – only 1 dwelling is proposed with this application, so again, unable to comment further

Views already affected - views are not protected under planning legislation

Developer already owns existing riding school – the proposal is for private use and therefore the development would not provide a riding school. Stables have previously been permitted on the site and there are no material planning considerations to prevent stables from being approved.

CONCLUSION:

The proposal has been demonstrated to comply with national, regional and local plan policies. The design of the scheme is reflective of earlier permissions, together with the massing of the development. The garage block is additional compared to details that have previously been approved, however information has been submitted that details why this should be permitted. Detailed plans have been submitted showing the landscaping of the site which, subject to conditions requiring details to be submitted will be acceptable. Biodiversity may be mitigated subject to appropriate conditions.

Rights of Way (County) have objected to the development, however their objections have not been substantiated. Previous planning approvals on the site represent material planning considerations, such that planning permission should not be withheld, subject to conditions and informatives.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – 3 year time limit
2. C.13.1: Development in accordance with approved plans/details 541/LP1 & 01 & 02 & 03 & 04 & 05 & 06 & 07 & B09018.03 Rev A & B09018.04 A, with the exception of details to be approved under conditions 10 and 11 received and dated 23rd November 2009
3. C.5.1 – Samples of materials
4. Prior to the commencement of the development hereby permitted,
 - (i) the existing buildings as shown on drawing 01 (annotated as existing garage & timber shed, existing stables and extent of part constructed dwelling & cellar to be removed shown dotted) and the part constructed barn as shown on drawing 541/05 (annotated part constructed agricultural barn to be demolished and landscape reinstated) shall be demolished in their entirety with all materials removed from the site, with the exception of materials to be recycled as part of the construction. The demolition timing shall be undertaken in accordance with details within condition 6 and as to be agreed under condition 5.

REASON: In the interests of the visual amenity of the Green Belt in accordance with policy RA4 of the Welwyn Hatfield District Plan 2005 and PPG2: Green Belts.

5. No works of demolition of the existing buildings are to take place until bat emergence surveys have been carried out on site and a report submitted to the Local Planning Authority for approval in writing. Surveys shall follow the Bat Conservation Trust Survey Guidelines (2007). A mitigation scheme shall also be submitted to the Local Planning Authority for approval in writing. This is to include a Method Statement, Mitigation Strategy (to include details of roost replacement provision) and Works Schedule stating how it is proposed to accommodate each species of bat within the new development.

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with PPS9 Biodiversity and Geological Conservation.

6. No demolition of buildings, or removal of trees, scrub or hedges, shall be carried out on site between the 1st March and the 31st August inclusive in any year, unless searched before hand by a suitable qualified ornithologist..

REASON: To protect nesting birds from disturbance under the Wildlife and Countryside Act 1981 (As amended) and PPS9 Biodiversity and Geological Conservation.

7. No external lighting shall be installed within the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of position, height, design and intensity.

REASON: To ensure the site continues to be suitable for use by bats. Certain buildings and habitats around the site may be important for bats, which might be adversely affected by light pollution in sensitive areas in accordance with PPS9 the Wildlife and Countryside Act 1981 (As amended) and PPS9 Biodiversity and Geological Conservation.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, C, D & E of Part 1 of Schedule 2 shall take place, unless permission is granted on a planning application made to the local planning authority.

REASON: To enable the Local Planning Authority to fully consider the effects of future development normally permitted by that order in the interests of the safeguarding the openness and visual amenity of the Green Belt in accordance with Planning Policy Guidance Note 2 (Green Belts) and policy RA4 of the Welwyn Hatfield District Plan 2005.

9. C.4.1 – Landscaping (a, e, l – a tree survey to be collated and include the Poplar Plantation works, compliant with BS5837:2005)

10. Notwithstanding the landscaping details that have been submitted with the application, prior to the commencement of the development hereby permitted details shall be submitted showing amendments to the landscape plan, to vary the planting and enhance the landscape and biodiversity value of the site, to the Local Planning Authority for approval in writing. The development shall not be carried out other than in accordance with the approved details.

REASON: The landscaping of the site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policy D8 and R11 of the Welwyn Hatfield District Plan 2005.

11. Notwithstanding the landscaping details that have been submitted with the application, prior to the commencement of the development hereby permitted the trees within the area covered by TPO3 W42 proposed for felling shall be marked up and a plan of their location submitted to the Local Planning Authority (together with location of trees that are to remain). A minimum of 5 working days shall be given to the Local Planning Authority for the marked up trees to be viewed on site. Subsequently only the approved details shall be felled.

REASON: To ensure that any works undertaken comply with arboricultural practice and that the visual amenity of the area is maintained in accordance with policies R17, D8 and D2 of the Welwyn Hatfield District Plan 2005.

12. Prior to the commencement of the development hereby approved an Arboricultural Method Statement, compliant with BS5837:2005, which shall include the following details, shall be submitted to the Local Planning Authority for approval in writing:

- the method and location of the barriers to protect trees and hedgerows on site and on Hornbeam Lane
- ground protection for any areas of the root protection area which will fall outside of the protective fencing
- a method statement and diagrams showing how any new hard or gravel surfaces which fall inside the root protection areas are to be constructed.

REASON: The landscaping of the site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policy D8 and R11 of the Welwyn Hatfield District Plan 2005.

13. C.4.2 – Implementation of landscaping

14. Prior to the commencement of the development hereby permitted, details shall be submitted to the Local Planning Authority showing measures to protect the most southern pond, together with how the pond shall be incorporated into the design and future management of the meadow.

REASON: In the interests of the visual amenity of the site in this agricultural Green Belt location and to encourage biodiversity in accordance with PPG2: Green Belts and policies R11 and D2 of the Welwyn Hatfield District Plan 2005.

15. Prior to the commencement of the development hereby permitted, a detailed scheme for the storage and disposal of waste and manure shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from contamination to the users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

16. The stable building hereby permitted shall only be occupied in conjunction with the residential development hereby approved on the adjoining land and shall not at any time be used for commercial livery or riding school purposes.

REASON: To restrict the use of the building to one compatible with the local area and to minimise the intensity of use of the site in accordance with PPG2: Green Belts and policy RA24 of the Welwyn Hatfield District Plan 2005.

17. Prior to the commencement of the development hereby permitted, details of boundary treatment to demarcate the residential curtilage from the agricultural land as defined on drawing 541/LP1 (southern most red outline) shall be submitted to the Local Planning Authority for approval in writing. Subsequently the approved details shall be implemented prior to the occupation of the dwelling and retained in perpetuity thereafter.

REASON: To ensure the residential curtilage is clearly defined and prevent encroachment into the adjoining agricultural land in the interests of the openness and visual amenity of the Green Belt in accordance with PPG2: Green Belts.

18. Waste materials from the existing part constructed stable block, dwelling house and barn shall be recycled in accordance with details submitted within the waste management plan within the Design & Access Statement by Peter Newson Associates Limited.

REASON: To accord with the waste planning policies of the area in accordance with policy 7 of the Hertfordshire County Council Waste Local Plan 1999.

19. The basement to the dwelling hereby approved shall be used solely for purposes ancillary to the new dwelling and/or incidental to the enjoyment of the new dwelling and the area shall not be used for separate living accommodation.

REASON: In the interests of the amenities of the Green Belt, to minimise overdevelopment and intensity of use of the site in accordance with PPG2: Green Belts and policy RA4 of the Welwyn Hatfield District Plan 2005.

20. A plan showing the layout of the first floor of the stable block shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development hereby permitted. The use of the first floor shall be for hay, straw or other agricultural products and shall not be used for any residential, commercial or non-agricultural purposes.

REASON: In the interests of the amenities of the Green Belt in accordance with PPG2: Green Belts and policy RA24 of the Welwyn Hatfield District Plan 2005.

21. Prior to the commencement of the development hereby permitted, details shall be submitted to the Local Planning Authority for approval in writing, showing easement details that give legal rights for vehicular traffic to travel along the Public Bridleway (Hornbeam Lane).

REASON: To ensure that there is a legal right of access for vehicular traffic in accordance with Countryside and Rights of Way Act 2000.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of FP/LB/CA/DT/ (**Approvals only**):

The proposal has been considered against Planning Policy Statement/Guidance PPS1: Delivering sustainable development, PPG2: Green Belts, PPS9: Biodiversity and Geological Conservation and PPG13: Transport; SS1: Achieving Sustainable Development, T14: Parking, ENV7 Quality of Design, ENV2 Landscape Conservation and ENV3 Biodiversity and Earth Heritage of the East of England Plan 2008, Hertfordshire County Council Waste Local Plan 1999 Waste Policy 7 - Re-use of Waste Arising from New Developments and development plan policies SD1: Sustainable Development, GBSP1: Definition of Green Belt, R3: Energy Efficiency, R11 Biodiversity and Development, R15 Wildlife Sites, M14: Parking standards for new developments, D1: Quality of design, D2: Character and context, D8: Landscaping, RA4 Replacement Dwellings in the Green Belt, RA10 Landscape Regions and Character Areas, RA24 Riding and Livery Stables and RA25 Public Rights of Way 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. Any structure erected on a public right of way must be authorised by Hertfordshire County Council, Rights of Way department.
- 2. Investigation of the bridge along the Public Bridleway should be undertaken to determine its structural soundness prior to commencement of development. A survey to determine the weight and vehicle movement capacity of the bridge should also be undertaken. Details should be submitted to Hertfordshire County Council, Rights of Way department.
- 3. Please note, all manure storage areas, in connection with condition 15, shall be suitably sized, and consist of a properly constructed impervious base. All run-off shall be collected in a dirty water system or in a below ground tank. The scheme must include a location plan of the manure storage area which should not be located within 100m from the nearest residential premises. Provisions for controlling pests including flying insects must be included within the scheme.
- 4. No manure shall be burnt on site.
- 5. It is suggested that landscaping details in connection with condition 10 are submitted in accordance with suggestions within the memorandum dated 13th January 2010 from the landscape officer.
- 6. The developers attention is drawn to 'The Site Waste Management Plans Regulations 2008' SI 2008 No. 314, which requires a Site Waste Management Plan to be prepared for construction sites with an estimated cost greater than £300,000.
- 7. The developer is advised to submit details of the location of any proposed bonfires to the Local Planning Authority.

Signature of author..... Date.....