WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	**S6/2010/3108/FP & S6/2010/3109/LB**

NOTATION:
This site is located within the Metropolitan Green Belt, the Watling Chase Community Forest and the Colney Heath Farmland Landscape Character Area as outlined in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:
The site is located to the north of Wilkins Green Lane. The dwelling was built in the early to mid 17th century and consists of red brick with stone detailing and is Grade II Listed. The site has a number of outbuildings towards the rear of the main house and landscaped lawns behind the main house. The dwelling has two vehicular accesses. One access is from Wilkins Green Lane to the south of the dwelling and close to the frontage of the main building, the other is from St Albans Road to the north which leads to a long tree lined gravel drive though the grounds. The application site comprises an area that appears to previously been used as a kitchen garden and has several yew trees. The site is the south west of the plot and is enclosed by a garden wall to the east and south.

DESCRIPTION OF PROPOSAL:
The proposed development would involve the construction of an underground swimming pool. The proposal would involve an excavation of an area approximately measuring 41.5m by 16.5m to a depth of 6m. Within the underground area a swimming pool, jacuzzi, gym, sauna, male and female toilets, changing and shower rooms would be accommodated.

At ground level, sunken areas would run alongside the pool which would allow light to enter the underground area. Four archways would be constructed which would accommodate ducts and access staircases.

PLANNING HISTORY:

S6/1984/297 - New boiler house - granted

S6/1984/298 - New boiler house (Application received May, 1984) - granted

S6/1984/299 - Car Park (Application received May,1984) - granted

S6/1990/536 - Internal alterations - granted

S6/1988/643 - Listed building consent for removing dilapidated timber barn - granted

S6/2001/1367 - Elevational Alterations to Kitchen and Breakfast Room - withdrawn

S6/2001/1362 - Elevational And Internal Alterations - granted

S6/2004/1278/FP - Erection of a detached barn/workshop - Approved

S6/2004/1280/LB - Erection of a detached barn/workshop - Approved

S6/2006/326/LB - Formation of internal doorway at first floor level - Approved

S6/2007/620/FP - Erection of new gates to north and south entrances - withdrawn

S6/2007/625/LB - Erection of new gates to north and south entrances - withdrawn

S6/2007/1403/LB - Removal of render from main entrance - Approved

S6/2007/1521/FP - Erection of new gates to north and south entrances to replace existing gates - Approved

S6/2007/1524/LB - Erection of new gates to north and south entrances to replace existing gates - Approved

S6/2008/0477/FP - Erection of a detached garage with habitable accommodation above (west of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House) and new footgate (in eastern elevation of garden wall, following demolition of modern boiler house - Refused

S6/2008/0480/LB - Erection of a detached garage with habitable accommodation above (west of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House) and new footgate (in eastern elevation of garden wall, following demolition of modern boiler house - Refused

S6/2010/0456/FP - Alterations to entrance door surround - Approved

S6/2010/0457/FP - Erection of garage - Refused.

S6/2010/2441/FP - Installation of a new gate and erection of boundary walls at the north entrance - Approved.

S6/2010/2149/FP- Erection of garage - Approved 16/12/2010.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
PPS1: Delivering sustainable development
PPG2: Green Belts
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation

East of England Plan 2008
SS1: Achieving Sustainable Development
ENV2: Landscape Conservation
ENV5: Woodlands
ENV6: The Historic Environment
ENV7: Quality in the Built Environment

Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP1: Definition of Green Belt
R3: Energy Efficiency
RA3: Extensions to Dwelling in the Green Belt
RA10: Landscape Regions and Character Areas
RA11: Watling Chase Community Forest
D1: Quality of design
D2: Character and context
D7: Safety by Design
D8: Landscaping
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

Hertfordshire County Council (Archaeology) – It was noted that the site is referred to as being of architectural and historic significance on their records. It was also noted that the house contains elements dating to the 17th century and may incorporate parts of a late medieval hall house. Nast Hyde Farm to the south of the site is also Listed (LB1584770) and also contains buildings dating from the 17th century (HER15396). Post medieval farms are frequently found to have medieval origins. As there is a potential for the development affecting archaeological remains, appropriate conditions were suggested.

Thames Water – Comments suggested that a non-return valve is fitted to prevent sewerage surcharging to ground level during storm conditions. Suggestions were also made with regard to emptying the pool to prevent flooding. The applicant could be informed of these requirements by an informative if the application is approved.

Welwyn Hatfield Council (Tree Officer) – No objection, subject to an appropriate landscaping scheme being agreed by condition.

HATFIELD TOWN COUNCIL COMMENTS
No objection.

REPRESENTATIONS
None. Period expired 9 February 2011.

DISCUSSION:

The main issues are:

1. **The proposed development's impact upon the open character of the Metropolitan Green Belt and compliance with Green Belt Policy**
2. **The proposed development's impact upon the character and appearance of the locality**
3. **The proposed development's impact upon the character and setting of the adjacent listed buildings**
4. **The proposed development's impact upon the residential amenity of the adjoining occupiers**
5. **Other Material Planning Considerations**

1. The application site is located within the Metropolitan Green Belt.

The application site has previously been extended and altered over recent years. Although when looking at the development that stood in 1948 the site had more buildings and built development, recent approvals and additions have added to the prominence, bulk and massing of development that is within the site.

The main dwellinghouse appears to not have been extended significantly since 1948. Policy RA3 also considered outbuildings within the assessment of impact upon the Green Belt. When assessing the scale of the proposal, although not prominent or obtrusive above ground level, the floorspace and actual size of the proposed pool would not be limited when considering it against the size of the original dwelling.

Therefore, as the proposed pool cannot be described as a limited addition to a dwelling, it does not fall within the defined categories of appropriate development. In accordance with PPG2, as the proposal would form inappropriate development and it should not be accepted unless there are very special circumstances that would outweigh the harm and inappropriateness.

The agent has put forward a statement setting out what he considers to form very special circumstances. The agent's very special circumstances include the following:

- The setting of the Listed Building will be enhanced.
- The existing building fabrics will remain untouched.
- An area of poor bio-diversity will become richly diverse.
- Useless and unused land will be given two uses: a swimming pool and a formal garden.
- An ugly waste-land will become an attractive part of the gardens and grounds.

It has also been noted that the visual impact of the proposal would be limited to only the users and would not have an adverse visual impact upon the character of the area within the site. The proposal would allow the improvement of landscaping surrounding the proposal, which is viewed with the Listed Building from the surrounding areas.

The proposed archways above ground floor level would be viewed with the existing walls that currently enclose the site. Due to these additions being a similar height to the existing walls, they would not appear out of place. Subject to these archways being constructed appropriate materials, they would not appear too dominant or noticeable when viewed from the surrounding area.

Residential dwellings within the Green Belt can often construct an open air swimming pools without the need of planning consent. As the proposal would be within the curtilage of a Listed Building planning permission is required. The proposal has been designed to be less obtrusive than an open air pool. The assessment of the proposal upon the Listed Building has been made under point 3 below. When considering the additional harm other than inappropriateness, the overall impact of the proposed pool would be limited. The site accommodates a substantial listed building, which would generally have leisure facilities and associated outbuildings.

When considering the proposed development's harm to the Green Belt would be very limited in terms of prominence, visible size, bulk and design, the proposal would not have an adverse urbanising impact upon the character of the Green Belt. The proposal's design and landscaping would not harm the character or openness of the

area. Although the proposal's footprint and size would not be in proportion with size and scale of the original dwelling, its permanent hidden appearance would sufficiently outweigh the inappropriateness when considered against PPG2.

It should also be noted that in considering the proposal it would be an incidental facility to a substantial property. Although in this case it is considered to be acceptable, it does not necessarily result in all development that is concealed underground being acceptable within the Green Belt. When considered with the other additions to the application site that have been built and approved, the site is at or close to its limits of what is considered to be acceptable within the Green Belt.

2. The proposal would not be viewed from the surrounding public areas and would not have an impact upon the character and appearance of the wider site. The proposal has been designed to work with the existing land levels and would largely maintain the level of the surrounding turf. Although several trees would be removed which cover the footprint of the proposal, the sounding landscaping would be enhanced,

The sunken troughs to allow natural light into the underground area and access points would only be viewed from close proximity and would not appear prominent or out of place. The proposal would not affect the visual amenity of the site and would not appear out of place.

The proposal would not have an adverse impact upon the wider landscape character area. An appropriate landscaping scheme would add to the visual amenity of the surrounding landscape character, therefore, application would meet the requirements of Policy RA10 of the Welwyn Hatfield District Plan 2005.

3. The proposed development would be sited away from the Listed Building and enclosed by an existing garden wall. As existing the area of the proposal is screened from the Listed Building and adjacent public areas by mature trees and vegetation.

The distance which separates the application site from the surrounding public areas means that they would not be viewed within close proximity. Due to the underground design and minimal impact upon the existing landscape, the proposal would not detract or adversely affect the character and setting of the Listed Building.

It has been noted that the trees and vegetation cannot be relied upon as a permanent screen. If the existing or approved planting were to diminish in the future the proposal would remain well screened and not affect the setting of the Listed Building.

4. The application site is located within a spacious plot and sited a substantial distance from the neighbouring properties. Due to the siting of the proposal it would not be overlooked or appear noticeable from the neighbouring properties.

The proposed development would not have an adverse impact upon the residential amenities of the adjoining occupiers. The proposal therefore would comply with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

Archaeology: The County Archaeologist has assessed the application. It was raised that Great Nast Hyde House is listed as being of architectural and historic significance (LB158474) and is noted by the Historic Environment Record (HER15397). The house contains elements dating to the 17th century and may incorporate parts of a late medieval hall house. Nast Hyde Farm to the south of the

site is also Listed (LB1584770) and also contains buildings dating from the 17th century (HER15396). Post medieval farms are frequently found to have medieval origins.

The proposed development is therefore likely to have an impact on heritage assets, and it was recommended that provisions if consent is granted. It is therefore necessary that any consent granted is conditioned sufficiently to ensure that a scheme of investigation is agreed with the LPA prior to any works commencing and that the works are monitored and recorded appropriately. It was also noted that it may be necessary to use mitigation methods if archaeological remains are found.

Trees and Landscaping: The application site has been assessed by the Council's Tree Officer. It was noted that the existing trees within the site are in an area that has limited amenity value and does not sit well with the rest of the well maintained grounds and main house which is only a short distance away. All trees of note are outside the working zone. No objection was raised subject to an appropriate landscaping scheme to enhance the planting surrounding the proposal.

Policy RA11 and ENV5 requires contributions to be made to the Watling Chase Community Forest. When considering the existing trees and vegetation on site, a minimum of one new tree would be a reasonable contribution. As this proposal requires a substantial landscaping scheme more than the minimum requirement would have to be included within the scheme to be acceptable. Therefore, it is not necessary to add further conditions to meet the requirements of Policies RA11 and ENV5.

Protected Species: The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008:
The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the borough. On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and

- He failed to consider the likely environmental effects of revoking Regional Strategies

Whilst the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill, the policies in the East of England Plan are currently re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision.

Sustainability and Energy Efficiency: The application has been submitted with a sustainability checklist which notes the windows have been orientated to maximise solar gain. Due to the building being made of concrete it will act as a thermal mass. It is also proposed to use recycled hardcore, reclaimed bricks and have a green roof. Considering the proposal comprises a residential outbuilding, these provisions would be acceptable to meet the requirements for Policies SD1 and RA3 of the Welwyn Hatfield District Plan 2005.

CONCLUSION:
The proposed development would not have an adverse impact upon the character and appearance of the locality or the character and setting of the adjacent Grade II Listed Building. The proposal would be sited a sufficient distance from the neighbouring occupier to ensure that they would not suffer an adverse loss of residential amenity. The existing landscape, although semi-mature is not high quality and does make a valuable contribution to the character and appearance of the surrounding area. Therefore, subject to an appropriate landscaping scheme the proposed development would have an acceptable impact upon the surrounding trees and landscape.

RECOMMENDATION: APPROVAL WITH CONDITIONS

S6/2010/3108/FP CONDITIONS:

1. C.2.1: Standard Time Limit (3 Years)
2. C.13.1: Development in accordance with approved plans/details 6173/100 & 6173/103 & 6173/104 & 6173/200 & 6173/201 & 6173/202 & 6173/203 received and dated 23 December 2010.

   Pre - Development
3. C.5.1: Materials to be agreed
4. C.4.1: Landscaping scheme to be submitted and agreed (points e, f, g and h)

   Archaeology
5. **A.** No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
   1. The programme and methodology of site investigation and recording
   2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
   3. The programme for post investigation assessment
   4. Provision to be made for analysis of the site investigation and recording
   5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
   6. Provision to be made for archive deposition of the analysis and records of the site investigation
   7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The development shall not be occupied/used until the archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition (**A**) and the provision made for analysis.

REASON: To enable the inspection of the site by qualified persons for the investigation and recording of archaeological remains in accordance with PPS5 and the Historic Environment and policy ENV6 of the East of England Plan 2008.

Post – Development

6. C.4.2: Landscaping scheme to be implemented

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of Full Planning Consent:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPS9, PPS5, East of England Plan 2008 policies SS1, ENV2, ENV5, ENV6, ENV7 and development plan policies SD1, GBSP1, R3, RA3, RA10, RA11, D1, D2, D7, D8 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision 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:
Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewage network may surcharge to ground level during storm conditions.

Thames Water requests that the following conditions are adhered to with regard to emptying the swimming pool into a public sewer to prevent the risk of flooding or surcharging:

1. The pool is to be emptied overnight and in dry periods.
2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/second in the public sewer network.

S6/2010/3109/LB CONDITIONS:

1. C.2.2: Standard Time Limit Listed Buildings and Conservation Areas(3 Years)
2. C.13.1: Development in accordance with approved plans/details 6173/100 & 6173/103 & 6173/104 & 6173/200 & 6173/201 & 6173/202 & 6173/203 received and dated 23 December 2010.

Pre - Development

3. C.5.1: Materials to be agreed

Reason for Grant of Listed Building Consent:

The proposal has been considered against Planning Policy Statement/Guidance PPS5, East of England Plan 2008 policy ENV6 and development plan policies of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision 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).

Signature of author…… Date……..