

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 18 JULY 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2013/1087/FP

ESSENDON 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 WITH DOUBLE GARAGE ADJACENT TO PULHAM HOUSE ON EXISTING BARN SITE WITHIN GOLF COURSE

APPLICANT: Essendon Ventures Ltd

(Hatfield East)

1 Site Description

- 1.1 Essendon 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 current Golf Club and Country Club House opened in 1992. Previously the Golf Club House was located in Bedwell Park, a Grade II listed Mansion House. Subsequently, this new Club House was constructed and the listed building has recently been converted into residential use following planning applications S6/2006/0325/FP and S6/2006/0425/LB. This recent residential development included a substantial amount of enabling development and so now the area immediately surrounding the Mansion House comprises a new residential enclave. The golf course is adjacent to this new residential enclave.
- 1.3 The current Club House, ancillary buildings and car parking, together with Farm Cottages (which form part of this application) 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, which are un-occupied and are in a very poor state of repair, 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 This is a revised application for full planning permission that still entails the demolition of Farm Cottages within the central part of the golf course and their replacement with a new 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 2,034m². It is roughly rectangular in shape and contains a number of mature protected trees. The boundaries are mostly 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 pitched roof. The Barn is open-fronted and has a height of 5.9 metres to the ridge and a floorspace of 127m². 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 S6/2012/2509/PA Alterations to existing proposal (S6/2009/1877/FP) This pre-application advice gave the following conclusion:

'From the above discussion and having regard to current national and local planning policy in Green Belt development it can be seen that it is essential to demonstrate that very special circumstances still exist in regards to Green Belt Policy for this revised proposal, including that of securing the same requirements in an updated legal agreement.'

The current proposal clearly falls short of showing very special circumstances exist due to the significant loss of weight which was previously attached to the approved scheme meeting all the criteria associated with Local Plan Policy RA4.

It is noted that the current proposal has a significantly larger habitable floorspace at ground and first floor than that previously approved. Indeed, in the last pre-application advice, it was clear that the Council would not accept an further increase in this habitable floor space (excluding the basement) and that the maximum limit was 280sqm. The current proposal of 350sqm far exceeds this limit of 280 sqm. Unless a revised scheme is able to keep within this limit of 280sqm habitable floorspace, then under current National and Local Planning Policy there remains no prospect of the application being supported by Officers.'

- 3.2 S6/2012/1670/S73B Variation of condition 1 (Time Limit) from planning permission S6/2009/1877/FP - 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.

Approved 5th October 2012

- 3.3 S6/2009/1877/FP 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.

Approved subject to S106 29th October 2009

- 3.4 S6/2001/0211/OP Site For One New Dwelling House After Demolition Of Existing Cottages. (Outline Application)

Approved – 17th September 2001

4 Planning Policy

- 4.1 National Planning Policy

National Planning Policy Framework
Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

- 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

4.4 Supplementary Design Guidance, February 2005

4.5 Supplementary Planning Guidance, Parking Standards, January 2004

5 Constraints

5.1 The site lies within the Green Belt and Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005. In addition, a number of trees within the area proposed for the new dwellings are subject to Preservation Orders.

6 Representations Received

6.1 This application has been advertised by site notice, newspaper notice and neighbour notifications. At the time of writing the report, no representations have been received. Any late representations received following completion of the report will be reported to Committee.

7 Consultations Received

7.1 **Hertfordshire (Transport Programmes and Strategy) (HTPS)** – does not wish to restrict the grant or permission.

7.2 **Hertfordshire Biological Records Centre** – advise that the bat method statement is conditioned. It is also advised that although a license has been granted by Natural England which allows the demolition of the building containing the bat roost, if demolition is due to be undertaken in June the cottages should also be inspected by an ecologist for nesting birds

immediately prior to demolition. Demolition will need to be delayed if nesting birds are found.

7.3 Natural England – advise that the proposal does not appear to fall within the scope of the consultations that Natural England would routinely comment on, however it is expected that the LPA will assess and consider possible impacts resulting from this proposal in regards to protected species, local wildlife sites, biodiversity enhancements and local landscape.

7.4 Council Building Control – No adverse comments

7.5 At the time of writing the report, responses from the consultees below have not been received. Any response received following completion will be reported to Committee. Responses from the consultees as part of the previous application are included below for assistance.

7.6 County 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.

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

8 Parish Council Representations

8.1 Essendon Parish Council has not commented on the proposal at the time of writing the report. Any comments received will be reported to Committee.

9 Discussion

9.1 This application is presented to the Development Management Committee because it is a departure from local plan policy in regards to Green Belt Policy.

9.2 The main issues to be considered are:

1. **Background**
2. **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. Background

9.3 This application is a revision to the scheme design originally granted by application (S6/2009/1877/FP) and granted a further 3 year time extension by application S6/2012/1670/S73B previously determined by Planning Control

Committee on 13 September 2013, subject to the completion of an updated legal agreement. The approved development has not been implemented and the applicant has submitted a new planning application seeking a revised design to the previously approved new dwelling and detached garage.

- 9.4 All previous plans, reports and documents are a material planning consideration to the determination of this application and the extant planning permission given by the time extension application (S6/2012/1670/S73B) is of particular significance as this provides a 'fall-back' position for the applicant depending upon the outcome of this latest proposal.
- 9.5 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration in determining planning applications. This Framework replaced Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) which were relevant when planning application S6/2009/1877/FP was determined. The NPPF does not change the statutory status of the development plan as the starting point for decision making. However the NPPF has now been in force for over one year and so where local plan policies are either found to be silent, absent or are in conflict with matters arising from new development, then the NPPF will take precedence. Subject to this provision, planning applications are still to be determined in accordance with the development plan consisting of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance.

2. Loss of residential dwellings

- 9.6 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.
- 9.7 The applicant submitted as part of the previous application 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.*
- 9.8 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, 2009 or 2012 applications.

- 9.9 The applicant has re-submitted a structural survey for Farm Cottages which was part of the 2009 application. This has previously stated that the dwellings, which are still not currently occupied, are in a poor state of repair such that it would not be economically viable for them to be repaired.
- 9.10 In previous committee reports for this site (S6/2009/1877/FP & S6/2012/1670/S73B) it was considered that there was a possibility that the applicant could consider applying for a replacement dwelling on the existing site of Farm Cottages, if permission for this development on an alternative site was not forthcoming. At that time however the applicants stated in their opinion, that this would have been far from ideal.
- 9.11 Therefore, in the absence of any local planning policy change since the last 2012 & 2009 applications for this site, and that the NPPF does not raise any new matters in this respect, the loss of one unit of residential accommodation still remains acceptable in principle.

3. Impact on the Green Belt

- 9.12 National Planning Policy Framework, Section 9 'Protecting Green Belt Land' defines the criteria under which replacement of existing dwellings might be acceptable. Paragraph 89 specifies that "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces" is not inappropriate.
- 9.13 Policy RA4 reiterates this part of the National Planning Policy Framework requirements in this respect to size, albeit in more comprehensive detail, and sets out further additional requirements in the Council's policy with regard to replacement dwellings in the Green Belt. The local 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.
- 9.14 The applicant has noted that the requirements of the NPPF for replacement dwellings does not set out all of this criteria given in Policy RA4 and that weight should be given to the fact that the NPPF has been in force for over a year and so should take precedence where there is any conflict.
- 9.15 Notwithstanding this, the NPPF is clear that new buildings in the Green Belt are still inappropriate, and that an exception is *only* made where the replacement building is not materially larger than the one it replaces.

- 9.16 In this proposal, the size of the proposed replacement building, like the last approval will be larger than the existing. In the last application (S6/2012/1670/S73B) the increase was from the existing dwelling of approximately 230 sqm to approximately 277 sqm and this was considered to be a 'reasonable' increase under the circumstances. This application however seeks a further increase of around 20sqm to bring the new floorspace up to 298 sqm. This would represent approximately a 30% increase in floor area compared to the existing. Such an increase in floorspace and the overall volume and size would result in the new building being defined as materially larger than the existing and so by definition would constitute inappropriate development in Green Belt Policy terms.
- 9.17 In the previous application reports in 2009 & 2012 there was a detailed discussion over the relevance of the new dwelling being relocated some significant distance (approximately 1 mile) from the location of the existing dwellings. The replacement dwelling would therefore will not have the same residential curtilage as the existing dwellings. Since the time of the 2009 application there has also been a change of ownership of the Country Club and the application land.
- 9.18 Both the National Planning Policy Framework and local plan policy RA4 are 'silent' on the issue of replacement buildings in different locations. There has generally been an acknowledgment from other appeals decisions, that if the proposed building (subject to being within the same use) 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.
- 9.19 It is considered, and was in 2009 & 2012 applications, that there is some merit in the appeal cases put forward by the applicant at other authorities that the relocation of replacement dwellings some distance from the existing one would not be inappropriate in Green Belt policy terms. However, in all three cases previously advanced by the applicant, whilst the replacement dwellings would be located on a different part of the site to the existing dwelling, the relationship between the existing and proposed dwellings was much more closely related in terms of distance due to the curtilage of the sites being much smaller than in the current case.
- 9.20 In this latest proposal, and notwithstanding whether the proposal complies with the criteria in the National Planning Policy Framework and RA4 in relation to size etc., it is considered that the development would still be inappropriate due to its distant relocation and that this would in the Council's opinion be such that it should be considered to be a departure from the local plan. In the absence of other guidance it is ultimately up to the planning judgment of the decision maker to consider whether the proposal should be assessed as a departure.
- 9.21 Taking into account the proposed replacement dwelling is materially larger than the existing and that it will be on a site with a different planning unit which is distantly located from the dwellings to be demolished, it is for the

above reasons that the proposal would be contrary to the Green Belt Policies in the NPPF and also the criteria relating to size in local plan policy RA4, both of which seek to protect the Green Belt and its character and appearance. Paragraph 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 continues by stating that substantial weight should be given to any harm to the Green Belt.

9.22 As for the 2009 & 2012 applications very special circumstances will then need to be demonstrated to justify the development. Before considering these other considerations, the effect on of the development on the proposed character and appearance of the Green Belt will be assessed.

9.23 Paragraph 79 of the Framework confirms that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open, and note the characteristics of Green Belts are their openness and permanence. Green Belt openness results from the absence of built development and this is evident in the open land which forms the golf course that forms the wider surroundings of the application site. Consequently, a loss of Green Belt openness occurs regardless of whether additional built form can be seen.

9.24 The applicant has submitted the following statement to support their case:

'The siting of the proposed development results in far less impact upon the openness of the Green Belt, being situated within a very well screened discrete plot, not visible from any public viewpoint and forming part of a significant enclave of substantial dwellings recently approved by the Council, by comparison with the isolated location of Farm Cottages on land the topography of which results in the site being visible from public footpaths. In addition the reduction in width of the proposed dwelling, notwithstanding the small increase in depth, actually reduces the impact on the openness of the Green Belt compared with the previously approved dwelling'.

9.25 The location of the existing Farm Cottages is in an isolated part of the existing golf course and north of the group of clubhouse buildings. Its visual impact at present is masked by the overgrowth which has overrun the site and so has effectively hidden the buildings from surrounding viewpoints. If this vegetation was removed, and this would be necessary to allow light and access to the site if brought back into habitation, then these buildings would significantly impact on the rural character and appearance of the Green Belt as it would expose these as built structures in an otherwise open part of the golf course. It is proposed as part of a landscaping scheme to be secured through a legal agreement that following the demolition of these buildings, the site would be re-landscaped, giving further opportunities to enhance the character and appearance of the Green Belt.

9.26 The new location for the residential development, as stated by the applicant above, is within a very well screened dense plot. The existing golf course adjoins one side of the application plot, and only glimpses of the new dwelling would be possible through the existing landscaping from this direction.

Furthermore, unlike Farm Cottages which are in an isolated and exposed position, the proposed site adjoins an established residential enclave and so would only form an extension to this current group of dwellings.

- 9.27 These positive and clear benefits would result in the improvement in the character and appearance of the Green Belt that would be derived from the demolition of Farm Cottages and the subsequent re-landscaping and would go substantially towards compensating the reduction in, and resultant harm to, the openness of the Green Belt which would result from the new dwelling and another site which is currently devoid of buildings apart from a barn. Overall, the harm to the open Green Belt character and appearance from the proposed development would be limited due to the screening and existing context of the site and so substantial weight can be given to this from the harm identified above the developments inappropriateness.
- 9.28 Turning to other considerations, the applicant has previously submitted reasons to support their case as part of the previous applications. Their reasoning was advanced as very special circumstances and it would be appropriate to revisit these for this case along with any other new reasons in the latest application.
- 9.29 Comparisons have been previously made about the overall resultant floorspace taking into account the existing cottages to be demolished and the barn when combined together. The applicant has stated that in this latest scheme, due to the increase in new habitable floor area, the 10% reduction achieved in the previously approved has now been reduced down to only 4% but still represents an overall reduction in floor area.
- 9.30 These floor area calculations have included the floor area of the barn to be demolished. Less weight was accorded with respect to the demolition of the barn in the last applications, because it was previously considered 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.
- 9.31 The applicant contends that the opposite is true, and that as barns are appropriate development as defined in the NPPF, that more weight should be given, then if for say it was inappropriate or unlawful. Either way, the existing barn is an existing lawful structure in the Green Belt and so does have an impact on its openness and the removal of this will have some benefits and so some weight is attached to this. In this respect there is some merit in these floor space comparisons, and that the current scheme would still be a reduction, albeit only just.
- 9.32 In respect to NPPF the policy requires replacement dwellings not to materially exceed the size of the existing building which to some extent can include the barn, although it is important to note that this is not residential. In the case of the existing dwellings, these have not been extended and have a floorspace of approximately 230m². The current proposal would have a floorspace of approximately 298m². In terms of

percentage increase, this represents an approximate increase of about 30%, approximately a 10% increase from the previous approval.

- 9.33 The height of the existing dwelling is approximately 8.8 metres whilst the latest proposal would have a height of 9.02m which is the same as the previous approval. This difference is considered to not be significant.
- 9.34 The depth of the current proposal is approximately 12.5m. The maximum depth at first floor level however is less at approximately 10m. It is therefore considered that the proposed dwelling would have a larger volume than the combined existing dwellings, which is also supported by the floorspace comparisons.
- 9.35 Lastly, it is necessary to consider any further visual implications from the proposed development as part of other considerations. The assessment under 'reflect the character and distinctiveness of its rural setting' will be also considered under section 6.
- 9.36 In the previous application the applicant advanced the following evidence which is still relevant. This is shown in italics:

The new site proposed for the house has been specifically chosen primarily to overcome all the shortfalls of the current location of Farm Cottages.

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.

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.

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.

- 9.37 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.

This Atcost barn has however very little visual impact from the wider area due to the surrounding topography, landscaping and siting.

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

- 9.38 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.

- 9.39 It was previously agreed, that whilst the development is 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.

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.

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.

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.

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.

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.

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.

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

9.40 Overall, these reasons advanced in the last applications are still relevant for this assessment. It is still considered that the existing siting of the cottages is probably not ideal, due to their 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 remains the removal of the existing dwelling and opening up the Green Belt in this location. The principle of replacement in this alternative location is therefore considered acceptable. As before, 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 it is essential that this is secured through a legal agreement.

9.41 With regards to the size of the dwelling, an increase of 30% over the existing, is justified by the applicant in part by noting that there remains the opportunity to exercise permitted development rights for the 2 existing dwellings comprising single storey side extensions and two storey rear extensions without the need for planning permission which would result increases to both floorspace and the volume of the existing dwellings in excess of 30%. The applicant also notes in their view that extensions to dwellings in the Green Belt are frequently given for 30% or more. The applicant states:

‘Given the size of extensions which the Council frequently permit, and the size of extensions that could be added to the existing Farm Cottages of 30%, it is clearly the case that a replacement dwelling 30% larger than the existing cottages could not be considered to materially exceed the original building or to be contrary to NPPF paragraph 89, or indeed policy RA4.’

'The proposals now submitted result in a small increase of just 20 sqm by comparison with those previously approved, and an overall increase in relation to the existing cottages of less than 30%. It is not however relevant they are larger than the approved application but whether the increase in relation to the existing cottages is acceptable. It is the applicants' case that the increase is not excessive, nor material, but quite appropriate'

- 9.42 The Town and Country Planning General Permitted Development Order 1995, as amended, places restrictions on permitted development on designated land, but not in the Green Belt. Notwithstanding this, these rights would be for 2 existing dwellings and not for a dwelling which is yet to be built. Therefore this can only be viewed in the context of what could potentially happen in the future if these existing dwellings were brought back into residential use. The likelihood of this is limited taking into account their condition, and so only very limited weight is given to this.
- 9.43 Overall, the further increase in floorspace is a finely balanced case. The applicant contends that previous application reports did not provide a limit to the maximum increase in floorspace allowable, but it is clear that a judgement was made on whether the previous increase was material in the last applications. There can be no doubt that a 30% increase is material and so defines the proposal as being inappropriate in Green Belt Policy terms. The harm identified through the inappropriateness must be clearly outweighed by the benefits to the openness of the Green Belt. The lack of harm to the character of the Green Belt adds weight to this assessment, and the opportunity to remove permitted development rights for future extensions can also be taken into account, as in the previous applications. Whilst being at the very limit of what would be considered acceptable, the overall benefits identified above are considered to be sufficient for very special circumstances to exist subject to a planning condition removing permitted development rights for future extensions and a legal agreement.
- 9.45 The proposed development also includes a basement, which is shown would accommodate a gym, cinema room, storage, spa. Whilst there would be a small amount of natural light that would benefit this accommodation through the provision of a very small single lightwell to the gym, 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.
- 9.46 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.

- 9.47 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 on balance this development is considered acceptable.

4. Highway and Parking Matters

- 9.48 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.
- 9.49 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.

5. Impact on the Amenity of Neighbours

- 9.50 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.
- 9.51 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. The latest design shows a close boarded fence proposed on the east boundary 1.8m high with additional planting and 1.2 m high black painted parkland fencing on the west boundary. Estates. These may be appropriate, however a planning condition is suggested for submission of further details for agreement and permitted development rights for boundary treatments are suggested for withdrawal to control future boundary treatments if they were to change.
- 9.52 Overlooking between the proposed dwelling and Pulham House is unlikely due to the design of the proposed dwelling only having a bathroom and secondary bedroom window on the first floor side elevation which is nearest this adjoining neighbour. It would be reasonable for a planning permission to require that these are non-opening below 1.8m above floor level and obscure glazed. This would ensure that even though the existing landscaping on the site, which is covered by a tree preservation order, provides screening, that there is no loss of privacy if this was not in leaf or this landscaping was reduced at a later date. In regards to the rear first floor balcony, views from the side of this are considered to be sufficiently distant to ensure that there is no harmful loss of privacy.

- 9.53 The distance between the proposed dwelling and the side elevation of Little Bedwell is approximately 35 metres. Although a rear first floor balcony is proposed, 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.
- 9.54 It is therefore considered that the proposal complies with policy D1 of the Welwyn Hatfield District Plan subject to a planning condition for the glazed windows to the first floor windows on the east side and that these are non-opening below 1.8m from floor level.

6. Design and impact on the character of the area

- 9.55 National Planning Policy (Section 7), 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 the NPPF and local plan policy RA4. The applicant has as part of the application submitted a plan showing a cross-section of the development compared to the adjoining dwelling at Pulham House and Little Bedwell. This shows the overall scale of the proposed dwelling to be considerably less than that approved at Pulham House and smaller than Little Bedwell.
- 9.56 A supporting statement was submitted as part of the 2009 and 2012 applications supporting 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
- 9.57 The proposed dwelling would be constructed of red multi-stock brick under a red-brown clay tile roof. The roof is pitched with hipped gables with a central crown flat roof, along with a small octagonal spire over the main entrance. The front has been articulated with a tower like feature for the main entrance and either side of this are projecting square bay windows and a glazed screen for the staircase.
- 9.58 This is an improvement over the scheme provided at the pre-application stage where concerns over the gothic detailing of the windows were raised. The chimney has also been revised in response to the pre-application concerns over being overly ornate compared to that of the overall character of the proposal.
- 9.59 The east flank elevation is fairly simple, whilst the elevation facing towards the golf course includes more windows and a Juliet balcony at first floor level which adds visual interest. To the rear, the elevation is simpler than the fenestration of the front elevation, with glazed doors to the principle ground floor rooms in single storey projecting elements. A first floor level a rear balcony to the master bedroom is proposed over one of these single storey

projecting elements. There is also a pair of small conservation style rooflights to the rear elevation and also one on the west side elevation.

- 9.60 Overall, the proposed design is considered to be in keeping with its wider context through the use of appropriate materials and details. The design of the front elevation has more visual interest than the rear elevation which is rather simple in design detail in contrast. Notwithstanding this, the overall design is considered to be of a high quality and so would meet the requirements of local plan policy D1 & D2 and the SDG subject to a planning condition requiring the approval of external materials.
- 9.61 The garage would be of the same materials and is of a similar 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 is considered to still comply with the above policies.

7. Other Material Planning Considerations

- 9.71 **Protected Species:** The presence of protected species is a material consideration, in accordance with National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

- (iii).72 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.”

- (iii).73 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:

- “Deliberate capture or killing or injuring of an EPS”
- “Deliberate taking or destroying of EPS eggs”
- “Deliberate disturbance of a EPS” including in particular any disturbance which is likely –

- (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong
- “Damage or destruction of an EPS breeding site or resting place” (applicable throughout the year).
 - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)
 - e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
 - e.g. dormice nest (breeding site or resting place (where it hibernates)

(a).74 In some circumstances a person is permitted to ‘derogate’ from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict “derogation” tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

(a).75 Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should:

- a) Consider whether an offence to an EPS is likely to be committed by the development proposal.
- b) If the answer is yes, consider whether the three “derogation” tests will be met.

b).76 A LPA failing to do so would be in breach of Regulation 9(5) of the Conservation Regulations 2010 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

b).77 The application has been accompanied with a bat licence which has been issued by Natural England following the previous planning approval. This

licence is from 29/04/2013 to 31/07/2015 and is specific to an approved method statement.

- b).78 Hertfordshire Biological Records Centre (HBRC) has been consulted and recommend that the method statement which accompanies the bat licence is conditioned. The applicant however already has been granted a licence and it is necessary as part of that licence that the demolition works are carried out in accordance with the approved method statement. It is unnecessary, therefore, to impose further requirements to those that already exist in this licensing regime. It would be relevant to bring to the attention of the applicant with an informative that the licence expires at the end of July 2015 and that a new one would be required if the planning permission is to be implemented after this date and up to the time any planning permission expires.
- b).79 HBRC also recommend that if the cottages are to be demolished during the time for nesting birds that these buildings are inspected by an ecologist and that if nesting birds are found that demolition is delayed. It is also recommended that this requirement by HBRC is subject to a planning conditions to comply with the Regulations and this would be reasonable.
- b).80 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
- b).81 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.
- b).82 Protected Trees:** A tree report and arboriculture implications assessment was submitted as part of the previous application. The implications assessment assesses the proposed development against the existing trees on the site. The development would result in the loss of one tree. This is a category R tree, which means that it is a tree in such a condition that it will be lost within 10 years and may be removed as good arboriculture practice. This tree is an oak which has numerous structural faults and overall poor vigour.
- b).83 It has been previously 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. The current scheme has been designed according to the applicant to allow as much natural light into the building with the use of large glazed windows to account for the amount of light lost from these protected trees.

- b).84 The Tree Report and Ecological Assessment details a number of measures which should be undertaken to protect the existing landscaping on the site prior to development. Recommendations are made including the provision of bat, bird and hedgehog boxes and facilities to encourage insects.
- b).85 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.
- b).86 Archaeology:** Hertfordshire County Council Archaeology has advised that an archaeological evaluation should be undertaken prior to the commencement of development, and depending upon the evaluation, measures may then be required. Planning conditions are recommended to secure these requirements and it is considered that the proposal would comply with the National Planning Policy Framework and Local Plan Policy R29 subject to these. They advised 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.
- b).87 Sustainability:** The applicant has submitted a sustainability checklist as part of the application in accordance with policy. This states that permeable surfacing will be used, and photo voltaic / solar panels will be installed Overall, it is considered that the measures proposed would comply with policy and thus the development is considered acceptable subject to conditions.
- b).88 Historic Garden:** 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 was agreed with by Hertfordshire Gardens Trust previously.
- b).89 Accessibility:** The site is relatively level and thus access across the site for anyone with limited mobility should be possible. The applicant advises that the dwelling is of a size to accommodate stair lifts or ground floor sleeping and bathing facilities should the need arise in the future.
- b).90 The location of the site is poorly served by public transport and therefore there would be a strong reliance on the private motor car.
- b).91 Permitted Development Rights (Outbuildings):** The applicant considered as part of the previous application that permitted development rights for outbuildings should not be removed as part of this development. They stated 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.

b).92 This was considered as part of the previous application and concluded that this had some merit. However, 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.

b).93 Planning Obligations: In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

(i).94 It is necessary to mitigate the impact of development on the openness of the Green Belt and its character and appearance by securing the removal of the existing dwellings (Farm Cottages) and for the site to be appropriately re-landscaped (with the removal of all materials from the site of these works) in a reasonable time period while ensuring no protected species are harmed at the same time. It is also necessary to ensure the use of the space granted for the new replacement dwelling at basement level is restricted to that ancillary and/or incidental to the enjoyment of the new replacement dwelling and not used for separate living accommodation. These requirements are necessary to as part of the very special circumstances that are considered to exist to justify the grant of planning permission and so are necessary to make the development acceptable in planning terms.

(ii) Directly related to the development;

(ii).95 These works required as part of this planning obligation are directly related to the development because they involve two existing cottages which will be replaced by one new dwelling and the use of the new basement area forms part of the replacement dwelling. The protected species are in the dwellings to be demolished which are required to facilitate this development.

(iii) Fairly and reasonable related in scale and kind to the development.

(ii).96 The requirements are fair and reasonable to this proposal to the requirements of the planning obligation as the applicant has submitted the proposal on the basis of that these 2 existing dwellings can be replaced by one dwelling and that they are willing to undertake these works, along with the new landscaping, to compensate for the impact from the new development. The protection of protected species during the course of the development is reasonable and fair along with future restrictions on the use of the new basement.

10 Conclusion

- 10.1 This proposal for a new dwelling on this site to replace 2 existing dwellings on a neighbouring site reflects a scheme previously approved by Planning Control Committee in 2009 and given a 3 year time extension in 2012.
- 10.2 This scheme however is for a different design and a larger floorspace. The applicant has advanced very special circumstances for the replacement dwelling as in the previous approvals. These other considerations are still sufficient to outweigh the harm to the Green Belt through the developments inappropriateness as defined by Green Belt policy, subject to the completion of the legal agreement.
- 10.3 This legal agreement, which includes 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, forms part of the very special circumstances that justifies a development which would otherwise be considered inappropriate. The proposed design of the dwelling is considered appropriate to its location and should ensure the ongoing health and vitality of the protected trees.

11 Recommendation

- 11.1 It is recommended that planning application S6/2013/1087/FP is approved subject to the completion of a satisfactory legal agreement within 2 months of this decision (18 September 2013), and subject to the following conditions requiring:
- The submission of a landscaping scheme for the site of Farm Cottages following the demolition works of these existing dwellings for written approval by the Local Planning Authority. This is to be approved prior to the commencement of development works.
 - the demolition of the two existing dwellings (Farm Cottages) subject to compliance with any mitigation strategy required as part of the Bat Licence granted by Natural England and the complete removal of all materials resulting from the demolition of Farm Cottages within 3 months of the commencement of these demolition works. Demolition works are to be carried out only when written approval for the landscaping scheme for the Council has been given.
 - The approved landscaping scheme for Farm Cottages is to be implemented with the first planting season following the demolition of the existing dwellings and to be maintained in accordance with the approved details of the landscaping scheme.
 - The basement accommodation of the new dwelling is to be used for purposes ancillary to the new dwelling and/or incidental to the enjoyment of the new dwelling and not used for separate living accommodation.

1. C.2.1 – Time Limit
2. C.13.1 – In accordance with plans and details
13/ECC/PL/01A & 13/ECC/PL/02C & 13/ECC/PL/03A &
13/ECC/PL/04A & PR118569-01 received and dated 21 May
2013.

PRE DEVELOPMENT

3. C.5.1 – Samples of materials
4. C.4.1 – Landscaping (a, b, e, g, h, i and j)
5. C.4.5 – Retention/Protection of Trees & Shrubs
6. 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:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
 - iii. The programme for post investigation assessment
 - iv. Provision to be made for analysis of the site investigation and recording
 - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - vi. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

REASON: To enable the assessment of the site by qualified persons for the investigation of archaeological remains in accordance Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. Demolition works shall be carried out on site between 1st March and 31st August inclusive in any year requires the cottages to be inspected by an ecologist for nest birds immediately prior to demolition. If nesting birds are found than the demolition will need to be delayed and the Local Planning Authority contacted to report this.

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

8. Prior to the commencement of development, detailed plans of the proposed photovoltaics / 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 and the National Planning Policy Framework.

9. All plot boundary treatments 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 and the National Planning Policy Framework.

10. 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 and the National Planning Policy Framework.

PREOCCUPATION

11. 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 6 and the required provision made for analysis.

REASON: To enable the assessment of the site by qualified persons for the investigation of archaeological remains in accordance Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

12. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in

accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis and publication where appropriate.

REASON: To enable the assessment of the site by qualified persons for the investigation of archaeological remains in accordance Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST DEVELOPMENT

13. C.6.1 – Removal of permitted development rights (Class A)
14. C.6.2 – Removal of permitted development rights (Class B)
15. C.6.4 – Removal of permitted development rights (Class E)
16. C.6.6 – Removal of permitted development rights (Fences & Walls)
17. C.6.8 – Removal of permitted development rights (Garage)
18. C.4.2 – Implementation of landscaping
19. The Atcost Barn, located within the curtilage of the proposed dwelling site, shall be demolished prior to the commencement of works for the replacement dwelling. All materials, not being recycled within the site shall be removed within 2 months of completion of the dwelling and prior to the implementation of the landscaping.

REASON: In the interests of the amenity of the area and Green Belt location in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

20. The first floor bathroom and side window to bedroom 4 on the east side elevation of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

REASON FOR APPROVAL

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and 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.

 3. The demolition works must be carried out in accordance with the requirements of the Habitat Regulation License and associated method statement that has been approved from Natural England. The licence expires at the end of July 2015 and so any demolition works of Farm Cottages after this date (and before the expiry of this planning permission) will require a new licence from Natural England.
- 11.2 If the legal agreement has not been completed on or prior to the 18th September 2013, permission should be refused 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 the National Planning Policy Framework 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 the National Planning Policy Framework.

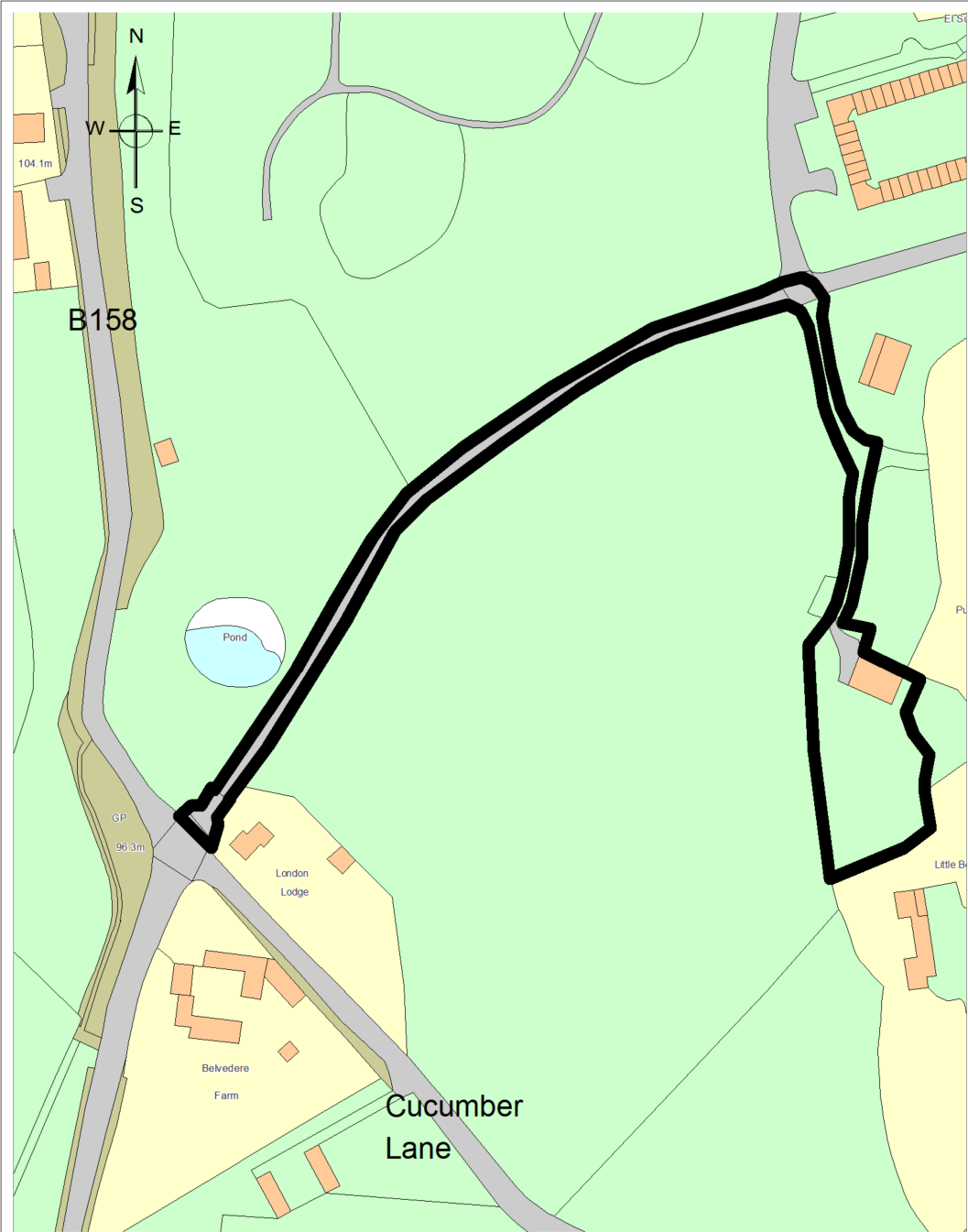
Peter Jefcoate (Strategy and Development)

Date: 1 July 2013

Background papers to be listed

S6/2009/1877/FP

S6/2012/1670/S73B



<p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	<p>Title: Essendon Country Club, Bedwell Park, Essendon</p>		<p>Scale: DNS</p>
	<p>Project: DMC Meeting</p>	<p>Drawing Number: S6/2013/1087/FP</p>	<p>Date: 18 July 2013</p>
<p>Drawn: Andrew Windscheffel</p>			
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