

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2013/2416/S73B

SITE ADDRESS: LAND AT ESSENDON COUNTRY CLUB, BEDWELL PARK

DESCRIPTION OF DEVELOPMENT: VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION S6/2013/1087/FP - ERECTION OF TRIPLE GARAGE IN LIEU OF PREVIOUSLY APPROVED GARAGE

RECOMMENDATION: APPROVE

1. SITE AND APPLICATION DESCRIPTION:

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.

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.

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.

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.

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.

The site for the replacement dwelling and garages 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

This application seeks an amendment to conditions 2 of planning application reference S6/2013/S73B which was granted permission. That application however did amend the original application reference N6/2012/2626/FP for the erection of two dwellings following the demolition of the existing dwelling at the site

The proposal seeks the variation of condition 2 so that the previously approved double garage can be enlarged to a triple garage.

Condition 2 states:

2. The development/works shall not be started and completed other than in accordance with the approved 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 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

Previously Approved Drawings 13/ECC/PL/02C & 13/ECC/PL/03A & 13/ECC/PL/04A show a proposed double garage and are to be updated with the latest proposal..

The latest drawing (13/ECC/PL/06/A) shows a triple garage design and location and updates drawing 13/ECC/PL/02C. Previously approved drawings 13/ECC/PL/03A & 13/ECC/PL/04A have been amended to delete the double garage and have been given an updated revision to 13/ECC/PL/03B & 13/ECC/PL/04B.

2. SITE DESIGNATION:

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.

3. RELEVANT PLANNING HISTORY:

S6/2013/1752/DS - Discharge of conditions 3 (materials), 4 (hard and soft landscaping), 5 (tree protection), Condition 6 (archaeology), 10 (permeable areas), 8 (solar panel details) and 9 (fencing details) of planning permission S6/2013/1087/FP - Demolition of farm cottages (2 dwellings) Erection of detached house with double garage adjacent to Pulham House on existing barn site within golf course – granted 31 January 2014.

S6/2013/1087/FP - 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 – Approved 18 July 2013.

S6/2012/2509/PA Alterations to existing proposal (S6/2009/1877/FP) - pre-application advice.

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.

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.

S6/2001/0211/OP Site for one new dwelling house after demolition of existing cottages. (Outline Application)- Approved – 17th September 2001

4. CONSULTATIONS:

None

5. NEIGHBOUR REPRESENTATIONS:

No representations have been received from the public.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

None

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a. Impact on the Green Belt (Local Plan Policy RA4)**
- b. Highway and Parking Matters**
- c. Impact on the Amenity of Neighbours**
- d. Design and impact on the character of the area**

8. ANALYSIS:

a. Impact on the Green Belt (Local Plan Policy RA4)

The previous application considered that the replacement dwelling for this site was inappropriate development due to the relocation of the dwelling being a significant distance from the existing dwellings and that it would be materially larger.

It was therefore considered that the application could only be assessed as part of a very special circumstances case. It was agreed by members of the Development Management Committee that very special circumstances did exist, but as part of

providing this exception permitted development rights were removed for future outbuildings so that these could be controlled by the Council in the future.

This application is seeking permission for a larger garage than that granted under the earlier approval. Permitted development rights have been removed, including for outbuildings, and so detached garages which can sometimes be constructed without planning permission will always require a planning application for this site. The reason why permitted development rights were removed was because the replacement dwelling is materially larger than the existing dwellings by 30%. However, the existing dwellings (now demolished) had never been extended, and so had the potential to be extended further. This formed part of the very special circumstances case.

There is no clear policy guidance for this type of situation, and so it is up to the decision maker to make a planning judgement. Taking into account that the size of the increase to the garage would be very limited compared to the rest of the approved development, and that the site is:

- well screened
- there would be limited impact on the openness of the Green Belt
- the design would be in keeping
- for non-habitable accommodation
- is for an outbuilding rather than a further extension to the main dwelling.

Then, on balance, it would be reasonable to conclude that very special circumstances exist to justify also this proposal as there would be no significant harm to the openness of the Green Belt.

b. Highway and Parking Matters

The proposed changes would have no implications concerning parking and highway access arrangements.

c. Impact on the Amenity of Neighbours

Pulham House is the nearest neighbour to the proposed development. The changes proposed are sufficiently distant from this neighbour such that there would be no material impact on their residential amenity.

d. Design and impact on the character of the area

The design of the resultant garage would be in keeping with the character of the approved dwelling and surrounding area and so would meet all the design requirements of the local plan.

e. Other Material Planning Considerations

LANDSCAPING

The location of the proposed development would not impact on any existing trees.

PREVIOUS APPLICATIONS

Work for the previous planning approval (S6/2013/1087/FP) has already commenced, and the development is still in the early stages of construction. An application for a discharge of planning conditions has also been received (S6/2013/1752/DS) for pre-commencement conditions and these have been approved.

It would therefore not be appropriate to repeat these pre-commencement planning conditions for this application, but to impose a new planning condition requiring that the details previously approved under application S6/2013/1752/DS are to be fully complied with prior to first occupation. It would also be appropriate to include any approved drawings under application S6./2013/1752/DS in this application under planning condition 2 for the avoidance of doubt. In addition, previously approved drawings 13/ECC/PL/03A & 13/ECC/PL/04A which show the previously approved double garage, need to have had this detail struck out, again for the avoidance of doubt and clarity. These latest drawings are also listed under condition 2.

9. CONCLUSION:

This Section 73 application is to vary planning condition 2 to allow a revised design for the garage. This proposal is considered to meet the local design policies of D1 & D2 and would still provide suitable access and parking arrangements.

The main issue is therefore in terms of Green Belt policy compliance. As the previous approval had to be considered inappropriate development, it will follow that this proposal will also fall into the same criteria.

It is therefore necessary to demonstrate very special circumstance exist. Weight has been attached to the fact the development would not enlarge the approved habitable floor space and that the increase is limited to an already approved outbuilding. Further weight has been attached to the limited increase compared to the overall size of the development and that it will not reduce the openness of the Green Belt significantly. As such, and on balance, very special circumstances exist to justify the proposal.

The main requirements of a previous legal agreement for the demolition of the existing farm cottages have been complied with the only outstanding matters being:

- 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.

The landscaping scheme has already been approved through planning conditions and the implementation of this can now be secured appropriately now through a further planning condition. The future use of the approved basement can also reasonably now be secured through an appropriately worded planning condition.

It is necessary to note that where there is no reasonable requirement for planning matters to be secured through a s106 legal agreement, the use of planning conditions should be used. Due to the key issues in the previous S106 of ensuring that Farm cottages have been removed now being secured, and that an approved landscaping scheme for their site now agreed, it would be therefore reasonable for the other requirements to be subject to planning conditions.

In summary, the previous planning conditions, with the exception of prior commencement requirements and time limit, (as the works have been implemented already) have to be reiterated as part of this approval, along with additional requirements limiting the use of the basement and are as follows:

10. CONDITIONS:

1. C.13.1 – In accordance with plans and details

13/ECC/PL/01A & PR118569-01 received and dated 21 May 2013 & 13/ECC/PL/06 Rev A received and dated 19 November 2013 (& 13/ECC/PL/03B & 13/ECC/PL/04B – both amended by Council to deleted garage details) & 13/ECC/PL/12 & ECC/PL/11 & 13/ECC/PL/10 received 20 August 2013 & 13/ECC/PL/14 Rev A received 10 December 2013.

PRE DEVELOPMENT

2. The development hereby approved shall not be occupied/used until the approved details that are the subject of the planning conditions in application S6/2013/1752/DS have been fully complied and implemented.

REASON: To ensure the approved development complies with the design requirements of local plan policies D1 & D2 & D8 & R17 of the Welwyn Hatfield District Plan 2005.

POST DEVELOPMENT

- 3 C.6.1 – Removal of permitted development rights (Class A)
4. C.6.2 – Removal of permitted development rights (Class B)
5. C.6.4 – Removal of permitted development rights (Class E)
6. C.6.6 – Removal of permitted development rights (Fences & Walls)
7. C.6.8 – Removal of permitted development rights (Garage)

8. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shown on approved drawings 13/ECC/PL/10 & 13/ECC/PL/14A shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

9. 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.

10. The basement of the dwelling hereby approved shall only be used for purposes ancillary to this building and/or incidental to the enjoyment of this residential use and the said area shall not be used for separate living accommodation.

REASON: The replacement dwelling is materially larger than the building it replaced and as part of a very special circumstances case the habitable floorspace is limited to that above ground level to comply with the requirements of Green Belt in Local Plan Policy RA4 of the Welwyn Hatfield District Plan 2005.

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 : None

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