

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: 6/2015/2386/HOUSE & 6/2015/2387/LB

SITE ADDRESS: Great Nast Hyde House, Wilkins Green Lane, Hatfield, AL10 9RB

DESCRIPTION OF DEVELOPMENT: Construction of a new underground swimming pool

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. SITE AND APPLICATION DESCRIPTION:

Great Nast Hyde House is located to the north of Wilkins Green Lane and comprises a Grade II Listed mansion which dates from the early to mid 17th Century. The house benefits from extensive gardens and a number of outbuildings. From Wilkins Green Lane, the house is set back behind a well established hedge and there are large imposing iron gates to the access.

The application site lies to the west of the House and comprises an overgrown yew plantation with densely spaced yew trees some 5-6m tall. The heritage statement which accompanies this application describes them as having been planted purely as a nursery for later re-planting elsewhere on the site. The area is partly screened by a garage building and partly by trees near the frontage. The site is enclosed by a relatively modern garden wall to the east and south.

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. These structures would be finished in red brick and cast Bath stone to match the enclosing walls and the House.

The proposals fix onto the existing garden wall within the curtilage of the Listed Building, therefore, a combined listed building and planning application has been submitted. This application is identical in all respects with proposals that were approved in 2011 under references S6/2010/3108/FP and S6/2010/3109/LB. The same drawings are resubmitted here, however, the accompanying statement has been updated.

2. SITE DESIGNATION:

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.

3. RELEVANT PLANNING HISTORY:

S6/2010/3109/LB – Construction of a new underground swimming pool (Granted 17/02/2011)

S6/2010/3108/FP – Construction of a new underground swimming pool (Granted 17/02/2011)

S6/2010/2149/FP – Erection of garage (Granted 16/12/2010)

S6/2004/1278/FP – Erection of a detached barn/workshop (Granted)

S6/1988/643 – Listed building consent for removing dilapidated timber barn (Granted)

S6/1984/297 – New boiler house (granted)

4. CONSULTATIONS:

No objections have been received in principle from Welwyn Hatfield Borough Council's Conservation Officer.

5. NEIGHBOUR REPRESENTATIONS:

None

6. TOWN/PARISH COUNCIL REPRESENTATIONS:

None

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) Would the proposal amount to inappropriate development within the Green Belt and the effect on openness of the Green Belt and the character and appearance of the area (Local Plan Policies GBSP1, RA3, RA10, D1, D2 and the Framework)
- b) Would the significance of the designated heritage assets be conserved or enhanced (Local Plan Policy D1, D2 and the Framework)
- c) Impact on archaeology (the Framework)
- d) Impact on the residential amenity of neighbouring occupiers (Local Plan Policies D1, SDG and the Framework)
- e) Impact on protected species (Local Plan Policy R11 and the Framework)

8. ANALYSIS:

- a) Would the proposal amount to inappropriate development within the Green Belt and the effect on openness of the Green Belt and the character and appearance of the area

This application is identical in all respects with proposals that were approved in 2011 under references S6/2010/3108/FP and S6/2010/3109/LB. Whilst these permissions have expired and are no longer capable of being implemented, they are a material consideration given that they were determined under the same Local Plan Policies. Importantly, there have been no significant changes to the application site, surrounding context and planning history in regard to raising new material considerations.

The National Planning Policy Framework (the Framework) was published on 27 March 2012 and replaced Planning Policy Guidance Note 2: Green Belts (PPG2). The purposes of Green Belt designation, as previously identified in PPG2 have not changed and the Framework confirms that the essential characteristics of the Green Belt are its openness and permanence. It also reaffirms that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The National Planning Policy (the Framework) accepts at paragraph 89 that within the Green Belt the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. This advice is reflected in Local Plan Policy RA3 which also applies to outbuildings.

The Framework defines “original building” as a building as it existed in July 1948 or, if constructed after that date, as it was built originally built. Neither the Local Plan nor the Framework provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a matter for the decision maker. The proposed increase in volume, footprint and gross floorspace are commonly used indicators, however, as well as mathematical calculations, the visual impact of the extension has to be considered.

Great Nast Hyde House does not appear to have been extended since 1948, however, recent approvals for outbuildings have added new development within the curtilage of the house. Notwithstanding this, when compared to the buildings that existed in 1948, the total amount of built development has reduced.

In assessing the 2010 planning application, the Local Planning Authority concluded that the floorspace and size of the proposed pool building would result in disproportionate additions when compared to the size of the original dwelling. However, it was found that the developments permanent hidden appearance would sufficiently outweigh the harm resulting from inappropriateness. Given that this application is identical to the previous approval and that there have been no significant changes to the application site and no significant change in terms of the aims of Green Belt Policy, it would be unreasonable to conclude differently in this case.

In terms of the effect on openness of the Green Belt, Paragraph 79 of the Framework highlights “*the essential characteristics of Green Belts are their openness and their permanence*”. There is no definition of openness in the Framework but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Any above ground development would to some extent diminish the openness of the Green Belt.

Open air swimming pools and outbuildings containing enclosed swimming pools can often be constructed within the Green Belt without the need of planning consent. In this case, as the proposal would be within the curtilage of a Listed Building, planning permission is required. The proposal has been designed to minimise the impact on the Listed Building and would have less visual impact than an open air pool.

Although it will be underground, the pool must have some presence above ground level to give access for those using the pool, for emergency escape and to allow ventilation, air in and out. These structures have been designed to be as small as possible taking on the form of traditional garden structures and making the area into a formal garden. The roof of the pool will be a “green roof” and planted as a formal

lawn, the limits of which will be defined by the garden structures and a sunken area, similar to a traditional ha-ha. The sunken area will allow natural light into the pool. Beyond the formal area defined by the underground pool the planting will be less formal with most of the existing trees retained and some additional planting to reinforce the density of plant growth. From the outside of the walled enclosure the appearance will be unchanged except for the loss of the tops of some trees seen above the wall.

In determining the previous planning application, it was 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 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 prominent or out of place. Accordingly, the effect on openness would be minimal and would not cause material harm to the Green Belt. The proposal would not be contrary to any of the purposes of including land within the Green Belt. Therefore the proposal is consistent with aims of Policy RA3 and RA10 of the Welwyn Hatfield District Plan 2005 and the Framework.

b) Would the significance of the designated heritage assets be conserved or enhanced

The Framework makes it clear that one of the key dimensions of sustainability is protecting and enhancing the historic environment (paragraph 7) and that one of the twelve core principles which underpin both plan making and decision taking is that planning should conserve heritage assets in a manner appropriate to their significance (paragraph 17). This means that development which fails to adhere to the historic environment policies set out in the Framework would not be sustainable development and the guidance emphasises the very great weight which the Government gives to the proper protection of our shared built heritage.

Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the Framework that planning should seek to secure high quality design.

The proposed development would be sited away from the Listed Building and enclosed by an existing garden wall. Mature trees and vegetation also screen the site from the Listed Building and adjacent public areas.

Constructing the underground pool will of course necessitate the removal of the overgrown yew plantation. This would not harm the setting of the Listed Building as the plantation has absolutely no landscape value, it is a planting accident, an area of neglect which the proposal seeks to rectify.

Due to the underground design and minimal impact upon the existing landscape, it is considered that the architectural and historic features which are important to the

character and appearance of the application building and the setting of the listed building would be retained. Subject to suggested conditions, no objections are raised with regard to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Framework.

c) Impact on archaeology

Paragraph 129 of the Framework requires that where a site includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In this case, Great Nast Hyde 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 also contains buildings dating from the 17th Century. Post medieval farms are frequently found to have medieval origins. Given the extent of excavation proposed, the development may have an impact on significant archaeological deposits, structures or features. It is therefore reasonable to attach a planning condition to ensure that a scheme of investigation has been submitted to and approved by the Local Planning Authority in writing prior to any works commencing and that the works are monitored and recorded appropriately. It may be necessary to use mitigation methods if archaeological remains are found.

d) Impact on the residential amenity

No objections were received from neighbouring occupiers or the Town Council on amenity grounds. Giving consideration to the scale of the proposal and the separation distance from neighbouring properties, it is considered that the proposal would not have an unreasonable impact on the amenity. In this respect, no objections are raised with regard to Local Plan Policy D1, the SDG or the Framework.

e) Impact on protected species

The presence of protected species is a material consideration, in accordance with the Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 (and amended 2012) as well as Circular 06/05. Furthermore, Policy R11 requires developments to contribute positively to biodiversity. In this case, 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 and amended 2012 Regulations further.

9. CONCLUSION:

The proposal is considered to comply with the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance, and the relevant chapters of the National Planning Policy Framework.

10. CONDITIONS:

6/2015/2386/HOUSE CONDITIONS:

1. 30.1 – Development in accordance with approved plans and details: 6173/10 & 6173/101 & 6173/102 & 6173/103 & 6173/104 & 6173/200 & 6173/201 & 6173/202 & 6173/203 received and dated 26 November 2015.

PRE-DEVELOPMENT

2. 6.1 – Samples of materials to be submitted and agreed
3. 3.1 – Scheme of Landscaping to be Submitted and Agreed (points e, f, g)
4. A. No development shall take place 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 hereby permitted shall not be brought into use 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.

C. The development hereby permitted shall not be brought into use 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 (A) and the provision made for analysis and publication where appropriate.

REASON: To enable the inspection of the site by qualified persons for the investigation and recording of archaeological remains in accordance with the National Planning Policy Framework.

POST-DEVELOPMENT

5. 5.1 – Implementation of Landscape Planting

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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. Works should be avoided during the breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.
2. 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.
3. 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:
 - (i) The pool is to be emptied overnight and in dry periods.
 - (ii) The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/second in the public sewer network.

6/2015/2387/LB CONDITIONS:

1. 30.1 – Development in accordance with approved plans and details: 6173/10 & 6173/101 & 6173/102 & 6173/103 & 6173/104 & 6173/200 & 6173/201 & 6173/202 & 6173/203 received and dated 26 November 2015.

PRE-DEVELOPMENT

2. 6.1 – Samples of materials to be submitted and agreed
3. No development shall take place until precise, large scale drawings showing the detailed finish of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) above ground features including pergola, entrance feature, escape feature and ventilation feature (1:20 elevations and 1:5 details)
 - b) windows (1:20 elevations 1:5 sections)
 - c) guarding/balustrade (1:20 elevations, 1:5 sections)
 - d) green roofing edge details (1:20 elevations and 1:5 details)

Subsequently, the development must not take place other than in accordance with the approved details.

REASON: To ensure that the special historic and architectural character and setting of the listed building is properly maintained, in accordance with the National Planning Policy Framework.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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: Mark Peacock **Date:** 20/01/2016