



TOWN AND COUNTRY PLANNING ACT 1990

## PLANNING DECISION NOTICE – PERMISSION

**S6/2009/2574/FP**

**ERECTION OF NEW DWELLING, THREE BAY GARAGE BLOCK, GARDEN STORE TOGETHER WITH RETENTION AND ALTERATION OF THE EXISTING STABLES, LANDSCAPING AND ALL OTHER ANCILLARY WORKS. FOLLOWING DEMOLITION OF PARTIALLY CONSTRUCTED DWELLING, ADJOINING STABLES AND GARAGE BLOCKS**

**at: LAND AT HORNBEAM LANE (SPIKE ISLAND) BROOKMANS PARK HATFIELD**

### Agent Name And Address

MR TIM NORTHEY  
SAVILLS (L&P) LTD  
23 FURZTON LAKE  
FURZTON LAKE  
SHIRWELL CRESCENT  
MILTON KEYNES  
MK4 1GA

### Applicant Name And Address

ROSE LTD REPRESENTED BY FARRER +  
CO  
C/O AGENT

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 23/11/2009 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. The development/works shall not be started and completed other than in accordance with the approved plans and details 541/LP1 & 01 & 02 & 03 & 04 & 05 & 06 & 07 & B09018.03 Rev A & B09018.04 A, with the exception of details to be approved under conditions 10 and 11 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.

3. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall

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not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005

4. Prior to the commencement of the development hereby permitted,

(i) the existing buildings as shown on drawing 01 (annotated as existing garage & timber shed, existing stables and extent of part constructed dwelling & cellar to be removed shown dotted) and the part constructed barn as shown on drawing 541/05 (annotated part constructed agricultural barn to be demolished and landscape reinstated) shall be demolished in their entirety with all materials removed from the site, with the exception of materials to be recycled as part of the construction. The demolition timing shall be undertaken in accordance with details within condition 6 and as to be agreed under condition 5.

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

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

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

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

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order

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with or without modification), no development within Classes A, B, C, D & E of Part 1 of Schedule 2 shall take place, unless permission is granted on a planning application made to the local planning authority.

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

9. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

a) proposed finished levels [earthworks to be carried out]

e) hard surfacing, other hard landscape features and materials

l) a tree survey to be collated and include the Poplar Plantation works, compliant with BS5837:2005

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

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

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

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

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

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

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

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

13. All planting seeding or turfing and soil preparation comprised in the above details of landscaping 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.

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

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

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

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

16. The stable building hereby permitted shall only be occupied in conjunction with the

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residential development hereby approved on the adjoining land and shall not at any time be used for commercial livery or riding school purposes.

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

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

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

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

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

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

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

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

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

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

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

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### REASONS FOR APPROVAL

The proposal has been considered against Planning Policy Statement/Guidance PPS1: Delivering sustainable development, PPG2: Green Belts, PPS9: Biodiversity and Geological Conservation and PPG13: Transport; SS1: Achieving Sustainable Development, T14: Parking, ENV7 Quality of Design, ENV2 Landscape Conservation and ENV3 Biodiversity and Earth Heritage of the East of England Plan 2008, Hertfordshire County Council Waste Local Plan 1999 Waste Policy 7 - Re-use of Waste Arising from New Developments and development plan policies SD1: Sustainable Development, GBSP1: Definition of Green Belt, R3: Energy Efficiency, R11 Biodiversity and Development, R15 Wildlife Sites, M14: Parking standards for new developments, D1: Quality of design, D2: Character and context, D8: Landscaping, RA4 Replacement Dwellings in the Green Belt, RA10 Landscape Regions and Character Areas, RA24 Riding and Livery Stables and RA25 Public Rights of Way of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

### INFORMATIVES

1. Any structure erected on a public right of way must be authorised by Hertfordshire County Council, Rights of Way department.
2. Investigation of the bridge along the Public Bridleway should be undertaken to determine its structural soundness prior to commencement of development. A survey to determine the weight and vehicle movement capacity of the bridge should also be undertaken. Details should be submitted to Hertfordshire County Council, Rights of Way department.
3. Please note, all manure storage areas, in connection with condition 15, shall be suitably sized, and consist of a properly constructed impervious base. All run-off shall be collected in a dirty water system or in a below ground tank. The scheme must include a location plan of the manure storage area which should not be located within 100m from the nearest residential premises. Provisions for controlling pests including flying insects must be included within the scheme.
4. No manure shall be burnt on site.
5. It is suggested that landscaping details in connection with condition 10 are submitted in accordance with suggestions within the memorandum dated 13th January 2010 from the landscape officer.
6. The developers attention is drawn to 'The Site Waste Management Plans Regulations 2008' SI 2008 No. 314, which requires a Site Waste Management Plan to be prepared for construction sites with an estimated cost greater than £300,000.
7. The developer is advised to submit details of the location of any proposed bonfires to the Local Planning Authority.

**Date:** 18/01/2010

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A handwritten signature in black ink, appearing to read 'TH' followed by a long horizontal stroke.

Tracy Harvey  
Head of Development Control