

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2018/1947/FULL  
**Location:** Great Nast Hyde House Wilkins Green Lane Hatfield AL10 9RB  
**Proposal:** Construction of outdoor swimming pool  
**Officer:** Mrs June Pagdin

**Recommendation:** Granted

6/2018/1947/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>Great Nast Hyde House is a Listed Building in residential use with large grounds which include curtilage Listed barns, a small lake, ornamental gardens and natural areas. The house is accessed from Wilkins Green Lane and from St Albans Road by an avenue. Both entrances are gated. The property is in the Green Belt.</p> <p>The application site comprises an area of garden measuring approximately 2,444sqm (0.24 Ha) in area. It is positioned on the north western side of the estate abutting an open field. There is native mixed planting along the boundary that allows views between the application site from the field.</p> <p>The area is screened from the Listed Building and Barns by a wall (over 2m high) and an evergreen hedge (approx. 1.8m high).</p> <p>Planning permission was previously granted for an underground swimming pool on garden land to the south of the application site (S6/2010/3108/FP, S6/2010/3109/LB). This area is separated from the current application area by an evergreen hedge.</p> <p><u>Proposal</u></p> <p>Full planning permission is sought for the installation of an open air swimming pool as follows:</p> <ul style="list-style-type: none"> <li>• Main part 28m long and 14m wide</li> <li>• 12m diameter loop on one corner, incorporating an island and two bridges</li> <li>• Terrace area 5m deep along south and west sides of pool</li> <li>• Removal of evergreen hedge and one sycamore tree</li> <li>• Accessed from driveway from two points by gravel path; one existing gateway to be narrowed, second created by removal of a 3.7m section of garden wall.</li> <li>• Installation of an ornamental feature at southwest corner of pool (details not specified)</li> </ul>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt - Distance: 0            LCA - Landscape Character Area (Colney Heath Farmland) - Distance: 0            PAR - PARISH (HATFIELD) - Distance: 0</p>

	Wards - Hatfield Villages - Distance: 0 WCCF - Watling Chase Community Forest - Distance: 0 ALA - StAlbans - Distance: 68.1 HEN - Existing S41 NERC Act habitat - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0		
<b>Relevant planning history</b>	Application Number: S6/2010/3109/LB Decision: Granted Decision Date: 17 February 2011 Proposal: Construction of new underground swimming pool  Application Number: S6/2010/3108/LB Decision: Granted Decision Date: 17 February 2011 Proposal: Construction of new underground swimming pool  Application Number: 6/2018/1948/LB Decision: Withdrawn Decision Date: 03 September 2018 Proposal: Construction of outdoor swimming pool		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 24 August 2018 and 16 November 2018 Site Notice Expiry Date: 15 September 2018 and 7 December 2018 Press Advert Display Date: 29 August 2018 Press Advert Expiry Date: 12 September 2018		
<b>Summary of neighbour responses</b>	None received		
<b>Consultees and responses</b>	Hatfield Town Council – No response Place Services, Essex County Council – No response WHBC Public Health and Protection – No objection regarding noise or lighting impact on neighbouring occupiers. Recommends planning application is permitted with informative over noise and dust during construction Hertfordshire Ecology – No objection. Not aware of any ecological interest in the location of the proposed swimming pool		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others:			
<u>Draft Local Plan Proposed Submission, August 2016 (Emerging Local Plan)</u> SADM34 Development in the Green Belt			
<b>Main Issues</b>			

## Is the Development appropriate in the Green Belt?

Yes  No

**Comment** (if applicable):

The Government places great importance on the Green Belt. The National Planning Policy Framework 2018 (NPPF) identifies its fundamental qualities as openness and permanence. Paragraph 145 sets out that the construction of new buildings/structures is inappropriate in the Green Belt. However, identified exceptions include the provision of appropriate facilities (in connection with the existing use of the land) for outdoor sport or recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Domestic open air swimming pools often benefit from permitted development rights. The current proposal requires planning permission because it is within the curtilage of a Listed Building. The proposed swimming pool would be for outdoor sport and leisure use for the occupants of Great Nast Hyde House ancillary to their existing residential use of the property. Subject to the facility preserving the openness of the Green Belt and not conflicting with the purposes of including land within it, the proposed development would be in accordance with Paragraph 145(b) of the NPPF. These aspects are discussed below.

### Openness

This is assessed in terms of use intensity and generation of associated activities as well as visual openness.

The proposal does not involve subdivision of the land or introduction of a materially new use; the pool would be ancillary to the existing residential use of the land. The land is currently used as part of the garden for composting and as general amenity space. The introduction of a pool may increase the levels of activity at certain times of year under certain weather conditions but not to a significant degree such that it would have a material impact on the use of the land.

In terms of visual openness the proposal involves the loss of a mature sycamore and an evergreen hedge enabling activity on the site to be seen from across the open field from the north west, albeit from some distance. The pool and terrace would be at ground level. The only features that may project up from the ground level are the two bridges and the ornamental feature. These may have a visual impact on openness. However, the proposed development would be some distance from surrounding publically accessible points; 210m from St Albans Road West and 270m from Wilkins Green Lane across the open field. Screening the north west boundary of the application site with a mixed native hedge/trees to a minimum height of 2m is considered an adequate measure to mitigate any visual impact and maintain the openness of the Green Belt in this location. In addition it is recommended that a condition requiring details of the bridges and feature be imposed on planning permission.

Subject to boundary screening and a condition requiring details of the bridges and ornamental feature, the proposal is not considered to adversely affect the openness of the Green Belt.

### Purposes of including land within the Green Belt

The NPPF identifies the Green Belt as serving five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would be well contained within the existing boundaries of the site and it would be located within an area which forms part of the residential curtilage of Nast Hyde House. Further to this, the development is not of a scale or nature to conflict with these purposes of the

Green Belt.

Green Belt Conclusion

The proposed development would constitute domestic scale facilities for outdoor sport and leisure in connection with an existing residential use of the land and would not result in an adverse impact on the openness of the Green Belt in terms of intensity of use and generation of associated activities. Subject to enhanced boundary planting with a mixed native hedge, it would not impact on the visual openness of the location. It would not conflict with the purposes of including land within the Green Belt.

The proposed development is, therefore, considered to be appropriate development in the Green Belt and in accordance with Paragraph 145 of the NPPF

**Is the development within a conservation area?**

Yes  No

Within curtilage of Grade II Listed Building

**Would the significance of the designated heritage asset be preserved or enhanced?**

Yes  No

**Comment** (if applicable):

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that in considering applications for planning permission for development which affect a listed building or its setting local planning authorities shall have special regard to the desirability of preserving the building or its setting (paragraph 66.1).

The NPPF states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8).

The specific historic environment policies within the National Planning Policy Framework (NPPF) are contained within paragraphs 184-202. Paragraph 192 of the NPPF states: "In determining planning applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 193 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and world heritage sites, should be wholly exceptional. Where the harm is considered less than substantial Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, its optimum viable use. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances. Paragraph 200 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset or better reveal its significance.

The proposed swimming pool would be sited away from the main house and screened from the Listed Buildings by an existing garden wall and established planting. The section of wall to be removed is not part of the original wall or historic fabric on the site.

The proposed development would be some distance from surrounding publically accessible vantage points; approximately 210m from St Albans Road West and approximately 270m from Wilkins Green Lane across the open field. However, the application site can be considered part of the overall backdrop against which the site is seen from a distance. To ensure the setting is maintained the boundary between the application site and the open field should be screened using a mix of native species to blend in with the existing vegetation. It is recommended that enhanced planting on this boundary be secured by condition.

Details of the ornamental feature have not been provided. Any feature must be of a suitable design and in suitable materials to be in keeping with the setting of the Listed Buildings on the site. It is recommended that details of the design and materials be secured by condition and be submitted and approved prior to installation of the feature. Subject to the above conditions and careful adherence to quality materials used in its finish, the proposal is judged to not harm the significance of the heritage asset and that its impact on the setting of the building would be neutral.

**Would the development reflect the character of the area?**

Yes  No

**Comment** (if applicable):

Subject to conditions securing adequate vegetation screening along the north west boundary with the field and submission of details of the ornamental feature.

**Would the development reflect the character of the dwelling/site?**

Yes  No  N/A

**Comment** (if applicable):

The existing screening within the site between the listed buildings (house and barns) and the application site would be retained with the exception of one short section of wall to provide a second access to the pool.

The hedge that would be removed separates two pieces of open garden which would become one area.

Subject to adequate vegetation screening along the north west boundary with the field and submission of details of the ornamental feature.

**Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)**

Yes  No  N/A

**Comment** (if applicable):

The nearest neighbours are a considerable distance away (over 100m) and would not be adversely affected by the proposal in terms of overbearing impact, loss of light, loss of privacy or noise.

**Would the development provide / retain sufficient parking?**

Yes  No  N/A

**Comment** (if applicable):

**Any other issues**

Ecology – Hertfordshire Ecology has not objected to the proposal. The site is within the Green Belt and a natural area of the garden at present. It is recommended that an informative be added to any permission advising what action to take if protected species are discovered during construction.

Landscaping –the proposal would involve the loss of a hedge internal to the site and one sycamore tree. The proposed plans show retention of the remaining trees. It is recommended that the retained trees and shrubs are protected during construction via a condition to this effect.

The north west boundary comprises a low hedgerow interspersed with trees. It is recommended that this boundary planting is enhanced for reasons of privacy for the occupants and visual impact in the Green Belt, and that this be secured by a condition on planning permission.

### **Conclusion**

The proposed development would constitute domestic scale facilities for outdoor sport and leisure in connection with an existing residential use of the land and would not result in an adverse impact on the openness of the Green Belt in terms of intensity of use and generation of associated activities. Subject to enhanced boundary planting with a mixed native hedge, it would not impact on the visual openness of the location. It would not conflict with the purposes of including land within the Green Belt.

The proposed development is, therefore, considered to be appropriate development in the Green Belt and in accordance with Paragraph 145 of the NPPF 2018 and Policies of the Local Plan.

To ensure the setting of the Listed Buildings and character of the area are maintained, the boundary between the application site and the open field should be screened using a mix of native species to blend in with the existing vegetation. It is recommended that enhanced planting on this boundary be secured by condition.

Details of the ornamental feature have not been provided. Any feature must be of a suitable design and in suitable materials to be in keeping with the setting of the Listed Building and Barns on the site. It is recommended that details of the design and materials be secured by condition and be submitted and approved prior to installation of the feature. Subject to the above conditions and careful adherence to quality external materials used in its finish, the proposal is judged to not harm the significance of the heritage asset and its impact on the setting of the building would be neutral. The proposal, therefore, complies with Section 12 of the National Planning Policy Framework 2018 and the Welwyn Hatfield District Plan.

Informatives are recommended over hours of construction, given that excavation would require the use of machinery, and unexpected finds of protected species.

### **Conditions:**

1. No development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels [earthworks to be carried out]
- (b) means of enclosure and boundary treatments including enhanced planting on the north west boundary of the site
- (c) hard surfacing, other hard landscape features and materials
- (d) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

(f) details of siting and timing of all construction activities to avoid harm to all nature conservation features

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 Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2018.

2. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

3. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).  
  
(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
  
(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details to be approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the first use of the development hereby permitted.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

4. Details, including the design, materials and dimensions, of the proposed ornamental feature shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall be implemented

using the approved details and subsequently, the approved details shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and the setting of the Listed Building in accordance with the Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2018.

#### DRAWING NUMBERS

5. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
1547-P02-00SP	P2	Proposed Site Plan - Swimming Pool	24 July 2018
1547-E02-00SP	P1	Existing Site Plan & Photos	24 July 2018
1547-E01-00SP	P1	Existing Site Plan, Block Plan, Aerial Site Views & Site Photos	24 July 2018

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### 1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 viewed on the Council's website or inspected at these offices).

#### **Informatives:**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays.
3. If at any time during the course of construction of the development hereby approved, a species of animal that is protected under Schedule 1\* or 5\*\* of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994\*\*\* or the Protection of Badgers Act 1992 is discovered, all construction or other site work affecting the species shall cease until a suitable



mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and a license has been obtained from DEFRA (Department for Environment, Food and Rural Affairs).

\* Includes nesting birds

\*\* Includes great crested newts, bats, reptiles and water voles

\*\*\* Includes great crested newts and bats.

**Determined By:**

Mr Mark Peacock  
20 December 2018