

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

DELEGATED APPLICATION

Application No: 6/2020/0311/MAJ
Location: Nyn Park, Well Road, Northaw, Potters Bar, EN6 4BS
Proposal: Engineering works comprising ground works and shaping of land to create a golf course (used only in conjunction with the Nyn Park Estate dwellinghouse) and erection of an associated single storey maintenance building
Officer: Mr David Elmore

Recommendation: Granted

6/2020/0311/MAJ

Context	
Site and Application description	<p>The application site has an area of 29.57 hectares and comprises part of the estate grounds of Nyn Park to the north of the village of Northaw. The whole Nyn Park Estate has an area of 129 hectares.</p> <p>Planning permission is sought for engineering works comprising ground works and shaping of land to create a golf course (used only in conjunction with the Nyn Park Estate dwellinghouse) and erection of an associated single storey maintenance building.</p> <p>The engineering works to create the golf course are complete and the golf course is operational. The golf course is located within the open stretches of land that emanate out from Nyn House to the south-west, south-east and east.</p> <p>It is considered by Officers that the use of part of the estate grounds for a golf course would be incidental to the main use of the estate as a private residence and so planning permission for the change of use of the land would not be required.</p> <p>The site is washed over by the Metropolitan Green Belt and located within the Northaw Common Parkland Landscape Character Area. Northaw Great Wood adjoins the east and north-east boundary of the site.</p> <p>The planning permission for the main dwelling at Nyn Park (Nyn House) was subject to a landscape strategy requiring restoration of the estate (S6/2000/1639/FP). The landscape strategy was secured through a S106 Agreement and involved removal of extensive coniferous planting and recreating of the original components of the woodland, meadow, heathland, informal parkland and vineyards. Works were completed to the satisfaction of the Council in 2015.</p>
Constraints (as defined within WHDP 2005)	<p>AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS44 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0</p>

SSSI - SITE OF SPECIAL SCIENTIFIC INTEREST (Northaw Great Wood - SSSI4) - Distance: 0
PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0
SSSI - SITE OF SPECIAL SCIENTIFIC INTEREST (Northaw Great Wood - SSSI4) - Distance: 0
Wards - Northaw & Cuffley - Distance: 0
A4D - ARTICLE 4 DIRECTION - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1888160) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1888184) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1888185) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1888188) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1888194) - Distance: 0
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FM30 - Flood Zone Surface Water 30mm (1889041) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1902183) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1901661) - Distance: 0
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FM00 - Flood Zone Surface Water 1000mm (7630199) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7663733) - Distance: 0
WILD - The Vineyard, Nyn Park - Distance: 0
HEN - Existing S41 NERC Act habitat - Distance: 0
HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0

	HEN - No known habitats present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HPGU - Nyn Park - Distance: 0		
Relevant planning history	Application Number: S6/2000/1639/FP Decision: Approval Subject to s106 Decision Date: 26 October 2001 Proposal: Erection of dwelling house and restorations of Nyn Park Estate		
Consultations			
Neighbour representations	Support: 1	Object: 2	Other: 2
Publicity	Site Notice Display Date: 5 March 2020 Site Notice Expiry Date: 26 March 2020 Press Advert Display Date: 18 March 2020 Press Advert Expiry Date: 1 April 2020		
Summary of neighbour responses	5 neighbour responses have been received – comprising 2 objection, 2 comments and 1 letter of support. <u>Objection</u> <ul style="list-style-type: none"> - The development may in time allow the status of the land to change and result in housing development to be permitted - Development will alter views from 103 The Ridgeway - Impact on character of area <u>Comment</u> <ul style="list-style-type: none"> - Wildlife will be disturbed Support <ul style="list-style-type: none"> - Proposal preserves the Green Belt 		
Consultees and responses	Northaw & Cuffley Parish Council - Objection due to the proposal being inappropriate development in the Green Belt Herts & Middlesex Wildlife Trust – Objection summarised as follows: <ul style="list-style-type: none"> - No ecological survey supplied - Net gain to biodiversity not demonstrated WHBC Public Health & Protection – conditions recommended HCC Historic Environment Advisor – conditions recommended Lead Local Flood Authority – Holding objection as follow-up visit in Summer 2021 to inspect the operation of the watercourses in dry conditions to ascertain if there is any potential impact on ecology in and around the watercourse. Hertfordshire Ecology – No objection subject to Landscape Management Plan being secured Natural England - No objection subject to Landscape Management Plan being secured Environment Agency – No objection		

	The Gardens Trust – Cannot comment as the application does not indicate how the compound or the earthworks affects long views from heritage assets
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Relevant Policies

NPPF
 D1 D2 GBSP1 GBSP2 M14
 Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes
 Others: R2, R11, R13, R15, R17, R19, R29, D8 & RA10 of the District Plan

Main Issues

<p>Green Belt</p>	<p><u>Appropriateness</u></p> <p><i>Engineering works</i></p> <p>Paragraph 150 of the NPPF outlines that engineering works are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.</p> <p>There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The duration of the development, degree of activity, the specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.</p> <p>Paragraph 138 of the NPPF states that the Green Belt serves five purposes:</p> <ul style="list-style-type: none"> 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. <p>Land levels have been both heightened and reduced to create the golf course. Having regard to the submitted Cross Sections drawing (drawing no: N32/C/1014) it is considered that such alterations are relatively modest and the overall land form would not appear markedly different.</p> <p>Nyn Park estate has a strongly defined wooded and tree lined boundary and the golf course itself is bounded and enclosed predominately by woodland within the Estate which would not be affected by the development. The wider landscape therefore serves to screen the ground works and shaping of the land to create the golf course from view and assists in safeguarding the countryside from encroachment.</p> <p>Having regard to the above, it is considered that the engineering works preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Such works therefore represent appropriate development in the Green Belt.</p> <p><i>Maintenance building</i></p>
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	<p>Paragraph 149 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. One of these exceptions is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor 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.</p> <p>The proposed maintenance building would be sited to the southern edge of the application site close to Well House and a single storey partly open-side building. The single storey building is used for storage in association with the maintenance of the estate. At the time of the officer site visit (prior to completion of the golf course), this building was well used.</p> <p>5-6 full time employees are required to maintain the private golf course. The maintenance building would include an office, meeting room and kitchen, toilets and changing facilities, machine parking, mechanics workshop and large equipment and fertiliser store. This has been supported by an extensive golf maintenance, machinery and equipment list.</p> <p>Such facilities are not uncommon in association with the maintenance of a golf course and having regard to the submitted maintenance, machinery and equipment list as well as the number of employees required, it is considered that the scale of the facility is proportionate to the use. This building is therefore deemed to be an appropriate facility.</p> <p>The building would be single storey in height with a shallow mono-pitch roof and fabricated from insulated metal cladding panels. The windows and door will be painted aluminium and roller garage doors are included for vehicular access. Subject the colour of the external cladding and windows being agreed, it is considered that appearance of the building would be appropriate to its rural setting.</p> <p>While the building would result in a loss of Green Belt openness in spatial terms due to the built form which would be created, the effect would be significantly reduced through its unassuming appearance, intimate association with other built form including a building in the same use, and strong landscape screening both within and outside of the site. It is therefore considered, on balance, that this building would not result in a material loss of the openness of the Green Belt.</p> <p>The intimate association of the maintenance building with other existing buildings within Nyn Park is also a key factor to ensure that this development would not represent an encroachment into the countryside. There would also be no conflict with any of the other purposes of including land in the Green Belt.</p> <p>Concluding on the above, it is considered that the proposed development does not and would not harm the Green Belt.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>The site comprises open land which is predominately enclosed by woodland and parkland associated with the wider estate. Nyn Park and the immediate area has a rural character and appearance.</p> <p>Policy D1 of the District Plan states that the Council will require the standard of design in all new development to be of a high quality, and that the design of new development should incorporate the design principles and policies in the Plan and the guidance contained in the</p>

	<p>Supplementary Design Guidance (SDG).</p> <p>One of the design principles is character and Policy D2 (Character and Context) states that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed and that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.</p> <p>These policies are broadly consistent with the NPPF.</p> <p>Policy RA10 of the District Plan states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment.</p> <p>The site is located within the Northaw Common Parkland Landscape Character Area. Key characteristics of this Landscape Character Area include large blocks of woodland, parkland, restricted views, limited public access and valley bowls. Nyn Park strongly resonates with these characteristics.</p> <p>The development would appear inconspicuous in the landscape. Parklands and woodland would not be affected and the existing restricted views would be retained.</p> <p>The ground works and shaping of land to create the golf course would not be significant and would not jar with the original topography of the land. The maintenance building, by virtue of its location, scale and appearance, would not appear prominent or out of place in its context.</p> <p>The Gardens Trust have outlined in their consultation response that the application does not indicate how the development affects long views from heritage assets. While no information has been submitted in this regard, the setting heritage assets in the area (Northaw Place, Northaw House, Spinney Cottage, Gobians Park and Garden, and within the village of Northaw) do not extend into Nyn Park. It is also noted that the site and development are not and would not be visible from these heritage assets due to their long separation distance intervening landscaping. It is therefore considered that their significance would not be affected by the development.</p> <p>The owner/occupier of 103 The Ridgeway has commented that the development will alter views from their property. While the right to a view is not a material planning consideration, it is considered for the above reasons that the development would sit comfortably in the landscape.</p> <p>Having regard to the above, the development would maintain the area's character and represent an acceptable standard of design.</p>
Impact on neighbours	<p>The proposed maintenance building would be approximately 150 metres from the nearest residential property (Well House). This distance should help attenuate noise associated with plant/equipment and maintenance. Depending on what plant/equipment such as air conditioning is to be installed, it is recommended that the standard plant and equipment condition is secured with a grant of planning permission.</p> <p>No impact on any other neighbouring properties.</p>
Landscaping	<p>Policy D8 of the District Plan states that all development, other than</p>

and Ecology

changes of use of buildings, should include landscaping as an integral part of the overall design.

Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site.

Paragraph 174 of the NPPF says, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Paragraph 180 of the NPPF goes on to state, amongst other things, that when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. (This approach is consistent with Policy R13 of the District Plan)

While the use of the land as a private golf course is considered to not require planning permission, the engineering works have been necessary to create the golf course and, therefore, it is not appropriate to divorce the development from the use.

Nyn Park is made up of a mosaic of different sections and habitat types including an area of woodland and Heathland that forms part of the Northaw Great Wood SSSI and Vineyard Wood, part of which forms a Local Wildlife Site.

The golf course has converted 30 acres of open parkland and grassland to a sand based, amenity golf course grade grass with sand bunkers. Heather rough within the site is an extra 10 acres.

The application has been supported by a Landscape Management Plan by Maydencroft (LMP) which seeks to counter the ecological and landscaping impact resulting from the development and provide an overall enhancement long term.

The submitted LMP covers a 10 year period (from March 2022 to March 2032) and includes both capital works and annual maintenance and monitoring programme for each of the management zones in the whole Nyn Park estate. In addition, the progress and effectiveness of all actions for each would be reviewed annually with amendments and improvements written into the following years to achieve the LMP objectives. At the end of the 10-year term, a further 10 year LMP under the same review process would be secured.

The Council's Landscapes Team, Hertfordshire Ecology and Natural England have reviewed the submitted LMP and raise no objection to the

	<p>development subject to it being secured through a legal agreement. This is necessary to ensure that the above actions and measures are suitably secured and controlled.</p> <p>Hertfordshire Ecology are satisfied that a minimum 10% net gain in biodiversity can be achieved through habitat enhancement and creation across the estate. The LMP would also ensure that there would be no adverse impact on Northaw Great Wood SSSI or the nearby local wildlife site.</p> <p>The submitted LMP provides a firm commitment to the positive management of the estate and its valuable habitats, and promotes the biodiversity potential of the site, including within the golf course itself.</p> <p>No.48 Vineyards Road has commented that the golf course will affect wildlife – namely birds. It is noted that the use of the land as a golf course in this case does not require planning permission. The above relevant consultees are also satisfied that the development would be acceptable in ecology terms subject to the aforementioned requirements. As such, this concern, would not substantiate a reason for refusal.</p> <p>Having regard to the above, it is considered that the development would accord with the above policies and is therefore acceptable in these respects.</p>
<p>Other considerations</p>	<p><i>Archaeology</i></p> <p>Hertfordshire County Council's Historic Environment Advisor has recommended archaeological desk based assessment prior to commencement of the development. The reason is based on the presence of a former Tudor mansion and its associated historic gardens close to the site of the existing Nyn Park House.</p> <p>The Council's records identifies an area of archaeological significance cover part of the footprint of the existing house and its garden as well as a small proportion of Broadleaf Wood and North Parkland. The engineering works which have taken place as well as the proposed location of the maintenance building are well separated from this area.</p> <p>As the golf course has been completed, the recommended condition could not be complied with. Having regard to this, as well as the scale location of the development, it is considered such a factor would not warrant a refusal of planning permission.</p> <p><i>Flooding</i></p> <p>The application has been supported by a Surface Water Drainage Strategy Flood Risk Assessment (by Amazi October 2020)</p> <p>The Lead Local Flood Authority (LLFA) have been consulted for this application. On 16 February 2021, a holding objection was lodged by the LLFA by reason that a follow up site visit was required later in summer of 2021 in order to inspect the operation of the watercourses in dry conditions to ascertain if there is any potential impact on ecology in and around the watercourse. This visit did not take place.</p> <p>It is understood that the LLFA have not received any reports of blockages of water in the vicinity surrounding the site. It is also noted that the LLFA will have the right to enforce any elements of remedial works in relation to the ordinary watercourses should any issues</p>

	<p>relating to flooding arise.</p> <p>Having regard to the above, it is considered that it would not be reasonable for the local planning authority to withhold a grant of planning permission on this ground alone.</p> <p><i>Contamination</i></p> <p>An area of potential contamination has been identified on the Council's records over 300 metres from the site. While this separation distance would limit the risk of contamination, an unexpected finds condition is recommended and can be secured by condition.</p> <p><i>Other considerations</i></p> <p>No.77 The Ridgeway is concerned that if planning permission were to be granted, this new status of the land may allow the owner to apply for housing development on the land.</p> <p>The development does not alter the status of the land in terms of its lawful use. Moreover, in any case, any application for development will need to be considered on its own merits.</p>
<p>Conclusion</p>	
<p>Subject to the suggested conditions and securing the LMP through a legal agreement, it is considered that the development would accord with all relevant local and national planning policies.</p>	

Conditions:

1. No development (above ground level) of the maintenance building shall take place until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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 and the National Planning Policy Framework.

2. Noise from plant and equipment associated with the maintenance building must be 10dB (LAeq) below the background noise level (LA90) at the nearest residential property (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).

REASON – To protect the living conditions of neighbouring property (Well House) in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

REASON: To ensure that the potential contamination of this site is properly investigated and, if necessary remediated, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
APL18-007-01	P4	Location Plan	19 February 2020
APL18-007-17	P6	Proposed Compound Site Plan	27 February 2020
APL18-007-33	P1	Proposed Plans & Elevations	27 February 2020
N32/C/1011		Proposed Earthworks Plan	23 March 2022
N32/C/1012		Proposed Drainage Plan	23 March 2022
N32/C/1015		Green Plans Holes 1 to 9	23 March 2022
N32/C/1014		Cross Sections Holes 1 to 9	23 March 2022

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 or legal interest (easements or wayleaves) which may affect the land.

2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr Derek Lawrence
12 April 2022