



**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING DECISION NOTICE – PERMISSION**

S6/2006/365/MA

Conversion of Listed Building into 17 apartments and demolition of modern 1980's extensions; 14 new build dwellings and 28 garage courtyard blocks, together with 40 parking spaces across the site, incorporating new build tennis court house and integral garage, proposed walled garden dwelling and garaging; conversion and extensions to eastern and western walled garden buildings to form swimming pool and storage/greenhouse building, plus associated landscaping

at: BEDWELL PARK, CUCUMBER LANE, ESSENDON, HATFIELD,

Applicant Name And Address

PJ LIVESEY GROUP LTD,
MILLGATE HOMES,
ASHBURTON PARK,
ASHBURTON RD WEST,
TRAFFORD PARK,
MANCHESTER
M17 1AF

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 22/03/2006 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this notice.

REASON

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990. (as amended)

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2. Before construction works commence on site, full details or samples of the materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. The development shall only be carried out in accordance with a landscaping scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The scheme shall show:-

- (1) which existing trees, shrubs and hedges are to be retained or removed.
- (2) what new planting is proposed, together with details of the species, size and method of planting.
- (3) what measures are to be taken to protect both new and existing landscaping during and after development.

The scheme approved shall be implemented and completed in all respects by not later than the planting season following completion of the development, and any trees or plants which within a period of 5 years from 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.

REASON

To enhance the visual appearance of the development.

4. Before any other works on site are commenced in relation to the development permitted, a one metre high chestnut pale fence, or other suitable barrier shall be erected around the outer limit of the crown spread of all trees on site shown to be retained on the approved plan. This fencing shall be retained in this position until the whole of the development is completed. During this period no materials whatsoever shall be stored, fires started or service trenches dug within these enclosed areas without the written consent of the Local Planning Authority.

REASON

To ensure that the existing trees shown to be retained, are safeguarded during building operations.

5. No trees shall be felled, lopped, topped, damaged or otherwise destroyed, without the prior consent in writing of the Local Planning Authority.

REASON

The existing trees represent an important visual amenity which the Local Planning Authority consider should be maintained.

Continuation...

6. Notwithstanding any details submitted with the application, prior to the commencement of the development hereby permitted a Schedule of Works and Repair for the principal listed building, former gardener's cottage, wall surrounding the walled garden, boundary wall in front of the principal listed building, Pulhamite rockery as well as all historic brick and stonework including any piers and gates within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as may be approved shall be completed prior to the occupation of any part of the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

REASON

To safeguard the historic and architectural integrity of the Grade II listed building in accordance with policy R25 of the Welwyn Hatfield District Plan 2005.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking, re-enacting or modifying that Order), no development falling within Classes A, B, C, D, E, F, or H of Part 1 or Class A of Part 2 of Schedule 2 to that Order shall take place without the prior written permission of the Local Planning Authority granted on application.

REASON

To enable the Local Planning Authority to exercise control over the siting and size of any future buildings or structures on the site in the interests of safeguarding the openness of the Green Belt.

8. Notwithstanding the any details submitted with the application, details of all new means of enclosure to be erected within the site or along its boundaries shall be submitted to the Local Planning Authority for its prior approval in writing. The scheme as may be approved shall be completed prior to the occupation of any of the units hereby permitted and retained thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interests of visual amenity.

9. Details of any external lighting to be erected within the site shall be submitted to the Local Planning Authority for its prior written approval.

REASON

To avoid any potential for light pollution, in the interests of visual amenity.

10. No demolition or development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Continuation...

REASON

To ensure that remains of archaeological importance likely to be disturbed in the course of development are adequately recorded in accordance with policy R29 of the Welwyn Hatfield District Plan 2005.

11. Before any development commences, details of existing and proposed ground levels, finished floor levels of the dwellings and garages, driveways, pathways and parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed thereafter in accordance with the approved details.

REASON

In the interests of existing trees and the appearance of the development in the Green Belt.

12. Prior to the commencement of work on any building hereby approved, the setting-out and finished floor level of each building shall be inspected and approved by the Local Planning Authority in writing.

REASON

To ensure the satisfactory appearance of the development, and to ensure a satisfactory relationship between features and buildings both on and off the site.

13. Before any development commences, full details of the proposed demarcation and extent of the associated individual curtilages of the six courtyard conversion dwellings, the twelve new courtyard buildings and the detached dwellings on the Tennis Court and Walled Garden shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

REASON

To enable the Local Planning Authority to have control over the development of the land having regard to the Green Belt location of the site and in accordance with policies RA1, D1 and D2 of the Welwyn Hatfield District Plan 2005.

14. Before any development commences, full details including levels, sections, constructional and surfacing treatment of the proposed access drives, vehicle parking and turning areas, all pedestrian paths and any means of illumination thereto shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

REASON

To ensure a satisfactory standard of development in the vicinity of Grade II Listed Buildings and to protect important trees to be retained as part of the development.

Continuation...

15. Prior to the commencement of the development hereby permitted details of foul and surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall thereafter be carried out, completed and retained in accordance with the approved details prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority

REASON

To ensure the satisfactory drainage of the site

16. Details of bin stores shall be submitted to and approved in writing by the Local Planning Authority and shall be provided prior to first occupation of the units that they will serve and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority

REASON

To prevent the maximum refuse carrying distance being exceeded

17. No works of site clearance, demolition or construction shall take place until (a) details of bat mitigation (as for a DEFRA licence Method Statement) and (b) details of a reptile survey (including mitigation if required) have been submitted to and approved in writing by the Local Planning Authority

REASON

To protect the habitats of birds and reptiles which are protected species under the Wildlife and Countryside Act 1981, and in accordance with policy R16 of the Welwyn Hatfield District Plan 2005.

18. Before the development is commenced an investigation of the site shall be carried out in accordance with BS 10175:2001 British Standards Institution Code of Practice, "The Investigation of Potentially Contaminated Sites" to identify possible contamination, and to assess the degree and nature of any contamination present. If a hazard or hazards are identified on the site from any form of contamination the results of the investigation shall be utilised to carry out a site specific risk assessment to consider risks to future users of the site, water resources, surrounding land and property, wildlife, cultivated trees and plants, building materials, and any other persons who may be affected. If the risk assessment identifies unacceptable risk or risks, a detailed remediation strategy containing measures necessary to remove, neutralise or isolate the contamination shall be provided. Details of such investigation, assessment and remediation measures shall be submitted to and agreed in writing with the Local Planning Authority before development commences and the development shall thereafter proceed and be completed in accordance with the approved details prior to occupation of any of the dwellings unless otherwise agreed in writing with the Local Planning Authority. The presence of any significant unsuspected contamination, which becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority as soon as it is discovered.

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REASON

To ensure that any site contamination is dealt with safely in the interests of preventing pollution of the environment, the health and safety of the public and users of the development.

19. All new or replacement rainwater goods shall be in black painted cast iron.

REASON

To ensure the special historic and architectural character and setting of the building is properly maintained, in accordance with policy R25 of the Welwyn Hatfield District Plan 2005.

20. Prior to any building works being first commenced, detailed drawings showing the new brickwork and a precise specification and description of the brick – or a sample of 4 bricks to provide a representative range of the colour and texture of the brick- together with a specification of the mortar mix, pointing profile and finish, jointing width and the bond of the brickwork, shall be submitted to and approved in writing by the Local Planning Authority. Where required, a sample panel of the brickwork using the bond, mortar and jointing/pointing proposed, shall be provided and retained during building works as a reference for the new brickwork.

REASON

To ensure the historic and architectural character and setting of the building is properly maintained, in accordance with policy R25 of the Welwyn Hatfield District Plan 2005.

21. Prior to the commencement of the development hereby permitted all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority.

REASON

To ensure that the development does not detract from the appearance of the locality and to ensure the historic and architectural character and setting of the building is properly maintained, in accordance with policies D1 and R25 of the Welwyn Hatfield District Plan 2005.

REASON for APPROVAL

It is considered that the proposed development, by reason of the case made for enabling development, constitutes very special circumstances, that justifies a departure to established Green Belt policy, does not have an unacceptably harmful visual impact on the character and appearance of the Green Belt, setting of the listed building, landscape, rural character of the area in which it is located or residential amenity as the development proposed has a limited visual impact on the openness of the Green Belt, landscape and rural character of the site, is acceptable in terms of scale and design and respects the setting of the Grade II Listed Buildings, does not result in unacceptable overlooking or loss

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of privacy and does not have any unacceptably dominating impact with regard to neighbouring uses.

INFORMATIVE

Your attention is drawn to the need to obtain a Habitats Regulations licence from DEFRA.

SUMMARY OF RELEVANT DEVELOPMENT PLAN POLICIES

Hertfordshire Structure Plan Review 1991- 2011:

Policies 1, 5, 6, 25, 29, 38, 43

Welwyn Hatfield District Plan 2005:

SD1, GBSP1, GBSP2, R15, R16, R25, R26, R27, R29, M2, M14, D1, D2, D5, D8, D11, H2, H5, H6, H7, H8, OS3, RA1, RA2, RA4, RA10, RA17, RA28

Supplementary Design Guidance

Supplementary Planning Guidance

APPROVED PLAN NUMBER(S): 069/1000 & 069/1002 & 069/1010 & 069/1011 & 069/1012 & 069/1013 & 069/1014 & 069/0310 & 069/0311 & 069/0001 & 069/0010 & 069/0011 & 069/0012 & 069/0312 & 069/0014 & 069/1310 & 069/1311 & 069/1312 & 1105 & 1106 & 1107 & 01 & 02 & 03A & 04 & 05 & 06 & 07 & 09 & 10 & 11 & 06 ESS SP01 rev A & 06 ESS P1 rev A & 06 ESS P2 & 06 ESS P3 & 06 ESS P4 all received 22-03-2006