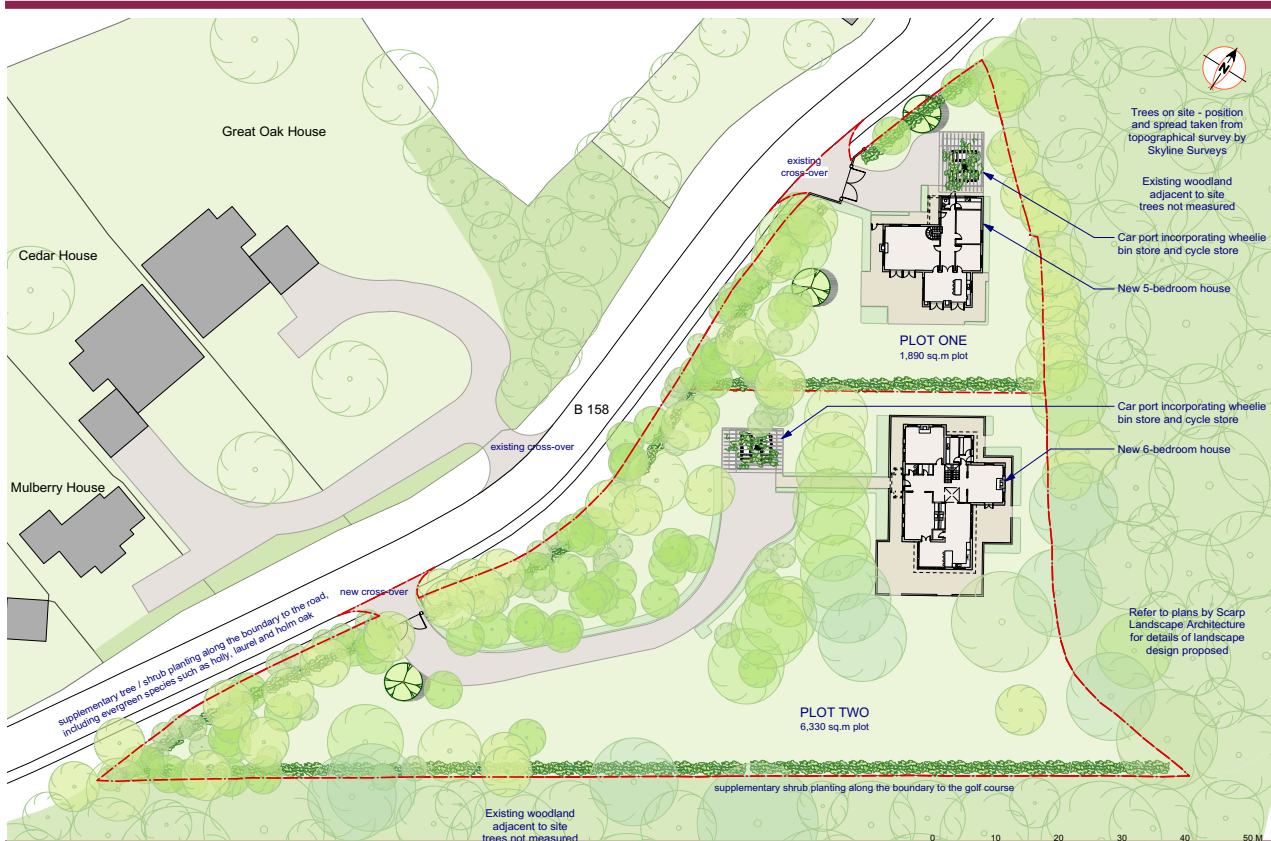


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Planning Statement

Site Name: The Spinney, High Road, Essendon, Hertfordshire, AL9 6HP

On behalf of: Lime Interiors

Date: 9 March 2016

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A. INTRODUCTION

1. This planning statement supports the application at The Spinney, Essendon, Hertfordshire, AL9 6HP for:

“The demolition of the existing buildings and construction of two new architect-designed dwellinghouses.”

The Site

2. The site lies on the edge of the village of Essendon, Hertfordshire located along High Road (B158). The site faces west adjacent to Essendon Brook, with Essendon Golf Course located to the east of the site.
3. There are a number of larger properties located to the south of the site along High Road . The site is served by direct rail links to London from Brookmans Park, Potters Bar and Broxbourne railway stations and is located within close proximity to the M25, via the A1000, thus providing good transport connections to destinations across the UK.
4. The site is currently occupied by a single detached house (Use Class C3) which can be accessed from High Road, Essendon. Mature trees and dense hedgerow along the sites boundaries screen the site from High Road and neighbouring properties.
5. A permitted development scheme for several extensions and outbuildings is currently being implemented and foundations for the outbuildings are already underway.

Pre-Application

6. A pre-application submission was sent to the Council on 21 October 2015 for a proposal for *“the demolition of the existing buildings and construction of three new architect designed dwellinghouses.”*
7. The resulting feedback, provided by Welwyn Hatfield Borough Council has been incorporated into a revised scheme to address the Council’s comments.
8. A second pre-application submission was sent to Welwyn Hatfield Borough Council on 23 February 2016 with the revised proposal for *“the demolition of the existing buildings and construction of two new architect designed dwellinghouses.”*

The Application

9. This planning statement has been prepared on behalf of Lime Interiors, a property development company located in St Albans. Lime Interiors seek to design and develop bespoke, architecturally designed properties of the highest quality.
10. As well as this planning statement, the application is supported by:
 - Design and Access Statement;
 - Transport Assessment;
 - Landscape and Visual Impact Assessment;
 - Detailed Masterplan Tiles and Planting Schedule;
 - Ecological Assessment;
 - Tree Survey;
 - Arboricultural Impact Assessment;
 - Arboricultural Method Statement; and
 - Tree Protection Plan.

B. THE PROPOSAL

11. This planning statement supports the application at The Spinney, Essendon, Hertfordshire, AL9 6HP for:

“The demolition of the existing buildings and construction of two new architect-designed dwellinghouses.”
12. The proposal is for the demolition of the existing detached dwellinghouse (Use Class C3) and construction of two new architect-designed dwellinghouses (Use Class C3).
13. The proposal seeks to retain as much of the existing hedgerow and mature trees, located on the site boundary as possible to mitigate any visual impact on views from outside the site. The proposal seeks to provide a pleasant and tranquil environment, in keeping with the surrounding area.
14. The two new houses are positioned such that the footprints of both houses will not encroach within the root protection areas of the category A and B trees that are being preserved.
15. The two houses are placed in the northern part of the site in the same area that would be developed in the permitted development scheme.
16. The ridge heights of both houses will be 7.6m. By comparison, the height of the roof of the existing house in the permitted development scheme is 7.65m.
17. The two properties will be separated by a new boundary which will be a brick garden wall to give visual privacy from each house to the other.
18. The western boundary of the site to High Road is defined by a timber fence. Supplementary tree and shrub planting will be provided behind the fence including evergreen species such as holly, laurel and holm oak to enhance the visual screening of the site from the road.
19. The south east boundary to the golf course is marked by a galvanised wire stock fence supported on timber posts. Supplementary shrub planting will be provided along this boundary to enhance the visual screening of the site from the golf course.
20. The north east boundary to the woodland is marked by a mixed hedge, including laurel and holly, with a wire fence behind. Supplementary shrub planting will be provided where there are gaps in the hedge.
21. Paved terraces are proposed around both new houses.
22. Both dwellinghouses will be designed to the highest quality, taking basic design principles from the local area using traditional built forms and articulation plus a palette of materials.

Plot 1

23. Plot 1 will be a total size of 0.189 ha containing a 5 bedroom dwellinghouse and associated residential garden and driveway. A car port will be provided to accommodate two vehicles and one cycle storage space will be provided.
24. The access to this dwellinghouse will be from the existing access into the site with two parking spaces provided via a car port.
25. The property will have a hipped roof with projecting eaves, chosen to reduce the visual impact of the silhouette of the house. There is a generous sheltering porch over the front door and there are fireplaces in two of the ground floor rooms, thus the house will have two chimneys.
26. The ground floor accommodates three large reception rooms and a very spacious family kitchen/dining room. The plan has been designed to enclose a generous and sheltered south-facing terrace at the rear.

Plot 2

27. Plot 2 will be a total size of 0.633 ha containing a 6 bedroom dwellinghouse and associated residential garden and driveway. A car port will be provided to accommodate two vehicles and one cycle storage space will be provided.
28. A new vehicular access is proposed along High Road (B158), acting as the driveway for this dwellinghouse. This new vehicular access has been subject to consultation and discussions with County Highways.
29. The new gravel drive will be laid leading to a new car port on the west side of the line of lime trees, with a paved footpath leading to the front door of the new house.
30. The property will have a hipped roof with projecting eaves, chosen to reduce the visual impact of the silhouette of the house. There is a generous sheltering porch over the front door and there are three chimneys serving four fireplaces on the ground floor.
31. The ground floor accommodates three very large reception rooms and a very spacious family kitchen/dining room, each of which will have fireplaces. The principal elevation faces west to offer a fine prospect when approaching the house up the new driveway. There are terraces on the east, south and west of the building to offer the opportunity to enjoy the beautiful garden as the sun tracks around during the day.

C. POLICY COMPLIANCE AND PLANNING CONSIDERATIONS

Statutory Development Plan

32. Welwyn Hatfield Borough Council's District Plan was adopted in 2005.

Emerging Development Plan

33. The Council is currently at the consultation stage of its emerging Core Strategy 2012, prior to submission for examination. As this is still emerging, little weight can be given to its policies in accordance with the National Planning Policy Framework ("the Framework"). The Framework is therefore a material consideration of significant weight.

Designations

34. The site is located within the green belt.
35. A Tree Preservation Order (TPO WoodTP03 W4) covers the area of planting adjacent to High Road as well as a row of trees along the garden of the property linking to the woodland behind.
36. The site is not in but is adjacent to a conservation area.

Green Belt

37. The proposal is for the demolition of the existing dwellinghouse and redevelopment of the site to provide two new architect-designed dwellinghouses.

Relevant Planning Policy

38. Welwyn Hatfield Saved Local Policy RA4 refers to replacement of dwellings in the green belt. The policy and supporting text however indicates that this refers to the replacement of a single dwellinghouse by a single dwellinghouse. The policy states that:

"Permission for replacement dwellings within the Green Belt will not be granted unless all of the following criteria are met:

- The replacement dwelling would not materially exceed the size of the original dwelling in terms of its floorspace, height and volume (existing outbuildings (including detached garages) will not contribute to the calculation of the size of the replacement dwelling except in very exceptional circumstances);*

- *The proposed dwelling would have no greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside;*
- *The proposed dwelling is designed to reflect the character and distinctiveness of its rural setting and to accord with the design policies elsewhere in the plan and the supplementary design guidance.”*

39. However, as explained above, the proposal comprises redevelopment of a previously developed site in the green belt, on which the Local Plan is silent. Therefore, the correct policy test for the proposal is paragraph 89 of the the Framework which states:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

[...]

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.*

40. In considering bullet point 6 of paragraph 89 of the Framework, the first test that needs to be met requires the redevelopment of a previously developed site to not have a greater impact on the openness of the green belt than the existing development. The second test is that the redevelopment of a previously developed site should not have a greater impact on the purpose of including land within the green belt than the existing development. The tests are considered below.

Existing Development

41. The existing property is situated towards the northern part of the site, with the southern part of the site comprising of two small outbuildings and residential gardens. The property is screened from the road and neighbouring properties by dense hedgerow and mature trees along the site boundary.
42. Permission has been secured for several extensions and outbuildings under permitted development rights (see Welwyn Hatfield Council ref (S6/2015/1203/HH) as well as a Certificate of Lawfulness (see Welwyn Hatfield Council ref S6/2015/0727/LUP). This permission extends across the site and foundations for one of the outbuildings are currently underway. Evidence of this can be found in Appendices 2 and 3.
43. A pre-application request was submitted to the Council on 21 October 2015. The pre-application feedback from the Council acknowledged the permitted development scheme at the site and its deliverability, stating:

“the planning history at the site and the information provided within the submitted planning statements demonstrates that the applicant has considerable permitted development fall back that is now considered to be more than a merely theoretical prospect. This would increase the physical permanence of the site and could spread the built form to the north and south of the existing dwelling.”

44. The reference to ‘existing development’ (as opposed to ‘building’ in bullet point 4 of paragraph 89 in the Framework), is relevant to the proposal at The Spinney. ‘Existing development’ in relation to The Spinney refers to the alternative (or fallback) that would exist in the event that further planning permissions were not granted, reflecting the well-established planning principle that the judgement to be made in determining a planning application is against the alternative, where a reasonable prospect of that alternative (or fallback) exists, if planning permission were not granted.
45. The ‘existing development’ at The Spinney therefore includes the permitted development scheme, as it meets the tests against which an alternative or fallback should be judged; a) is it extant and implementable; and b) is there a reasonable prospect of the scheme being carried out in the absence of any further planning permissions.

Previously Developed Land

46. In the first pre-application feedback, Welwyn Hatfield Borough Council considered that the whole of the site was not previously developed land:

“the southern part of the application site does not meet the definition of previously developed land and that the two buildings proposed to the south would be located within open land used in association with the residential use of the existing dwelling”. As such, the two units to the south of the site “by virtue of their physical permanence and associated residential paraphernalia, would introduce built residential form to areas of the site where there is currently an absence of built form.”

47. However, the pre-application feedback from Welwyn Hatfield Borough Council did not consider the whole of the site as previously developed land. As a result of this feedback and to accord with the Council’s considerations we have revised the scheme from three houses to two houses. Additionally these two houses are proposed in the northern part of the site, the area that the Council considers previously developed land.
48. Notwithstanding this our view is that the whole of the site should be considered as previously developed land. The existing dwellinghouse is located to the north of the site, although the residential garden associated with this dwellinghouse extends to the remainder of the site to the south including two smaller outbuildings.
49. The first point to consider is the curtilage of the existing dwellinghouse. We have received a legal opinion from Thomas Eggar LLP regarding the extent of residential curtilage of The Spinney (see Appendix I). The opinion concludes that:

“the curtilage of the property extends to the entire of the garden, including all of the trees, contained within the site boundary. If any lesser area is to be considered, this must include, at least both the outbuildings and the areas of lawn which appear to be garden land, and exclude only (and in my view artificially) the woodland area in the south west corner.”

50. In addition, in the recent *Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)*, Charles George QC sitting as a Deputy High Court Judge found that only residential gardens within the *“built-up area’ were exempt from the definition of previously developed land whereas, residential gardens outside ‘built up areas’ were ‘brownfield’.*”

Materially Greater Impact on Openness

51. Bullet point 6 of paragraph 89 of the Framework states that redevelopment is not inappropriate if the proposal does not have a *“greater impact on the openness of the green belt and the purpose of including land within it than the existing development.”*
52. Openness does not mean materially larger. The use of the phrase ‘materially larger’ in bullet point 4 of paragraph 89 of the Framework has a different meaning to ‘openness’ in bullet point 6. It would not be correct to apply solely a quantitative test relating to any increase in volume or floorspace as the only criterion by which openness is judged. Openness instead is a qualitative judgement pertaining to the whole, including disposition of buildings, building height, bulk, mass, roofscape, landscape and topography.
53. In quantitative terms, the proposal would result in the reduction in physical presence on the site by having a smaller footprint, internal floorspace and volume compared to the existing development which as established includes the permitted development scheme.
54. The table below illustrates the comparative footprint, floorspace and volume of the proposal against the existing development of the site.

Comparative Figures for The Spinney			
	Floorspace (sq m)	Footprint (sq m)	Volume (cubic m)
Existing Development	912	682	2,986
Proposal	782	470	2,688
Difference	-130	-212	-298

55. The site is well-screened and enclosed by existing landscape, much of which is mature and evergreen. The proposal would be well-screened from views, and would include improvements to landscape.

56. The primary objective of the landscape strategy for the proposal is to conserve local landscape character. This has been achieved by substantial conservation of existing on-site trees, sensitive location of the proposed dwelling houses within the site and strengthening the well-vegetated character of the site by the enhancement of the peripheral tree/shrub framework.
57. The proposal seeks to restrict the presence of built physical form to the northern part of the site, not extending further than the area that the Council considers the previously developed part of the site. This restricts development being spread across the site and within the southern part of the site therefore causing no greater harm to the openness of the green belt compared to the existing development.
58. The Landscape and Visual Impact Assessment confirms that the ridge height of the proposed dwellinghouses (7.60m above adjacent ground level) would be lower than the existing dwellinghouse (7.65m above the adjacent ground level). The volume of the proposed dwellinghouses would also be 10% lower than the built volume of the scheme secured through permitted development rights. There would also be a 31% reduction in footprint compared to the permitted development rights scheme.
59. Consequently, the proposal would not have a greater impact on the openness of the green belt than the existing site, and therefore this part of the sixth exception set out in paragraph 89 of the Framework is satisfied.

The Purposes of Including Land Within the Green Belt

60. The redevelopment of a previously developed site is also required to not have a greater impact on the purpose of including land within the green belt than the existing development. This requires an assessment of the contribution made by the existing development to the five purposes of including land within the green belt, (paragraph 80 of the Framework) compared to the contribution that would be made by the proposed development to the same purposes.
61. These five purposes are listed below with an explanation of how the proposal would not have a greater impact than existing:
 - ***To check the unrestricted sprawl of large built-up areas*** - the site is beyond any built-up area and is previously developed land. The proposal utilises the previously developed area of the site and would therefore not lead to the sprawl of a built up area.
 - ***To prevent neighbouring towns merging into one another*** - the site is located within the greenbelt and is not located near any built up settlements. The proposal would not result in neighbouring towns merging into one another.
 - ***To assist in safeguarding the countryside from encroachment*** - the existing development at the site is situated to the northern part of the site. The proposal

seeks the development of two dwellinghouses in the northern part of the site, the area that the Council considers to be previously developed land. Therefore compared to the existing development (which is the test required by bullet point 6, paragraph 89, as opposed to consideration of the five purposes in isolation), the proposal does not result in encroachment into the countryside.

- **To preserve the setting and special character of historic towns** - the site is not within, but is adjacent to a conservation area. None of the buildings on the site are listed. The proposal would not result in any detrimental effect to the setting or special character of historic towns.
- **To assist in urban regeneration** - the existing development does not assist in urban regeneration, nor does it encourage the recycling of derelict and other urban land. It therefore has limited, if any, compliance with this purpose of including land within the green belt. The proposal does not therefore have a “greater impact” on this purpose compared to the existing development.

62. The proposal therefore satisfies the sixth exception set out in paragraph 89 of the Framework and is not inappropriate development in the green belt.

Sustainability (Access, Transport, Parking)

63. Paragraphs 29-32 of the Framework relate to the promotion of sustainable transport. Paragraph 29 states:

“[...] However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

64. The site is currently served by one daytime bus service, which is served from a bus stop opposite the war memorial in Essendon. The bus stop is accessible within a 650m or 10 minute walk to the north of the site along a continuous footway.
65. The nearest rail station to the site is Hatfield rail station, located approximately 7.6km to the west of the site.
66. Essendon has two bus stops, a church (St Mary the Virgin), public house (Rose & Crown), a village hall and a Church of England primary school. In terms of leisure, it is home to Hatfield London Country Club which has two 18-hole golf courses. Further amenities can be found in the town centres of Hatfield to the west or Hertford to the east.
67. The transport assessment concludes that the proposed development would have a negligible impact upon the local highway network.
68. The existing driveway to the site will remain providing access to the dwellinghouse on plot 1. A new access is proposed, taken from High Road (B158) to provide access to the

dwellinghouse on plot 2. This new access has been revised from consultation and pre-application advice to accord with comments and feedback received.

69. The proposed new access point to the south of the Site achieves a visibility splay of 2.4m x 156m. Design Manual for Roads and Bridge (DMRB) standards (TD 42/95) states a visibility of 215m is required on a derestricted road, however, the 85th percentile speed of 41 miles per hour (which requires a visibility splay of 120m) has been used as a design speed. This is felt to be acceptable due to the observed speeds that were recorded on the A158 High Road and relatively low traffic movements associated with the proposed access.
70. A Road Safety Audit was undertaken in February 2016 and raised no issues with the proposed visibility. The report stated that *“The visibility splays for a derestricted road cannot be achieved to the south of the access. The results from the ATC undertaken in September 2015 identifies an 85th% speed of 41mph for northbound traffic and 41.8mph for southbound traffic. Based on the 85th% speeds and observations during the site inspection, the Audit Team raise no issues with the proposed visibility splays.”*
71. The proposal will provide adequate parking for both dwellinghouses which will be well screened by mature trees and dense hedgerow along the sites boundaries. The proposed redevelopment of the site will include two covered spaces for each of the dwellings which will also serve as the location for the cycle parking associated with each property.
72. It is anticipated that the waste collection strategy associated with the proposed development will remain as the existing situation. Waste collection bins are currently stored within the curtilage of the existing dwelling; this will be replicated in the proposed redevelopment.
73. The proposed development of two dwellinghouses along High Road would not change the type of traffic on the road. Furthermore, the possible increase in traffic due to an additional dwellinghouse would not pose an adverse effect *“to the rural character of the road or the residential properties along it”*. The transport assessment provides the trip generation figures for the new plot 2 dwellinghouse, stating that there will be a total of 6 two way daily vehicle trips, with 1 departure during the AM peak and 1 arrival during the PM peak.
74. Please see the Transport Statement for further details.

Landscape and Trees

75. Welwyn Hatfield Saved Local Policy R17 refers to trees, woodland and hedgerows. The policy states that:

“The Council will seek the protection and retention of existing trees, hedgerows and woodland by the use of planning conditions, section 106 agreements, hedgerow retention notices and tree preservation orders where applicable. New development will be required to incorporate wherever appropriate new planting with locally native species and should be in accordance with Policy D8 Landscaping.”

76. Welwyn Hatfield Saved Local Policy RA10 refers to landscape regions and character areas. The policy 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.”*
77. The proposal complies with the above policies and would not cause a detrimental effect to the local landscape character of the area.
78. As stated previously, the footprint, floorspace and volume of the proposal would all be smaller than the existing development. The ridge heights of the proposal would also be lower than the existing development. The height, scale, massing and location of the proposal would have no greater impact on the openness of the green belt than the existing development.
79. The Arboricultural Impact Assessment concludes that adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.
80. With the exception of T9, a B category Beech tree, all of the A and B category trees are to be retained and protected throughout the development. In mitigation for the removal of T9 a replacement Beech tree will be planted in a position where it can achieve full size.
81. The landscape and visual impact assessment states that although other trees will be removed to facilitate development of the internal road access the greater amount of proposed new tree and shrub planting would result in a greater degree of visual enclosure of the site and would more than compensate for this loss.
82. Peripheral site vegetation would be supplemented with new tree and shrub planting, as identified on the proposed site plan. This vegetation would include evergreen species such as holly and laurel, specimens of which are already present on the site.
83. All retained and proposed vegetation would be managed to maximise its biodiversity value and to help ensure its healthy growth and contribution to the character of the site and surrounding landscape.
84. Please see the landscape and visual impact assessment and tree report for further details.

Ecology

85. Welwyn Hatfield Saved Local Policy R11 refers to biodiversity and development. The policy states that:

“All new development will be required to demonstrate how it would contribute positively to the biodiversity of the site by;

- i. The retention and enhancement of the natural features of the site;*
 - ii. The promotion of natural areas and wildlife corridors where appropriate as part of the design;*
 - iii. The translocation of habitats where necessary, where it can be demonstrated that the habitat or species concerned cannot be successfully accommodated within the development;*
 - iv. The use of locally native species in planting in accordance with Policy D8 Landscaping;*
 - v. Helping meet priorities/targets set out in the Local Biodiversity Action Plan.”*
86. The proposal complies with the above policy and would contribute positively to the biodiversity of the site through proposed planting and ecological enhancements.
87. All category A and B trees are to be retained on the site with the exception of one category B beech tree. To mitigate this, a replacement beech tree will be planted in a position where it can achieve full size.
88. There would be an increase in the amount of on-site tree/shrub vegetation with a resultant net enhancement in the well-vegetated character of the site. The residential characteristics of the site, i.e. dwellinghouse, amenity planting, amenity lawns and peripheral native and ornamental tree/shrub planting would remain unchanged.
89. Please see the Ecological Assessment submitted with the application for further details.

D. PUBLIC CONSULTATION

90. We have undertaken substantial public consultation on the proposal with local ward councillors, residents and neighbours to obtain feedback for incorporation of the proposal and preparation of the planning application.
91. A public consultation was held on the 21 November 2015 at The Spinney for local ward councillors, residents and neighbours to elicit their feedback on the proposal and we presented the scheme at Essendon Parish Council on the 23 November 2015. The feedback received was very positive and the residents were supportive of the development proposal taking place instead of the permitted development scheme currently being built out.
92. As a result of the pre-application advice from the Council we have revised the scheme and presented the revised proposal at the Essendon Parish Council meeting on 15 February to inform councillors of our revised proposal. We have written to ward councillors and neighbouring residents, to ensure that they are aware of our revised proposal for the site.
93. We will continue to engage with local ward councillors, residents and neighbours, if they have any further queries about the proposal.

E. APPENDICIES

APPENDIX 1: Legal Opinion from Thomas Eggar LLP (Parts 1 - 4)

APPENDIX 2: Foundations Photograph

APPENDIX 3: Letter from Statons Estate Agents