

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 22 NOVEMBER 2007
REPORT OF THE CHIEF PLANNING AND ENVIRONMENTAL HEALTH OFFICER

S6/2004/0572/LB AND S6/2004/0573/FP

CONVERSION, ALTERATION AND CHANGE OF USE OF NORTHAW HOUSE TO SINGLE RESIDENTIAL UNIT, STABLE BLOCK TO 1 RESIDENTIAL UNIT, BALLROOM WING TO 3 RESIDENCES, SEVEN NEW BUILD DWELLINGS; (3 OF WHICH LIVE / WORK) EXTENSION, ALTERATIONS AND REFURBISHMENT OF OAK COTTAGE, PLUS ASSOCIATED CAR PARKING, DRIVEWAY AND ACCESS AND LANDSCAPING, INCLUDING SOME DEMOLITION AT NORTHAW HOUSE, NORTHAW

APPLICANT: Northaw Properties Limited

Cuffley & Northaw

1 Site Description

- 1.1 The site consists of a block of land of some 10.5 hectares with the eastern boundary abutting the Conservation Area of Northaw. The local area is characterised by mature woodland, but Northaw House is located on a small ridge, and therefore enjoys extensive views, in particular to the east across the valley of the Cuffley Brook.
- 1.2 Northaw House (including the Main House, West Wing, Ballroom Wing and Conservatory) and the Stable Block are separately listed Grade II buildings. Northaw House was built in the Post-Restoration style in 1698 with two-storey painted brickwork elevations over a basement, and is seven bays wide, with a three bay pediment and three sets of quoins on the front elevation. The second floor is set within a mansard roof. The house was much extended and embellished during the 18th and 19th centuries. Later additions include the West Wing, Ballroom Wing, Porch and Conservatory. The two-storey Stable Block was built in the mid-late 18th century in red brick with a slate roof and a domed turret in the centre of the roof. Within the curtilage are a number of dilapidated outbuildings and a walled garden.
- 1.3 Beyond the east and western boundaries of the site are the former lodges (the East and West Lodges), one of which has recently been rebuilt and the other currently under construction. The northern boundary of the property runs along Judge's Hill, the road connecting Northaw village with Potters Bar to the south and Cuffley to the north. The buildings are set within woodland and grazing land, which extends southwards towards the motorway.
- 1.4 Currently, Northaw House itself is occupied as offices. The East Wing and Ballroom having previously been occupied as offices but are currently vacant. All other buildings are unoccupied

The Buildings

- 1.5 Northaw House was listed Grade II in 1972. There are informal grounds to the front and rear of the building, and flanking the present entrance driveway, from Coopers Lane to the west. The main façade of the house can be seen from Judges Hill to the north, on the top of the rise. Within the grounds there are a number of outbuildings, including a vacant gardener's cottage (Oak Cottage), a substantial walled garden, and, to the east, a stable building which is listed Grade II in its own right.
- 1.6 This two storey brick stable block has a slate roof and clock turret with ball finial and weather vane. The building is flanked by a derelict single storey building and an open fronted carhouse which joins the rear of the Victorian conservatory to the main house. The house itself includes two other main elements, namely a later three storey west wing, and a two storey ballroom wing. These elements are arranged around a small courtyard area, but both are physically joined to the main house.
- 1.7 To the west of the house is what is now an informal orchard and beyond a group of fairly dilapidated buildings in an area known as "the settlement", used mainly as parking. Further to the west is the walled garden and gardener's house. There is a separate access track, which runs parallel and to the south of the main drive, serving these two areas.

2 The Proposal

- 2.1 The proposal seeks full planning permission and listed building consent for new build, extensions and demolition as well as internal and external works to the principal grade II listed buildings. The works are detailed more fully below.

Main Building

- 2.2 This building, after much discussion with the agents has been amended during the course of the application from a proposal for conversion into eight units into a single dwelling.
- 2.3 Later elements of Northaw House, namely the West Wing, the link between the Main House and the Ballroom Wing and outbuildings adjacent to the conservatory, are to be demolished. Many of the original interior details and features have been lost as a result of its former uses as a children's' home and as offices. However, the design of the conversion would allow, in the future, the possible removal of new construction and restoration of the internal layout and fabric. The conservatory would be restored and incorporated into the main building.
- 2.4 Car parking for the main dwelling is shown to be located towards the north-east of the front elevation with the provision of three open parking spaces. The occupiers of the Main House would have use of the open grounds to the north and south of the house.
- 2.5 Details submitted indicate that where the building has previously been adapted to comply with requirements for office use, those original features would be reinstated.

Ballroom Wing

- 2.6 The Ballroom Wing would be converted into a terrace of three 3-bedroom two-storey houses. These houses have been designed to retain the existing front elevation by locating the front door of the central new house in an existing door opening and locating the front doors of the two end houses on each of the side elevations.
- 2.7 The external modern painted steel staircase to the northern elevation of the Ballroom Wing is to be removed. The design for the three houses minimises demolition of and damage to internal walls and features. The internal alterations would allow the possible future removal of the new construction and restoration of the original internal layout and fabric.
- 2.8 Private gardens would be formed to the rear of the Ballroom Wing, behind the existing 1.8m high brick screen wall flanking the front of the Main House. Car parking would be provided in the form of two tandem spaces per house located in screened rear garden areas at both ends of the building accessed via 1.8m high close-boarded timber gates from the new drive where additional casual parking space would be available.

Stable Block

- 2.9 The extant conversion scheme for the stable block and cart shed, approved in 1999, has been re-examined by the applicants. The previous scheme incorporated a new extension which has been omitted from this proposal.
- 2.10 The two-storey stable block, together with the attached open cart shed and derelict single-storey wing are currently disused and in a poor state of repair. These are proposed for conversion into a five bedroom dwelling.
- 2.11 Most of the blocked openings would be opened up to provide windows to adequately illuminate the interior of the house. The open cart house would be enclosed with glazing and opaque panel construction to retain the timber framing of the open elevation. Part of the single-storey wing to the east would be demolished and the remainder rebuilt. The design minimises the demolition of, and damage to, internal walls and like the other listed buildings allows for original features to be reinstated.
- 2.12 A private garden would be provided to the south and east of the Stable Block that would be enclosed by rural style fencing in keeping with the buildings countryside location. The existing white painted brick, slate roofed outbuilding would be reused as a single garage. A double width drive would be provided in front of the garage, screened by an existing brick wall, the flank wall of the stable block and a new pair of 1.8m high close-boarded timber gates and associated short length matching fence. This parking, totalling three spaces would be accessed from the main drive.

Oak Cottage

- 2.13 Oak Cottage is a currently disused two-storey 19th century cottage, with a 1960's single-storey flat roof extension which is to be demolished. The dwelling would then be extended with a two storey extension forming a 3-bedroom house.
- 2.14 A private rear garden would be provided, screened on one side by the Walled Garden and on the other two sides by a new 1.8m high brick screen wall. Two car

parking spaces would be provided under a car port to the south-east of the front of the cottage. Further casual parking is available on the new drive.

New Building to Mirror Ballroom Wing

- 2.15 A new building, similar in plan, massing, detailing and external materials to the existing Ballroom Wing, is proposed to complete the building enclosure on three sides of the existing orchard, which is adjacent to the Apple Store and Ballroom Wing.
- 2.16 This building, which would have a slightly lower profile than the Ballroom Wing, would contain three 3-bedroom houses. As with the Ballroom Wing, the front elevation would have a single front entrance to the central dwelling, the end dwellings having front entrances in the side elevations.
- 2.17 Private gardens would be formed to the rear of the building, screened by a 1.8m high brick wall adjacent to the new drive. Two car parking spaces would be provided for each of the dwellings provided in the form of a car port, tandem spaces to the north of plot 13 (the northern unit) and within screened rear gardens accessed via 1.8m high close-boarded timber gates from the new drive. Additional casual parking space would be available within the area of the new drive.

New Courtyard Live/Work Units

- 2.18 A single-storey stable-style courtyard building is proposed to be located in the 'Settlement Area' between the Walled Garden and the southern part of the orchard. Plans have again been modified during the course of the application in relation to the design of the units.
- 2.19 These new courtyard buildings would contain three live-work units. These live-work units are designed with flexible internal layouts which would allow the studio-workshop floor area to be traded off against the number of bedrooms, creating dwellings of between one and three bedrooms, depending on the size of the studio-workshop. The submitted plans indicate that these three options can be obtained. To ensure that these units are inhabited as live-work units, it is proposed to include this requirement as part of the s106 legal agreement.
- 2.20 Private gardens would be formed to the rear of the courtyard dwellings screened on one side by the Walled Garden and on the other sides by 1.8m high close-boarded fence softened by landscaping.
- 2.21 Six car parking spaces would be provided in the landscaped central courtyard, two for each of the dwellings.

New Single Storey Dwelling set in Walled Garden

- 2.22 A single storey 'pavilion' style dwelling is proposed within the Walled Garden. This 'pavilion' would be positioned centrally along the northern wall of the Walled Garden in a similar position to the glass houses that were once located here. Access will be from the entrance vestibule and car port outside the garden via an umbilical type corridor connection through the fabric of the Walled Garden utilising an existing gate opening.
- 2.23 The design would be of a contemporary low-pitched roofed dwelling and would provide for a 5-bedroom dwelling.

- 2.24 The whole 0.46ha garden enclosed within the wall would form the private garden for this house. Parking would be under a car port, accessed via a new drive formed through a narrow clearing in the wooded area between the Walled Garden and the main drive.

Apple Store

- 2.25 The single-storey red brick walled, slate roofed Apple Store is to remain in use as an office. This building, although part of the wider curtilage of the site, is not part of the development proposals, but has been listed here for clarification.

3 Planning History

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|-----|-----------------|--|
| 3.1 | S6/2002/0416/LB | New bridge link to first floor, and internal alterations on ground and first floor
Approved |
| | S6/2002/0415/FP | New bridge link to first floor
Approved |
| | S6/2001/1402/LU | Certificate of lawfulness for the existing use of the basement and second floor of Northaw House for offices and ancillary storage; use of the detached former Apple store as offices; non-compliance with conditions 2 and 4 of planning permission p/493/70 for the change of use of Northaw House to offices.

Approved |
| | S6/2001/1322/FP | Change of use of caretakers flat (Use Class C2) to offices (Use Class B1)

Approved |
| | S6/1999/1099/FP | Refurbishment of stable building and cart house as a dwelling house and the construction of two replacement gate lodges

Approved |
| | S6/1999/1100/LB | Refurbishment of stable building as a dwelling, including rebuilding of cart house to be incorporated into dwelling

Approved |
| | S6/1996/0905/LB | Repair/replacement of bressumer to bay window on south elevation

Approved |
| | S6/1980/0360/LB | Demolition of five chimney stacks
Approved |
| | S6/1976/0427/LB | Alterations and conversion of garages for use as offices

Approved |

4 Planning Policy

4.1 Hertfordshire Structure Plan Review 1991 – 2011:

Policy 43 – Landscape Conservation Areas

4.2 Welwyn Hatfield District Plan 2005:

SD1 – Sustainable Development

GBSP1 – Definition of the Green Belt

R16 – Protection of Species

R17 – Trees, Woodland and Hedgerows

R25 – Works to Listed Buildings

R26 – Alternative Uses for Listed Buildings

R27 – Demolition of Listed Buildings

R29 - Archaeology

M2 – Transport Assessments

M4 – Developer Contributions

M14 – Parking Standards for New Development

D1 – Quality of Design

D2 – Character and Context

D5 – Design for Movement

D8 – Landscaping

D11 – Design Statements

IM2 – Planning Obligations

H2 – Location of Windfall Residential Development

H5 – Conversion of Commercial or Vacant Buildings to Residential Accommodation

H6 – Densities

H7 – Affordable Housing

H8 – Dwelling Type and Tenure

H10 – Accessible Housing

OS3 – Play Space and Informal Open Space Provision in New Residential Development

EMP8 – Employment Sites outside of Employment Areas

EMP14 – Live-Work Schemes

RA1 – Development in the Green Belt

RA2 – Development in Settlements within the Green Belt

RA3 – Extensions to Dwellings in the Green Belt

RA10 – Landscape Regions and Character Areas

RA17 – Re-use of Rural Buildings

RA28 – New Development using Rural Roads

Supplementary Design Guidance

Supplementary Planning Guidance – Parking Standards

4.3 National advice

PPS1 – Delivering Sustainable Development

PPG 2 – Green Belts

PPS 3 – Housing

PPS 7 – Sustainable Development in Rural Areas

PPG13 - Transport

PPG 15 – Planning and the Historic Environment

PPG16 – Archaeology and Planning

Planning Policy Statement 25 - Development and Flood Risk.

4.4 Other advice

English Heritage Policy Statement “Enabling Development and the Conservation of Heritage Assets” published in June 2001

5 Consultations Received

5.1 **Environment Agency** – have responded with a number of letters over the years. However, in relation to the latest scheme, they advise that they have no objection in principle and suggest planning conditions to be attached to any permission.

5.2 **English Heritage** has responded with a detailed letter. A summary of their comments is outlined below.

In response to the initial application, the conversion of the house into flats was questioned, as was then proposed, and the remainder of the proposed development. The most important amendment to the original scheme is the abandonment of the proposed sub-division of the house which is a welcome change and would require far less alteration, and to a large degree it is proposed to exploit the building's historic plan.

Internal works raise some issues that whilst not insuperable remain of vital importance that the greatest care is taken not to disturb, damage or obscure the historic fittings that give the interior its character. The most important element of work that the scheme for the house would entail would be the demolition of the south-west wing. This is of no historic interest, and its removal would improve the general look of the house. Equally the removal of fire escapes and other miscellaneous additions would be unobjectionable.

It is clear that it is still proposed to carry out a significant development on the site, which would affect the historic character of Northaw House and its setting, largely to their detriment and is inappropriate here.

Lastly, there is the question of enabling development. The applicants have submitted a financial appraisal and apparently argue that the scheme is justified as "enabling development". Although section 5 of the agent's report is concerned with this and makes reference to English Heritage's advice on enabling development (*Enabling development and the conservation of heritage assets* - June 2001), nowhere is there any consideration of the scheme against the seven criteria that we propose should all be met if enabling development is to be justified. In respect of the financial case, regard should be had to paragraphs 5.13.1 and 5.13.2 of our guidance, which concern the need for expert appraisal.

5.3 **Hertfordshire Building Preservation Society (Beams)** – “The most important element of the scheme - the retention and future use of the mansion has been influenced to a great degree by John Neale of English Heritage. As he states in his consultation letter of 6 July 2007 ...the most important amendment to the original scheme is the abandonment of the proposed subdivision of the house". He does qualify his remarks by sounding a note of objection to the proposals as a whole and to some details of the plans to convert the first floor rooms to en suite bathrooms as well as being concerned about the damage caused new partitions.

Whilst I agree with his remarks on the details I disagree with him about the proposals as a whole remaining highly objectionable. He is probably unaware of our efforts, and responses by the applicants ... of the various reports that have

been prepared by Strutt and Parker in response to requests for more information or the need for new development to enable the restoration of the mansion and the repair of the walled garden etc. These reports are of a very high quality and I am satisfied with the information presented.

I have commented at some length on the various components of the scheme. With the exception of the proposals for Oak Cottage these are satisfactory. I still have concerns regarding the details of the extension. Although this has been set back to respect the existing building the detailed handling of the roof and glazing to the link require further consideration. Perhaps this matter can be dealt with by a condition requiring the submission and approval of details to an appropriate scale showing proposed roof and the glazed ends.

The same applies to the very rectangular chimney proposed for the walled garden house to which I referred in my earlier memo.

I have looked closely at the remainder of the drawings submitted and I am satisfied with the amendments.

In summary, the applicants have responded very positively to the various comments which have been made throughout the evolution of the proposals.

I have no doubt that with the restoration of the mansion to a single dwelling, the refurbishment of other buildings, the new buildings and the demolition of less attractive buildings together with the reinstatement and the repairs to the walled garden, Northaw House and its setting will be vastly improved and enhanced.

I would recommend approval subject to various conditions including making good damaged fabric, materials generally and landscaping.”

5.4 **Landscape** – Advise there are several issues with the development such as the need to ensure that damage does not occur to trees during the construction process; need for further fruit trees to be planted within the orchard replacing those that are in decline and those proposed for removal; the access to and development at the proposed walled garden requires management of the trees and further detailed drawings regarding the access drive. A number of conditions are accordingly recommended.

5.5 **Hertfordshire County Council Highways** – “The revised drawings show the access arrangements serving the development unchanged from the existing arrangements. This is acceptable to the highway authority as the amended level of development, with Northaw House being retained as a single unit, is unlikely to generate more peak hour trips than the existing office use. Although visibility at the western access is restricted as the proposal reduces the amount of traffic using the access, the highway authority could not sustain an objection to its continued use. Hertfordshire County Council as Highway Authority considers the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of conditions.”

Contributions towards sustainable transport measures or to implement schemes that have been identified within the Local Transport Plan have also been included within this latest consultation response. The sum requested equates to a total of £14,250.

- 5.6 **Thames Water** does not have any objection to the proposed application and request that an informative is included on any grant of permission.
- 5.7 **Hertfordshire Biological Records Centre** – request that a bat survey is carried out on all parts of the main house, stable block and Oak Cottage. This was undertaken and submitted to Hertfordshire and Middlesex Wildlife Trust.
- 5.8 **Hertfordshire and Middlesex Wildlife Trust** have requested that the Bat Survey that was undertaken in 2004 is updated before the impact on the current bat population can be assessed. Otherwise the Trust support the findings, recommendations and mitigation strategy suggested within the report. An updated report has been submitted detailing mitigation methods and requirement for DEFRA licence in compliance with the Habitat Regulations and Wildlife and Countryside Act. The Trust fully support the report, findings and Mitigation strategy / recommendations by Jones & Sons.
- 5.9 **Hertfordshire County Archaeology** indicates an appropriate response should comprise the archaeological recording of the structures in their present form prior to any demolition, alteration or development. Furthermore, any original features/equipment to be altered, demolished or removed as part of the proposed development should also be recorded. A condition is accordingly recommended to achieve these aims.

6 Parish Comments

- 6.1 Northaw and Cuffley Parish responded to the original consultation in 2004:

“The Parish Council strongly object to the partial demolition of this splendid Georgian House. This is contrary to policies GB3, GB4, GB5 and GB6. This is also contrary to PPG2 Paragraph 3.2, 3.4, 3.5, 3.6 and 3.8. If allowed this will have a dramatic impact on the site. There are absolutely no mitigating circumstances under which partial demolition of this magnificent building could be allowed and the extent of this proposed new building in the area would be a total detrimental change of this conservation area. These comments apply to plans S6/2004/572/LB and S6/2004/573/FP.”

7 Representations Received

- 7.1 The application has been advertised by site and press notices and neighbour notification letters. These have been undertaken at the time of the original submission, but also after the amended plans were received earlier this year. Three letters of representation have been received from Welwyn and Hatfield Access Group, Northaw & Cuffley Residents Association and Potters Bar Association. All parties responded to the original consultation and not to the amended scheme.
- 7.2 **Northaw and Cuffley Residents Association** state that the proposed development is within the Conservation Area and the buildings are listed buildings and should be retained and not demolished.
- 7.3 **Potters Bar Society** strongly oppose the applications, noting that 3 separate areas of the listed building are proposed for demolition and that 20 residences will be created and it is a change of use from offices to residential which will seriously harm the visual impact of the house. Are the trees adjacent to Oak Cottage protected by a Tree Preservation Order?

- 7.4 **Welwyn Hatfield Access Group** request that this application is considered subject to the standards and criteria outlined in the current District Plan (Policy D3d, Policy D5) and where appropriate, Building Regulations Part M.

8 Discussion

- 8.1 These applications are being referred to the Planning Control Committee as they are contrary to the development plan.
- 8.2 The main issues for consideration with the proposal are:
1. Whether the proposal is acceptable in Green Belt terms and if not, whether the amount and nature of the enabling development proposed provides the very special circumstances to justify an exception to policy with reference to financial and other considerations to determine whether the proposals are the minimum necessary to ensure the retention of the historic asset;
 2. The impact of the detailed works of conversion, refurbishment, demolition and alteration on the character, appearance, architectural and historic integrity of the Grade II listed principal building, stables and ballroom wing;
 3. The impact of the size, scale, design and external appearance of the amount of enabling development on the setting of the Grade II Listed Buildings;
 4. The impact on the landscape setting of the site, within the Landscape Character Area and nature conservation interests;
 5. Highway and car parking considerations;
 6. Archaeology;
 7. Provision of open space and play space within the scheme and commuted sums;
 8. Provision of affordable housing, density of development and dwelling type and tenure
 9. Impact on the amenity of neighbouring residential occupiers.
 10. Other Matters

Green Belt and Very Special Circumstances

- 8.3 Policy RA1 of the Welwyn Hatfield District Plan 2005 and PPG2 identify those forms of development that are considered appropriate in the Green Belt. New residential development is not normally considered to be appropriate unless it is for agriculture or forestry. The new build dwellings are not required in connection with agriculture or forestry and they therefore, constitute inappropriate development and are thereby contrary to PPG2 and District Plan policies. It is therefore, necessary to consider whether there are any very special circumstances of sufficient weight to overcome the presumption against inappropriate development in the Green Belt.
- 8.4 The applicants have put forward a case that the proposals for Northaw House itself, the stable block, the Ballroom wing, and the changes to Oak Cottage are all matters that could be regarded as appropriate, provided that there is no overall harm to Green Belt purposes as a result of the proposals, and they comply with other relevant policies within the local plan. The elements of the scheme that do not comply in policy terms are the three new build elements – a single storey dwelling in the walled garden, a single storey courtyard of three live/work units, and the two-storey counterpart to the Ballroom. These elements need a specific justification in order for them to be acceptable.

- 8.5 The agents, during the course of the application, have updated their statement relating to very special circumstances for the new build elements. The points raised within their statement are quoted, as appropriate, and discussion of the points and very special circumstances after these quotes.

First Very Special Circumstance

- 8.6 The first special circumstance is "...that the area of Green Belt that the inappropriate elements of the proposal involves, is not open countryside, but rather land that has long been curtilage land in domestic, institutional and (latterly) commercial use. As such, the site constitutes "previously developed land" as defined in the Annex to PPS3." They expand further "...that the immediate openness of the Green Belt has already been undermined by the use of site as garden...the corollary is the proliferation of a number of structures, built at various times...harmful to the setting of the listed buildings. These buildings and structures also have some impact on openness, so their removal will affect overall openness...the proposal reduces the existing sprawl of building within the site...while retaining a similar overall footprint of building."
- 8.7 The definition of 'previously developed land' annexed to PPS3 defines land where exclusions apply and adds at the end of the definition "there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed." Notwithstanding any justification as to what area or areas might constitute 'curtilage' and whether there might be more than one 'curtilage', for example to Northaw House, to Oak Cottage etc, it is considered that this land, due to its designation as Green Belt, should not have a presumption in favour of development.
- 8.8 With regards to the proliferation of structures, the majority of these were built prior to the designation of Green Belt, thus they would not have had the considerations that apply today. The removal of these buildings and their impact upon the setting of the listed buildings and openness of the Green Belt is discussed later, within paragraphs 8.38 to 8.54.
- 8.9 The supporting statement discusses the walled garden "...is, by definition, enclosed land surrounded by a substantial built structure, eliminating any open views, both from adjacent land inside the Green Belt to the application site, and any open views of the Green Belt land beyond. The proposed building will be completely invisible...outside of the walled garden...the restoration of both the walls...but also the reinstatement of the garden as a main feature will improve the setting of the listed building, with minimal visual impact... .. Indeed, all new build elements are...screened from any medium or long distance views."
- 8.10 The impact upon the setting of the listed building and restoration is discussed within the next section, paragraphs 8.38 to 8.54. In relation to the visual impact of the building and not being possible to view this building from outside of the walled garden, this is not reason in itself to allow a building that, as confirmed within many appeal decisions, is contrary to the purposes and use of land within the Green Belt (PPG2 paras. 1.5 and 1.6).
- 8.11 The applicants have stated "[T]he area known as "the settlement" between the walled garden and ballroom wing is considered to be an area that can accommodate some sensitive new building, in lieu of the structures to be

removed in this area and elsewhere...and of the scope to enhance an untidy and generally unkempt area within the setting of Northaw House.”

- 8.12 The new buildings within this area, principally comprise the three live/work units, which are single storey and the proposed building to mirror the ballroom wing which is two storey reflecting the existing ballroom wing. In terms of floor space proposed within this area, although a formal calculation has not been undertaken, it would appear that the new buildings would increase the floor space slightly over that currently existing. The buildings proposed for demolition are in poor condition, however due to their age they would be curtilage listed and therefore a separate appraisal is required to determine whether their demolition is acceptable or not. This is discussed within paragraphs 8.38 to 8.54.
- 8.13 In relation to the proposed height of the buildings compared to those for demolition, the live/work units would be of comparable height and the ballroom wing would be of a greater massing and scale than the timber weather-boarded building it would replace. Overall, therefore with regards to the buildings to be replaced the overall appearance of the new build would be likely to have greater visual impact than the existing buildings.
- 8.14 It is acknowledged that it is not only this part of the area that is untidy and generally unkempt, a large part of the whole site has deteriorated and that enhancing the area would not only improve the character of the green belt but would also enhance the setting of the listed buildings. However, this is not a reason in itself to grant planning permission contrary to green belt policy, but is a material planning consideration.

Second Very Special Circumstance

- 8.15 The second very special circumstance submitted “...is that the wider parkland setting of the site generally, provides the opportunity to preserve and enhance a landscape of the highest quality without compromise. Case law...has established that where properties are situated in extensive grounds, the openness of the Green Belt can be considered in a wider sense, and can be maintained even in the context of changes in the core area...” Reference is made to *Barnet Meeting Room Trust v SoSE & Barnet LBC*, QB July 24 1992.
- 8.16 This case referred to a previous national Green Belt policy which allowed “institutions standing in extensive grounds”. The current PPG2, Annex C15 clarifies the position by stating “This revision of PPG2 makes it clear that development by institutions is subject to the same controls as other development in the Green Belt.”
- 8.17 However, the case indicates that the overall state of the site was a consideration “The Secretary of State notes that the site is in a prominent position and that it presents a dismal picture of dereliction...he notes the Inspector’s conclusion that in this particular case without some form of development there seems little likelihood that the dereliction will be cleared...”
- 8.18 It is therefore considered that the overall appearance of the site is a material planning consideration. This, as discussed earlier, is a contributory factor and material planning consideration but not an over-riding factor to allow development that is in itself inappropriate in the Green Belt.

Third Very Special Circumstance

8.19 The final very special circumstance relies on the principle of enabling development. In order to assess this, The English Heritage Policy Statement “Enabling Development and the Conservation of Heritage Assets” published in June 2001 advises that there are seven criteria that enabling development should meet:-

1. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
2. The proposal avoids detrimental fragmentation of management of the heritage asset;
3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
5. Sufficient financial assistance is not available from any other source;
6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development.

8.20 The English Heritage Policy Statement also advises:-

“It is of the essence of proposals for enabling development that a scheme which would otherwise be unacceptable in planning terms, is the only practicable means of generating the funds needed to secure the future of the heritage asset in question. It is entirely appropriate, therefore, to require applicants to provide evidence to the local planning authority in support of such a claim, particularly financial evidence.”

8.21 There are parts of the development, as previously discussed, that are appropriate development in themselves. Although details were originally submitted justifying the three elements that required special justification (new build), it was considered that the whole scheme required appraisal under the terms of the English Heritage Policy Statement and an updated report was submitted.

8.22 The Policy Statement also suggests that specialist expertise is required to judge whether the extent of works proposed, the costs, the profit levels, and the anticipated final values are fair and reasonable in all the circumstances.

“It is important that the financial justification submitted, and the assessment of the needs of the asset which underlies it, are subject to a proper critical assessment by an appropriate professional team. If a local planning authority does not have the full range of expertise in house, it will clearly be necessary to involve external consultants.”

8.23 All of this advice will help the Committee to properly assess whether Criterion 6 is satisfied: that the amount of enabling development proposed is the minimum necessary to secure the future of the heritage asset. To enable an assessment of the financial appraisal to be undertaken, two independent consultants were appointed. One Press and Starkey, Chartered Quantity Surveyors, to assess

whether the costs of carrying out the scheme are realistic. The other Roger Richards Surveyors with valuation and expenditure expertise in this form of development, the local property market and also who could assess whether the anticipated final values were achievable.

- 8.24 With regard to financial matters, the costs of the scheme had to take account of the following factors: Site costs (open market value of the property in its current condition and other costs incidental to acquisition); Design and Construction (surveys, historic asset repair, historic asset conversion, landscaping costs, professional fees and contingency); statutory and other charges (Planning and Building Control Fees, Legal costs as part of a Section 106 Agreement); Interest; VAT on all of the above and Developers Profit. Taking all of these into account, the total costs are shown by the applicants to be £8,661,999 as set out in the table below.

EXPENDITURE	£
Acquisition Costs	3,313,869
Construction and Demolition Costs	3,238,015
Statutory & Other Charges	343,998
Finance	376,432
Sales Costs (Sales Agent & Legal Fees)	259,860
Developer's Profit	1,129,826
TOTAL	8,661,999

- 8.25 Within the appraisal, the agents have also given performance measures in relation to profit of

Profit on Cost%	15.00%	
Profit on GDV%	13.04%	(Gross Development Value)
Profit on NDV%	13.04%	(Net Development Value)

- 8.26 With regard to costs, the two appraisals indicate the estimated costs to be reasonable and the amounts indicated for fees to be competitive.

- 8.27 The following table sets out the anticipated income from the scheme.

INCOME	Units No.	GIA sq.ft	Conversion £	New Works £
Main House Conversion	1	9,900	3,465,000	
Ballroom	3	2,700	756,000	
Stable Block	1	4,500	1,260,000	
Oak Cottage (refurbishment)	1	786	274,995	
New Ballroom	3	2,685		872,235
Live/Work Units	3	3,594		972,489
Walled Garden	1	2,653		1,061,280
Sub-totals	13	26,818	5,755,995	2,906,004
TOTAL			8,661,999	

GIA – Gross Internal Area

- 8.28 The applicants show within the financial appraisal that the proposed development is the minimum necessary to achieve the satisfactory restoration of the listed building and grounds.
- 8.29 In connection with income, the applicant's agent indicates that "...the buildings proposed are relatively unique in the immediate area and, accordingly, evidence of the sale of comparable property is therefore of a limited nature. Taking into account the evidence obtained from the sales of property in the Northaw area I am, however, relatively satisfied with the values that I have attributed to the various elements...the return provided is not excessive".
- 8.30 The two appraisals may be summarised as 'Press and Starkey' "The Strutt & Parker construction figures are low and the construction costs would be higher in my view. I concur with their view on the contingency, demolition, infrastructure and fee allowances."; and 'Roger Richards Surveyors' "...for a development of this nature and relative complexity, where costs can escalate dramatically if very strict budgeting and control is not exercised, the return provided is not excessive and may be considered light in view of the slightly unique nature of the properties that will be created."
- 8.31 With regard to the other six criteria set out in the Policy Statement Criteria 1 and 7 will be addressed in the following sections.
- 8.32 In respect of Criterion 2, through negotiations during the course of the application, the applicants have amended the plans and thus the proposal is to retain the main building as one residential unit which complies with this criterion and is supported by both English Heritage and Hertfordshire Building Preservation Society. Although other areas of the site would be subdivided it is considered that it is possible to address concerns regarding the fragmentation of the site by having new external partitioning kept to a minimum and where it does have to take place, ensuring by condition and submission of details that it would have only a limited impact and in relation to the Walled Garden house there would be no difference, in terms of subdivision, to the current situation. A Management Company would be formed which would be responsible for the maintenance of the landscape setting of the listed buildings and the grounds. The way in which this would be operated can be covered in an Agreement under Section 106 of the 1990 Act.
- 8.33 The proposed residential use would bring the building back to the original use of the property, which was as a single residential dwelling and would ensure the appropriate re-use of the whole of the building as required by Criterion 3, particularly now that the scheme has been renegotiated. The Council's Historic Buildings Advisor advises, further to the comments from English Heritage that the works are required to secure the long-term benefit of the listed buildings and curtilage listed buildings and structures. The other listed building, stable block, would see its use changed, however due its current poor state, some form of development is required to secure its long term future. Residential development is considered to be a sympathetic use and consideration also needs to be made to the extant permission for the residential conversion.
- 8.34 The Financial Appraisal demonstrates that the problem facing the heritage asset has arisen from the inherent needs of the asset itself rather than the circumstances of the owner or the purchase price paid as required by Criterion 4.

- 8.35 Criterion 5 requires that there are no other opportunities for financial assistance from other sources. The report submitted identifies a number of options, one of which would be to carry out a wholesale refurbishment of the buildings once the tenancies come to an end (still in office use), however advice is, that it is unlikely a level of rent in refurbished premises would be achieved justifying the project and in view of difficulties in the past at letting the property, it cannot be guaranteed that tenants could be secured. The report indicates that there are no other opportunities for financial assistance.
- 8.36 The scheme has been conceived such that the individual components function both individually, but also sit within a wider framework. In some respects, the form of the new proposals is similar to the historic pattern of development, along the east/west axis of the former public highway. However, the present proposals would be less prominent in the landscape to address the issue of openness in this location.
- 8.37 Taking into account the case of enabling development, together with the other very special circumstances advanced and agreed - removal of dilapidated structures, enhancement of the appearance of the whole site, enabling development etc. It is considered that there is a case for granting approval to this development that is contrary to the green belt and policies within the development plan.

The impact of the detailed works of conversion, refurbishment, demolition and alteration on the character, appearance, architectural and historic integrity of the Grade II principal listed buildings and curtilage listed buildings

Main House

- 8.38 The reinstatement of Northaw House as a single dwelling is a key benefit of the overall benefits. This involves the removal of the later three storey west wing, the link between the Main House and the Ballroom Wing, an unsympathetic extension. Furthermore the demolition of the outbuildings adjacent to the conservatory will restore the historical integrity and elevational balance of the original house and also detach the Ballroom Wing from the Main House, returning it to its original state.
- 8.39 The main features of the building and conservatory are to be refurbished and where demolition is proposed, these are to be reinstated to match the Main House using matching materials. The design and access statement details that the scheme is being implemented with regard to original building plans and this is supported by the documentation and plans submitted with the planning application. Overall, it is considered that these works would considerably improve the current character and setting of this important listed building.
- 8.40 The Ballroom wing, like the main house has been used for offices. The orchard area to the west of the Ballroom wing contributes to the setting and character of the buildings, and is therefore proposed to be retained as a communal amenity area. Private gardens to the Ballroom wing are to be formed to the rear, behind the existing brick wall separating the Ballroom wing from the formal drive at the front of the main house. Whilst the design and access statement indicates that the curtilages to these gardens, like many of the other gardens, would be divided with 1.8 metre high boundary treatment, it is considered that such treatment would be out of keeping, both with the character and setting of the listed buildings but also detrimental to the wider visual openness of the Green Belt. It is therefore

suggested that notwithstanding details of the plans that a condition is attached to any grant of planning permission for submission and approval of boundary treatments.

- 8.41 There would be alterations to the external fabric of the building with the removal of the external steel fire escapes and where original window openings have been adapted to suit these fire escapes, the original features would be reinstated. Some openings have been replaced with inappropriate painted metal windows and doors. These are proposed for removal and would be replaced with timber windows and doors to match the originals. Again, it is suggested that a condition is attached to the listed building consent for submission of, and approval of details.

Stable Block

- 8.42 The extant conversion scheme for the stable block and cart shed (S6/1999/1099/FP) has been re-examined by the agents as part of this application. This is still extant because the permission also allowed the provision of two gate lodges which has been part implemented. The previous scheme incorporated a new extension.
- 8.43 This application proposes a simpler proposal which utilizes the existing fabric, where it is possible to do so. The east of the stables is in a poor state of repair, having suffered from the impacts of landscaping which has become overgrown in this area. It is proposed to part demolish this structure and build onto the existing rear wall, with repair, to provide a single storey wing with pitched roof reflecting that of the western wing of the block.
- 8.44 Existing fenestration and door openings would be utilised where possible and where new openings are proposed, these would match the existing openings of the stables and finished in traditional materials. These new openings principally relate to the southern (rear) elevation and are designed such that they do not harm the historic character and integrity of the stable block.
- 8.45 Parking is proposed within an existing building, located slightly to the north-east of the stable block. The garage would have minor repair works and, as currently, would be accessed from the main driveway in front of the main house. The garage is proposed to be set behind 1.8 metre high gates which would provide a small uncovered parking area for two vehicles. These gates would be unlikely to impact upon the openness of the green belt by virtue of being sited behind an existing 1.9 metre high brick wall and set behind the front elevation of the stable block. The design of the gates is suggested to be controlled by condition to ensure that it does not impact, to the detriment, upon the character and setting of the listed building. These alterations better relate to Northaw House itself, preserving the important features of the listed stable without undermining its essential character and are an enhancement over the previously approved scheme .

Oak Cottage

- 8.46 Outbuildings within the 'settlement area' (area currently used predominantly for car parking) and the inappropriate flat roofed single-storey extension to Oak Cottage, are to be demolished. These outbuildings have been assessed by CgMs (Planning , Archaeology and Historic Building Consultants) and are considered to have little intrinsic historical or architectural merit. These views

have been concurred with by Hertfordshire Building Preservation Society (HBPS). The demolition of the 1960's flat roofed extension to Oak Cottage, which does little to enhance the character and appearance of this dwelling, would significantly enhance the character and setting of this building and would comply with policy R27 of the Welwyn Hatfield District Plan 2005 as well as PPG15.

- 8.47 The extension proposed to Oak Cottage has, like many other elements of the scheme, been amended. The extension comprises a two storey gable-ended extension to the north of the building linked by a glazed element to the original building. Concerns have been raised regarding the details of the glazing and roof of the linked element by HBPS. It is therefore suggested that a condition is attached requiring further details, to be agreed, prior to commencement of development.
- 8.48 Historical unsympathetic works that have been undertaken to the dwelling are proposed to be rectified during the course of the development. These include the replacement of the existing windows, which have inconsistent glazing bars and are in poor condition with white painted timber sash windows appropriate to the age of the cottage. Overall, the works would significantly improve its current semi-derelict appearance.
- 8.49 Access to Oak Cottage would be from the settlement. The area of former parking will become landscaped and softened in this area, with a new drive (shown on the drawings), serving the Ballroom wing and its counterpart, the apple store, the new courtyard and the extended Oak Cottage.

Walled Garden

- 8.50 A single storey dwelling is proposed to be integrated into the walled garden. As part of these proposals, the walled garden itself would be restored and protected. A new drive would be formed through to a narrow clearing in the wooded area between the walled garden and the main drive, linking into the access to North Lodge. This will lead to a carport and an entrance vestibule adjacent to the north of the walled garden. Day to day vehicular access to the walled garden is not proposed, other than for some garden machinery etc.
- 8.51 This conservatory house repeats much of the character of the typical Victorian and Edwardian glasshouses, which are to be found propped up against the inner walls of walled gardens in many similar historic settings in the UK. Indeed, the south elevation of the walled garden at Northaw has evidence of previous glasshouses in the position of where the dwelling is now proposed.
- 8.52 The proposal is to form an 'umbilical-type' corridor connection through the fabric of the walled garden, causing the minimum of disruption to the structure, to join with a contemporary single storey flat roofed dwelling, with extensive use of glass. Access would still be available for maintenance to the inner part of the wall as the main dwelling is to be 'set away' from the wall, with an area for landscaping and water features to be provided between the wall and the dwelling. This area would be enclosed with roof glazing.
- 8.53 Roof design maintains the semblance of pitched, paneled glazing by the use of metal roofing panels with raised joints. Alterations during the course of the application, to the entrance vestibule reduce the impact of this element, in accordance with guidance from HBPS.

- 8.54 Subject to conditions covering matters such as internal works, joinery, bonding, details of the glazed link etcetera and all other relevant details are satisfied, HBPS advise there would be no adverse effect on the character, appearance, architectural integrity of the Grade II principal listed building and curtilage listed buildings. Officers' concur with this view and considers that the scheme is acceptable in these respects and complies with the appropriate District Plan policies and national guidance.

The impact of the size, scale, design and external appearance of the amount of enabling development on the setting of the Grade II Listed Buildings

- 8.55 It is proposed to form three live-work units in a new single storey c-shaped courtyard between the walled garden and the southern part of the orchard. The courtyard is a low-profile development within a part of the site very well contained by other built and natural features. The design follows the geometry and scale of a formal three-sided stable block with central tower feature commonly found close to a principal house in this sort of setting. Importantly, the building does not compete in scale with the main house, the ballroom wing, nor the walled garden. This formality is typical of the period, and represents a considerable improvement over the derelict structures and extensive informal parking in this area at present.
- 8.56 The design is a very simple Georgian style and the suggested proposed materials also follow this theme. External walls are proposed with white painted facing brickwork with brick arches over windows and doors. Doors and windows are to be white painted timber with the windows as sash with stone cills. The roof would be finished with a slate roof with lead flashings and a lead covered central ventilator.
- 8.57 The counterpart to the Ballroom wing forms part of the grouping of the proposed courtyard houses but also with the existing Ballroom wing and Apple store, a second, separate courtyard is formed, itself performing functions of enclosure and screening. This counterpart would be located in an area where an existing building is proposed to be removed.
- 8.58 This building is of a slightly reduced scale compared to the existing ballroom wing and whilst it reflects the design of the existing building is of a more simple form and detailing and thus does not compete with it. Three two-storey dwellings would be formed within this development. The materials proposed are the same as the other new build elements, with the addition of red facing brickwork chimneys with terracotta chimney pots.
- 8.59 Details have not been submitted showing the elevational details of boundary treatment, gates or car ports. It is therefore suggested that conditions are attached for submission and approval of such matters.
- 8.60 Overall, it is considered that the design, size, scale and external appearance of the enabling development on the character and setting of the listed buildings is acceptable. This, together with the amount of development needed has been fully appraised against its impact upon the character and setting by HBPS who agree to this view.
- 8.61 The overall works are therefore considered comply with the aims and objectives of policies R25, R26 and R27 and PPG15 and thus in Listed Building terms, the development is acceptable.

The impact on the landscape setting of the site, within the Landscape Character Area and nature conservation interests;

- 8.62 The location of the new build elements of the scheme have been located in such a way that makes good use of existing landscape features within the site and areas where buildings are currently located or historically have been located. Consequently, there would be no significant visual intrusion in the landscape from the proposals.
- 8.63 The Landscape Character Assessment for the area indicates that a 'conserve and strengthen' approach should be taken with development within this region. Suggested measures include 'encouraging landowners to revert from arable to pasture within parklands, appropriate management of woodland, encouraging new planting' and so forth. These measures and others may be achieved with the implementation of a landscape management plan and therefore the proposal accords with policy RA10 of the local plan and 43 of the County Structure Plan.
- 8.64 The discussion under the second very special circumstance referred to the landscape setting of the site. Northaw House has long historic associations both with its immediate parkland setting but also with the wider countryside. Ensuring its future will help maintain its landscape setting and the important contribution that it makes to the openness of the local area. Proposals have been suggested for the wider setting - the woodland adjacent to the entrance drive together with the trees surrounding the buildings. These would be subject to a management agreement to ensure that the good level of existing screening afforded by this woodland is maintained for the future.
- 8.65 The Council's Landscape Officers have raised some concerns regarding the details within the landscape plans. However, they have recommended a number of measures, which may be achieved via condition as well as requesting the submission of a landscape management plan for the whole of the site. The latter would be secured through a s106 legal agreement.
- 8.66 A bat survey was submitted with the application and Hertfordshire Biological Records Centre which has since been updated, at the request of Hertfordshire and Middlesex Wildlife Trust. This identifies a number of mitigation proposals as well as the need to apply for a DEFRA licence in accordance with regulations. Accordingly a condition is suggested.

Archaeology

- 8.67 The proposals map identifies Northaw House and its wider setting as being within an Area of Archaeological Significance. Policy R27 states that the Council will not permit development which will adversely affect archaeological remains or their setting. Developers are expected to undertake an evaluation of archaeological potential before planning consent is granted. Such an evaluation has been undertaken and appraised by HCC Archaeology. This concludes that no significant archaeological remains are likely to be encountered. Hertfordshire County Archaeology supports this view and suggests a condition to secure the implementation of a programme of archaeological work. This is in compliance with R29 of the local plan and PPG16.

Provision of open space and play space within the scheme and commuted sums;

- 8.68 Adopted plan policies provide for contributions towards and/or the provision of social infrastructure, play space and informal open space for new residential

development on a site of this size. There is adequate space for occupiers of the dwellings within private gardens to meet the needs of this policy. Any financial contributions for schemes off-site, even if the development did not provide for adequate play and open space on site, would lead to the requirement to provide more floor space within the site to fund this. Referring back to Criterion 6 of the English Heritage Policy Statement, if the enabling argument is accepted, then it must be the minimum necessary to secure the heritage asset. The Policy Statement also suggests that enabling schemes should not be expected to comply with such policies.

Provision of affordable housing, density of development and dwelling type and tenure

- 8.69 Adopted plan policies provide for affordable housing in sites of 1 hectare or more or with 25 units or more. Referring back to Criterion 6 of the English Heritage Policy Statement, if the enabling argument is accepted, then it must be the minimum necessary to secure the heritage asset. The Policy Statement also suggests that enabling schemes should not be expected to comply with such policies.
- 8.70 The density of the development is below that required by local plan policy H6. This requires dwellings to be built at densities of 30 to 50 dwellings, whereas the density proposed with this application falls at approximately 1 dwelling per hectare. Although this is significantly below that required, due to its location in the Green Belt and the very special circumstances put forwards for this development, it is not appropriate to request development at a higher density. The dwelling type across the site will be mixed with large and mansion-style dwellinghouses and live/work units.

Impact on the amenity of neighbouring residential occupiers.

- 8.71 The properties closest to the development are the two lodges – east and west. There would be no adverse effect on the amenities that occupiers of these properties could reasonably expect to enjoy in terms of loss of sunlight, daylight, privacy or overbearing effect from either the development around the main building, walled garden dwelling, Oak Cottage or other buildings within the ‘settlement’ area due to the distances involved, orientation of properties and existing boundary treatments and landscaping.

Highway and car parking considerations

- 8.72 The site is located within walking distance of Northaw village and benefits from a public transport service to the south to Potters Bar and to the north to Cuffley, both of which are served by rail interchanges.
- 8.73 The plans and documents when originally submitted included an Automatic Traffic Counts and Speed Surveys report. With the numerous changes to the development, the plans have evolved. The original details showed the access adjacent to West Lodge capable of serving 11 residential units with the remaining 7 units utilising the entrance near East Lodge. Concerns were raised by HCC Highways and after discussions between the agents and Highways, the plans for access and egress were amended and showed a new driveway cutting through the land from the main listed building to Judges Hill to the north. This would have had a detrimental impact upon the landscape character of the area as well as the Metropolitan Green Belt.

- 8.74 Further discussions were held between the agents, Highways and Local Planning Authority and as a result of the reduction in the number of units (to 13) it is considered acceptable to use West Lodge only. The existing use of the site should also be borne in mind when considering the highway impact of the proposed development.
- 8.75 Currently the site is used as offices (B1 use) and this has an associated provision of approximately 100 car parking spaces. Vehicular movements tend to be at their greatest at peak hours in the morning and evening. With the proposed change of use, traffic movements are unlikely to be anywhere near the existing level, therefore highway safety is likely to be improved thus complying with PPG13.
- 8.76 PPG13 encourages pooling of financial contributions to develop sustainable transport strategies where developments are not large enough to provide a bus service or improve cycle and footway links (this development falls into the former category). A contribution for this development would help to promote sustainable transport measures/schemes or to implement schemes identified in the local transport plan. Implementation of schemes developed through local transport plans would assist to mitigate the impact of development-related traffic on the local road network. The contribution would achieve £14,250 (which would be RPI index linked) and is arrived at using Hertfordshire Highways contribution standards. This would be secured through the S106 Legal agreement.

Other Matters

- 8.77 The existing employment use, while not inappropriate in principle, is contributing to the existing highways hazard. Local Plan Policy EMP14 supports mixed-use live-work and residential schemes in areas outside designated employment areas where certain criteria are met. This site is an appropriate location for development of that type by virtue of the frequent bus services available at the West Lodge entrance and in view of the existing business use that is currently ongoing within the site. The applicants have indicated that they are happy to enter into an agreement to secure these three units as mixed usage.

9 Conclusion

- 9.1 Having carefully considered the enabling development argument put forward by the applicant to justify the development proposed, which would normally be considered inappropriate in the Green Belt. It is concurred that the enabling development argument has been justified and that the scheme will secure the long term future of the listed building and that this constitutes very special circumstances which are sufficient to outweigh the limited harmful impact that an additional amount of new building would cause to the Green Belt.

10 Recommendation

- 10.1 It is recommended that planning permission be granted in respect of application reference no. S6/2004/0573/FP subject to the referral of the scheme to the First Secretary of State as a departure from the development plan, the competition of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the matters set out below and the following conditions:-

- ensure that the restoration works to the principal listed buildings, the main dwelling, ballroom wing and stable block, commence at the same time as the

commencement of the new build dwellings and to be completed prior to the first occupation of the 5 units comprising the counterpart to the Ballroom Wing and the single detached dwelling (Oak Cottage) and in the case of the walled garden, the walled garden dwelling and wall shall be restored prior to the occupation of the new-build Walled Garden House;

- to secure the non-severance of the land shown to be in private ownership in relation to the Walled Garden house and walled garden;
- to secure the financial contribution of £14,250 towards sustainable highway matters;
- to secure a landscape management plan for the planting over a 5 year period;
- to secure the use of the three courtyard dwellings as mixed use live-work units

Conditions

1. C.2.1- Time limit (Five Years)
2. C.5.1 – Samples of Materials to be submitted and agreed
3. Prior to the commencement of the development hereby permitted, details and information shall be submitted, in accordance with the British Standard 5837: 2005 Trees in Relation to Construction, of the following:
 - A current tree survey, which should be undertaken by a qualified arboriculturist - which should include all the information requested in 4.2.6 of the standard;
 - A Tree Constraints Plan showing the Root Protection Area of trees being retained (calculated using table 2 of the standard);
 - An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) which should address all the information required in 7.1 and 7.2 of the standard, particular note should be taken of :
 - 7.1 c) the precise location for erection of protective barriers and any other relevant physical protection measure including ground protection, to protect the RPA and marked as a construction exclusion zone on the plan; and
 - 7.1 d) design details of the proposed physical means of protection, indicated through drawings and/or descriptive text, including any development facilitation pruning
 - A comprehensive landscape plan detailing new planting would be also required indicating:
 - Species
 - Size
 - Density of planting
 - Historic significance
 - a landscape management plan for the planting over a 5 year period including replacement of any failures

REASON

In the interests of the visual amenity of the area and to protect the existing trees, shrubs and hedgerows in accordance with policy D8 of the Welwyn Hatfield District Plan 2005.

4. C.4.2 – Implementation of Landscape Planting
5. C.4.5 – Retention and Protection of Trees and Shrubs
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 buildings (main house, stable block, ballroom wing), Oak Cottage, wall surrounding the walled garden, as well as all historic brick 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. C.6.1 – Withdrawal of Class A of General Permitted Development Order
8. C.6.2 - Withdrawal of Class B of General Permitted Development Order
9. C.6.3 – Withdrawal of Class D of General Permitted Development Order
10. C.6.4 – Withdrawal of Class E of General Permitted Development Order
11. C.6.5 – Withdrawal of Class F of General Permitted Development Order
12. 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 Class C of Part 1 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 in accordance with policies D1, D2 and RA1 of the Welwyn Hatfield District Plan 2005.

13. C.6.6 – Excluding Walls and Fences
14. 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 in accordance with policies D1, D2 and RA1 of the Welwyn Hatfield District Plan 2005.

15. 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 in accordance with policies. D1, D2 and RA1 of the Welwyn Hatfield District Plan 2005.

16. No demolition or development shall take place within the application site until the implementation of a programme of archaeological work has been secured 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.

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.

17. 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 in accordance with policies RA1, D8 and R17 of the Welwyn Hatfield District Plan 2005.

18. Prior to the commencement of work on any building hereby approved, the setting out and finished floor levels 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 in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

19. Before any development commences, full details of the proposed demarcation and extent of the associated individual curtilages of the six ballroom wing dwellings, the three courtyard live/work buildings and the detached dwellings Oak Cottage 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.

20. 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 in accordance with policies R25, R17 and D8 of the Welwyn Hatfield District Plan 2005.

21. Surface water drainage works shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such approved details shall then be implemented.

REASON

To prevent the increased risk of flooding in accordance with Planning Policy Statement 25: Development and Flood Risk.

22. No works of site clearance, demolition or construction shall take place until a Method Statement with the results of an appropriate bat survey, mitigation methods proposed and detailed timetable of proposed works (as required for Natural England and DEFRA licence) have been submitted to and approved by the Local Planning Authority.

REASON

To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with policy R126 of the Welwyn Hatfield District Plan 2005.

23. 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.

24. C.5.10.1 – Historic brick bonding

25. 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.

26. C.8.13 – Unbound Material/Surface Dressing

27. C.8.10 – Gates over Highway

28. All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

REASON

In the interest of highway safety and free and safe flow of traffic in accordance with Planning Policy Guidance Note 13: Transport.

29. C.8.5 – Wheel Washing Equipment

30. Prior to the commencement of development hereby permitted, detailed plans showing the elevation of the car ports and gates and proposed materials shall be submitted to the local planning authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved plans and details and retained as such unless the local planning authority otherwise agrees in writing.

REASON

In the interests of the visual amenity of the area and impact upon the character and setting of the listed buildings in accordance with policies R25, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

Informatives

1. Your attention is drawn to the need to obtain a Habitats Regulations licence from DEFRA.
2. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control, and encourages its appropriate application, where it is to the overall benefit of our customers.

Hence, in the disposal of surface water, Thames Water will recommend that the Applicant:

- a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution;
- b) Check the proposals are in line with advice from the DEFRA, which encourages, wherever practicable, disposal 'on site' without recourse to the public sewerage system; for example in the form of soakaways or infiltration areas on free draining soils;

- c) Looks to ensure the separation of foul and surface water sewerage on all new developments

Where disposal of surface water is other than to a public sewer, then the Applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

In respect to surface water, it is recommended that the developer should ensure that storm flows are attenuated or regulated into the receiving network e.g. through On/Off site storage.

3. In relation to the Archaeological condition above, advice may be sought from Hertfordshire County Council Archaeology who will be able to supply a design brief detailing the requirements and to provide a list of archaeological contractors who may be able to carry out the work.
4. I6 – Street Numbering

Reason for Grant:

The proposal has been considered against National Plan Policy PPS1, PPG2, PPS3, PPS7, PPG13, PPG16, PPG15, PPS25 and development plan policies (i.e. Hertfordshire Structure Plan Review 1991 - 2011 43; & Welwyn Hatfield District Plan 2005 SD1, GBSP1, R16, R17, R25, R26, R27, R29, M2, M4, M14, D1, D2, D5, D8, D11, IM2, H2, H5, H6, H7, H8, H10, OS3, EMP8, EMP14, RA1, RA2, RA3, RA10, RA17, RA28), in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

- 10.2 I recommend that listed building consent be granted in respect of application reference no. S6/2004/0573/LB subject to the following conditions:-

1. C.2.2 - Time limit listed buildings (five years)
2. C.5.1 – Samples of materials to be submitted and agreed
3. 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 buildings, Oak Cottage, wall surrounding the walled garden 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.

4. C.5.11.3 – Black rainwater goods
5. C.5.17 – Window and door details and sections

6. 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.

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.

7. C.5.10.1 – Historic brick bonding
8. C.5.18 – No historic timbers to be cut
9. Notwithstanding condition 3 (Schedule of Works) (a) historic doors which are proposed to be removed should be reused where possible or set aside for future use and (b) existing skirtings, architraves, decorative ceilings and ceiling cornices should, where possible be retained, (c) the mosaic floor of the conservatory retained and repaired and any new work should match the existing patterns, sizes and profiles.

REASON

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

10. 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 policy R25 of the Welwyn Hatfield District Plan 2005.

11. Prior to the commencement of the development hereby permitted, detailed drawings of the proposed glazed link to Oak Cottage, together with a detailed description or specification, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved plans and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON

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

12. Notwithstanding the details on the plans, the new partition that is proposed to be installed to create rooms FF18 and 19 would bisect a fine mid-18th century chimneypiece: this should remain in situ and the partition's position adjusted

accordingly. Plans, at a suitable scale (1:20) shall be submitted to the Local Planning Authority for approval of the location in writing. Thereafter, the development shall be implemented in accordance with the approved plans and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON

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

13. Notwithstanding the details on the plans, the new doors to allow access to the bath and dressings rooms to FF13 would cut through a modelled dado panelling. Details shall be submitted to the Local Planning Authority, at a suitable scale (1:20) for approval in writing showing access to these rooms without harming the historical fabric of the listed building. Thereafter, the development shall be implemented in accordance with the approved plans and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON

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

14. No demolition or development shall take place within the application site until the implementation of a programme of archaeological work has been secured 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.

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.

15. 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 Grant:

The proposal has been considered against National Plan Policy PPG16, PPG15 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 D1, R25, R26, R27), in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

Chris Conway, Chief Planning and Environmental Health Officer
Date 08 November 2007

Background papers to be listed (if applicable)

