

WELWYN HATFIELD COUNCIL
SECTION 106 DEED OF AGREEMENT

Date: 25th September

2009

PARTIES:

1. WELWYN HATFIELD BOROUGH COUNCIL of Council Offices The Campus Welwyn Garden City Hertfordshire AL8 6AE ("the Council")
2. HERTFORDSHIRE COUNTY COUNCIL of County Hall Pegs Lane Hertford Hertfordshire SG13 8DE ("the County Council")
3. NORTHAW PROPERTIES LIMITED (Company Number 1008220) whose registered office is at Saffrey Champness City Tower Piccadilly Plaza Manchester M1 4BT ("the Owner")

RECITALS

- (A) The Council and the County Council are the Local Planning Authorities for the purposes of the Act for the area in which the Land is situate and by whom the obligations restrictions stipulations conditions and covenants contained herein are enforceable and the County Council is also the Highway Authority for Hertfordshire
- (B) The Owner is the freehold owner of the unregistered Land
- (C) The Owner has applied to the Council under the Application for Planning Permission for the Development
- (D) The Council is satisfied that the Development is such as may be approved by them under the Act and the Council is satisfied that Planning Permission should be granted subject to the parties entering into this Agreement including all the obligations restrictions and requirements contained herein

OPERATIVE PROVISIONS:

1. DEFINITIONS

- 1.1 In this Deed where the context so admits the following expressions shall have the following meanings:

“Act”

means the Town and Country Planning Act 1990

“Application”

means the planning application for the Development made by the Owner to the Council allocated the Council's reference number S6/2004/573/FP and the application for listed building consent made by the Owner to the Council allocated the Council's reference number S6/2004/572/LB

“Ballroom Wing Dwellings”

means the three 3-bedroom two storey houses to be constructed in the Ballroom Wing

“Ballroom Wing”

means the ballroom wing of Northaw House

“The Chief Planning & Environmental Health Officer”

The Chief Planning & Environmental Health Officer for the time being of the Council or such other officer that the Council may from time to time appoint to undertake his/her duties

“Commencement”

means the carrying out of a material operation comprised in the Development within the meaning of Section 56(4) of the Act save that “material operation” shall not include:

- a. site clearance and site reclamation works;
- b. operations in connection with marking out, surveying and ground investigation work;

- c. demolition works;
- d. archaeological investigation;
- e. the assessment of contamination;
- f. remedial action in respect of any contamination;
- g. diversion and laying of services and any work to or in respect of statutory utilities equipment;
- h. the erection of fencing or other means of enclosure for site security; and
- i. the display of advertisements

and "Commence" and "Commences" shall be construed accordingly

"Development"

means the development of the Land by the 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, alteration and refurbishment of Oak Cottage, plus associated car parking, driveway and associated access and landscaping, including some demolition.

"Director"

means the County Council's Director of Environment for the time being or his agents or officers

"Existing Dwelling"

means Oak Cottage (and including for the avoidance of doubt the curtilage of Oak Cottage) and "Existing Unit" shall be construed accordingly

"Grade II Listed Buildings"

means Northaw House and the Stable Block

"Interest"

means the rate from time to time prescribed under the Land Compensation Act 1961

“Land”

means land and buildings briefly known as Northaw House Judges Hill Northaw Potters Bar and which for identification purposes only is shown edged red on the Plan

“Live Work Units”

means three new dwellings to be used partly for residential purposes and partly for office use to be constructed within the courtyard

“Management Company”

means a limited liability company whose objectives and tasks shall be the implementation of the Management Plan

“Management Plan”

means proposals for and details of a 5 year plan in respect of the management of the Woodland Area

“New Dwellings”

means all or any of the residential apartments or houses approved by and pursuant to the Planning Permission (and including for the avoidance of doubt the curtilage of such residential apartments or houses) to be constructed by the Owner on the Land in accordance with the Application and “New Dwelling” and “New Units” shall be construed accordingly

“Northaw House”

means the building comprising the main house the West Wing and the Ballroom Wing for identification purposes only shown edged purple on the Plan

“Occupation”

means use of the Land and the physical occupation of the Existing Dwellings and the New Build Dwellings for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction for the purposes of construction fitting out or decoration or occupation for marketing or display or

occupation in relation to security operations and the expression **"Occupy"** and **"Occupied"** shall be construed accordingly

"Pre-Occupation Works" means those works to the Grade II Listed Buildings as are authorised by the Planning Permission including works to its roofs, walls, windows, doors, chimney stacks, eaves, soffits, rainwater goods, brickwork and the restoration of the conservatory and Stable Block in accordance with the Planning Permission

"Plan"

The plan numbered N11438-05.04.04 annexed hereto and marked "S106 Plan"

"Planning Permission"

means the planning permission and listed building consent to be granted by the Council pursuant to the Application a draft of each of which is attached at schedule 1

"Restoration Works"

means the restoration works to be carried out to the Walled Garden to include repointing/stabilising works and carpentry works at the gated entrances to the Walled Garden

"Stable Block"

means the two-storey stable block open cart shed and single-storey wing for identification purposes only shown edged pink on the Plan

"Sustainable Transport Contribution"

means the sum of Fourteen Thousand Two Hundred and Fifty Pounds (£14,250.00) index linked by reference to the Price Adjustment Formula for Construction Contracts in the Monthly Bulletin of Indices published by HMSO as collated into a single index in accordance with SPONS Constructed Civil Engineering Cost Index from 20 December 2007 until the date of payment

"Walled Garden"

means the land comprising the existing Walled Garden for identification purposes only shown edged green on the Plan

“Walled Garden House”

means the new five bedroom single storey dwelling to be constructed within the Walled Garden pursuant to the Planning Permission and including for the avoidance of doubt the curtilage of the Walled Garden

“West Wing”

means the West Wing of Northaw House

“Woodland Area”

means the existing woodland area between the Walled Garden and the main access drive to Northaw House for identification purposes only coloured light green on the Plan

“Working Day”

means any day other than a Saturday or a Sunday or a Public Holiday;

2. INTERPRETATION

- 2.1 words of the masculine gender shall incorporate the feminine gender and words of the singular shall include the plural and vice versa
- 2.2 references to any party means a party to this Deed and shall include their respective successors in title and assigns
- 2.3 where a party includes more than one person any obligations of that party shall be joint and several
- 2.4 references to any "statutes" or "statutory instruments" shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force
- 2.5 any reference to clauses and schedules are references to clauses and schedules to this Deed
- 2.6 headings in the Deed shall not form part of or affect its construction

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- 2.6 headings in the Deed shall not form part of or affect its construction

2.7 any provision of this Deed which is or may be unlawful void or unenforceable shall to the extent of such unlawfulness invalidity or unenforceability be deemed severable and shall not affect any other provision of this Deed

2.8 Where any party is required to give its consent under any specific provision of this Deed such consent shall not be unreasonably withheld or delayed

3. STATUTORY POWERS

3.1 This Deed and the covenants within it are made pursuant to section 106 of the Act section 111 of the Local Government Act 1972 and section 2 of Local Government Act 2000 and all other enabling powers with the intent that it shall bind the Owner and its successors in title and assigns to each and every part of the Land

3.2 Covenants in this Deed shall be deemed to be planning obligations and are enforceable by the Council and the County Council and where covenants are not deemed to be planning obligations they are entered into pursuant to powers contained in section 111 Local Government Act 1972 or section 2 Local Government Act 2000

4. CONDITIONALITY

4.1 Save for this Clause and Clauses 1, 2, and Clauses 6-15 inclusive of this Deed, which shall have immediate effect, the provisions of this Deed become binding only upon issue of the Planning Permission and subsequent Commencement

4.2 This Deed shall cease to have effect if the Planning Permission expires or is quashed revoked or otherwise withdrawn prior to Commencement

4.3 It is hereby agreed between the parties that nothing in this Deed shall prohibit or limit the right of the Owner to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) that may be granted whether or not on appeal either before or after the date of this Deed

4.4 Where any of the obligations in this Deed has been performed and discharged the Council and the County Council (as appropriate) will if so requested by the Owner issue a certificate or letter to that effect

5. **OBLIGATIONS**

5.1 The Owner covenants with the Council and the County Council and with each of them to observe the restrictions and to perform the obligations or activities specified in Schedule 2 to this Deed

5.2 The Council and the County Council covenant with the Owner to observe the restrictions and perform the obligations or activities specified in Schedule 3 to this Deed

6. **EXERCISE OF THE POWERS OF THE COUNCIL AND THE COUNTY COUNCIL**

Nothing in this Deed whether express or implied shall prejudice or affect the rights discretion powers duties and obligations of either the Council or the County Council under any statute by-law statutory instrument order or regulation in the exercise of its functions as local planning authority and/or highway authority as the case may be

7. **WAIVER**

No waiver whether expressed or implied by either the Council or the County Council of any breach or default by the Owner in performing or observing any of the covenants in this Deed shall constitute a continuing waiver and no such waiver shall prevent either the Council or the County Council from enforcing or from acting upon any subsequent breach or default of any of the covenants

8. **OWNERSHIP**

The Owner warrants that it is the owner of the freehold of the Land and that no other person has an interest in the Land

9. **SUCCESSORS IN TITLE**

No person shall be liable to perform any covenant or obligation made or given under this Deed once he has parted with his interest in the Land PROVIDED THAT liability will remain for any breach occurring prior to the parting with such interest and PROVIDED ALWAYS THAT neither the reservation of rights or the inclusion of any covenants or restrictions over the Land (in any transfer of the Land) will constitute an interest for the purposes of this Clause

10. **REGISTRATION OF THIS DEED**

This Deed shall be registered as a local land charge by the Council

11. **SERVICE OF NOTICES AND DOCUMENTS**

All notices requests demands or other written communication to or upon the respective parties pursuant to this Deed shall be deemed to have been properly given or made if delivered by recorded delivery letter on a Working Day to the party to which such notice request demand or other written communication is to be given or made under this Deed and addressed as follows

The Council Welwyn Hatfield Borough Council, Council Offices
 The Campus, Welwyn Garden City, Hertfordshire
 AL8 6AE
 Attention: The Chief Planning & Environmental Health Officer

The County Council County Secretary (Ref: DU 1214) Hertfordshire County Council
 County Hall Hertford SG13 8DN or such other person as notified
 by the Owner

The Owner Northaw Properties Limited
 Saffrey Champness City Tower Piccadilly Plaza
 Manchester M1 4BT

12. **THIRD PARTIES**

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 nothing in this Deed confers or purports to confer any right to enforce any of the terms and provisions herein on any person who is not a party hereto a successor in title to a party hereto or a statutory successor to the Council and/or the County Council

13. **JURISDICTION**

This Deed is to be governed by and interpreted in accordance with the law of England

14. **COSTS**

The Owner will on the date hereof pay the Council's and the County Council's reasonable costs incurred in connection with the negotiation and completion of this Agreement

15. **OTHER MATTERS**

Where any sum to be paid to the County Council under the terms of this Deed is required to be indexed then an interim payment shall initially be made based on the latest available forecast figure (or figures as the case may be) at the date of payment and any payment or payments by way of adjustment shall be made within ten (10) Working Days of written demand by the County Council or the payer of the interim payment (as the case may be) once the relevant indices have been finalised

SCHEDULE 1
DRAFT DECISION NOTICE



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

S6/2004/573/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, JUDGES HILL, NORTHAW, POTTERS BAR,

Agent Name And Address

STRUTT & PARKER (ref CLN)
201 HIGH STREET
LEWES
EAST SUSSEX
BN7 2NR

Applicant Name And Address

NORTHAW PROPERTIES LTD
c/o Agent

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 06/04/2004 and shown on the plan(s) accompanying such application, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005

Continuation...

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, excluding the Woodland Area

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. All planting seeding or turing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner. and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

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

5. a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree Work.

Continuation...

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree, shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

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

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

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 in accordance with the s106 legal agreement.

Reason: To safeguard the historic and architectural integrity of the Grade II listed building in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 1 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

Continuation...

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class B of Part 1 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class D of Part 1 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class E of Part 1 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class F of Part 1 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

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.

Continuation...

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 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries, (site- as defined on drawing number 21529 S02 Rev A) unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005

14. Notwithstanding any details submitted with the application, details of all new means of enclosure to be erected within the site or along its boundaries, as defined in yellow on drawing number 21529 S02 Rev A 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 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

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 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

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.

Continuation...

REASON: In the interests of existing trees and the appearance of the development in the Green Belt in accordance with and Planning Policy Guidance Note 2: Green Belts and policies 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 Planning Policy Guidance Note 2: Green Belts and policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

20. Before any development commences, full details 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 Planning Policy Guidance Note 15: Planning and the Historic Environment and policies 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.

Continuation...

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 Planning Policy Guidance Note 15: Planning and the Historic Environment.

23. All new or replacement rainwater goods shall be in black painted cast iron with the exception of rainwater goods for the walled garden dwelling.

REASON: To ensure the special historic and architectural character and setting of the building is properly maintained, in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

24. The brickwork of walls hereby permitted shall be constructed in a bonding to match that of the existing building, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To protect the historic fabric and aesthetic quality of the Listed Building in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

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 policy D1 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 15: Planning and the Historic Environment.

26. No unbound material shall be used on the proposed access within 20 metres of the highway boundary. Details of the proposed surface dressing shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the development and implemented in accordance with those details.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety in accordance with Planning Policy Guidance Note 13: Transport

27. (Any) gate(s) to be provided shall be set back a minimum of 6m from the edge of the highway and shall open inwards into the site.

REASON: In order that a vehicle may wait clear of the highway while the gates are opened or closed in the interests of highway safety in accordance with Planning Policy Guidance Note 13: Transport

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.

Continuation...

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

29. No development (including demolition) shall commence until wheel-cleaning apparatus have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety in accordance with Planning Policy Guidance Note 13: Transport

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 Planning Policy Guidance Note 15: Planning and the Historic Environment and policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

REASONS FOR APPROVAL

The proposal has been considered against National Plan Policy PPS1, PPG2, PPS3, PPS7, PPG13, PPG16, PPG15, PPS25 and development plan policies & Welwyn Hatfield District Plan 2005 SD1, GBSP1, R16, R17, 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 justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

INFORMATIVE

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:

Continuation...

- 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.

INFORMATIVE

- 4. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907

APPROVED PLAN NUMBER(S): N11438-05-04-04-Site Area & 8180 044A & 0858:03A & 0858 02A & 0858:01A & 8180 041A & 8180 037A & 8180 039A & 8180 036A received and dated 6 April 2004 & OC1A & OG2A & 21529 P01 & 21529 P02 & 21529 P03 & 21529 P04 & 21529 E05 & 21529 E02 & 21529 E01 & 21529 E04 & 21529 E03 & 21529 E06 & 21529 IN01 & 21529 P05 & 21529 IN02 & 21529 P06 & 21529 IN03 & 21529 IN06 & 21529 IN05 & 21529 IN04 received and dated 23 May 2007 & 8180 32A & 8180 035a & WG1A & WG2A & WG3A received and dated 15 October 2007

Date :



Tracy Harvey
Head of Development Control



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

S6/2004/572/LB

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, JUDGES HILL, NORTHAW, POTTERS BAR,

Agent Name And Address

STRUTT & PARKER (ref CLN)
201 HIGH STREET
LEWES
EAST SUSSEX
BN7 2NR

Applicant Name And Address

NORTHAW PROPERTIES LTD
c/o Agent

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 06/04/2004 and shown on the plan(s) accompanying such application, subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent

REASON: In order to comply with Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005

Continuation...

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 in accordance with the approved scheme.

REASON

To safeguard the historic and architectural integrity of the Grade II listed building in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

4. All rainwater goods shall be made of cast-iron with the exception of the walled garden dwelling in accordance with details, which have been submitted to and approved in writing by the Local Planning Authority. Rainwater goods for the walled garden dwelling shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To protect the historic fabric and aesthetic quality of the Listed Buildings in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

5. No works shall take place until detailed plans illustrating the window and door detailing and sections through the windows to show the mouldings have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans. Subsequently, the mouldings of the windows and doors shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To protect the historic fabric and aesthetic quality of the Listed Building in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

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 of the Welwyn Hatfield District Plan 2005.

7. The brickwork of walls hereby permitted shall be constructed in a bonding to match that of the existing building, in accordance with details, which have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the materials shall not be changed without the prior written consent of the Local Planning Authority.

Continuation...

REASON:

To protect the historic fabric and aesthetic quality of the Listed Building in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

8. No historic timbers of the existing building shall be cut or removed without the prior inspection and written consent of the Local Planning Authority.

REASON: To protect the historic fabric and aesthetic quality of the Listed Building in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

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 skirting's, 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 Planning Policy Guidance Note 15: Planning and the Historic Environment.

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 Planning Policy Guidance Note 15: Planning and the Historic Environment.

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 Planning Policy Guidance Note 15: Planning and the Historic Environment.

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.

Continuation...

REASON: To ensure the historic and architectural character of the listed building is properly maintained and in accordance with Planning Policy Guidance Note 15: Planning and the Historic Environment.

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 Planning Policy Guidance Note 15: Planning and the Historic Environment.

REASONS FOR APPROVAL

The proposal has been considered against National Plan Policy PPG16, PPG15 and development plan policies: Welwyn Hatfield District Plan 2005 D1, 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)

APPROVED PLAN NUMBER(S)

N11438-05.04.04-Site Area & 8180 044A & 0858:03A & 0858 02A & 0858:01A & 8180 041A & 8180 037A & 8180 039A & 8180 036A received and dated 6 April 2004 & OC1A & OC2A & 21529 P01 & 21529 P02 & 21529 P03 & 21529 P04 & 21529 E05 & 21529 E02 & 21529 E01 & 21529 E04 & 21529 E03 & 21529 E06 & 21529 IN01 & 21529 P05 & 21529 IN02 21529 P06 & 21529 IN03 & 21529 IN06 & 21529 IN05 & 21529 IN04 received and dated 23 May 2007 & 8180 32A & 8180 035A & WG1A & WG2A & WG3A received and dated 15 October 2007

Date


Tracy Harvey
Head of Development Control

SCHEDULE 2
OWNER'S COVENANTS

1. With regard to sustainable transport

- 1.1 To pay the Sustainable Transport Contribution to the County Council prior to Commencement* as a contribution to be applied by the County Council at its sole discretion towards the costs of the design construction and implementation of sustainable transport measures which measures shall include (but not limited to) highway improvement works traffic management schemes traffic studies improvements to public transport or such other measures as will encourage users of the Development to travel to and from the Development by means of transport other than the private car which the Director in his absolute discretion determines will contribute to the improvement of highway conditions on parts of the highway network affected by traffic associated with the Development
- 1.2 Not to Commence nor cause nor permit Commencement until the Sustainable Transport Contribution shall have been paid in accordance with paragraph 1.1 of this Schedule 2

2. With regard to Management Company

- 2.1 That the Owner will not Occupy the Development or any part thereof until such time as a Management Company has been formed
- 2.2 That the Owner will administer the Management Company for the first twelve (12) calendar months of its operation at its own expense and thereafter it will procure that the Management Company shall be funded by annual contributions made by individual owners of both Existing Unit and New Units within the Development in accordance with a scheme to be submitted to the Council for its approval in writing prior to the expiry of the period of twelve (12) calendar months aforesaid and in considering whether to approve the scheme as aforesaid the Council will need to be satisfied that the proposed contributions will be sufficient to cover the costs of the annual administration and maintenance of the Management Plan and the Owner will at its own expense furnish either the Council or its independent consultant or other professional advisor with such

evidence as it or they shall reasonably require to give effect to the provisions of this paragraph 2.2

3. With regard to Management Plan

- 3.1 That it will not Commence the Development until it has submitted a Management Plan to the Council for its approval and the Management Plan has been approved by the Council
- 3.2 That it will not Occupy any of the New Units unless and until it has implemented the Management Plan
- 3.3 That it will use its reasonable endeavours for the first twelve (12) calendar months of its operation to procure that the Management Company once formed shall put into effect and comply with the approved Management Plan to the reasonable satisfaction of the Council
- 3.4 For the avoidance of doubt if the Council (acting reasonably) shall so require the Owner shall at its own cost put into effect and comply with the approved Management Plan in the period elapsing between the Council's approval pursuant to paragraph 3.1 hereof and the formation of the Management Company pursuant to paragraph 2.1 hereof
- 3.5 It is hereby agreed that the Management Plan shall be reviewed five (5) years after the date of the approval of the Management Plan pursuant to paragraph 3.1 hereof to ascertain whether the Management Plan has been effective in safeguarding the Woodland Area and in the event that the Owner and the Council consider that the Management Plan could be improved or made more effective they shall jointly consider any reasonable amendments to the Management Plan suggested by either of them to improve it or to make it more effective within a timescale to be agreed between them

4. With regard to non-severance

Not to transfer or dispose of the Owner's freehold interest in the Walled Garden other than as a single planning unit and the Owner shall in any transfer/lease of the Walled

Garden and the Walled Garden House include or procure the inclusion of a non-severance covenant in similar terms to this paragraph to the intent that no part of the Walled Garden shall henceforth be let, licenced or otherwise occupied or sold so as to create more than one planning unit⁶.

5. **With regard to timing of the works**

That the Restoration Works are to be completed prior to Occupation of the Walled Garden House and/or Oak Cottage

6. **With regard to pre-occupation**

That the Pre-Occupation Works are completed prior to the Occupation of the Ballroom Wing Dwellings

7. **With regard to live work units**

That the designated workspace of each Live Work Unit shall at all times be no less than thirty percent of the internal floor area of that Live Work Unit and the designated residential space of each Live Work Unit shall at all times be no more than seventy percent of the internal floor area of that Live Work Unit

8. **With regard to notices**

To give the Council 7 working days prior notice in writing of:

8.1 Commencement which notice shall also be given to the County Council;

8.2 the Occupation of the first New Dwelling;

8.3 the completion of the Development which notice shall also be given to the County Council

SCHEDULE 3
COUNCIL'S AND COUNTY COUNCIL'S COVENANTS

1. Issue of Planning Permission

The Council will issue the Planning Permission within five Working Days of the date of this Deed

2 Sustainable Transport

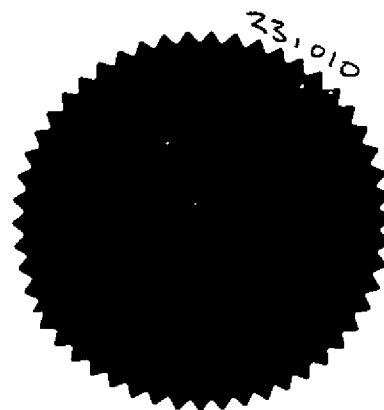
The County Council covenants that it will pay to the Owner a sum equal to the amount of any payment made by the Owner to the County Council under this Deed which has not been expended in accordance with the provisions of this Deed within ten (10) years of the date the County Council is notified of completion of the Development (pursuant to paragraph 8.3 of schedule 2 of this Deed) together with Interest on such unexpended sum from the date of receipt to the date of repayment

IN WITNESS whereof the parties hereto have caused their respective Common Seals to be affixed to this Deed but not delivered until the day and year first before written

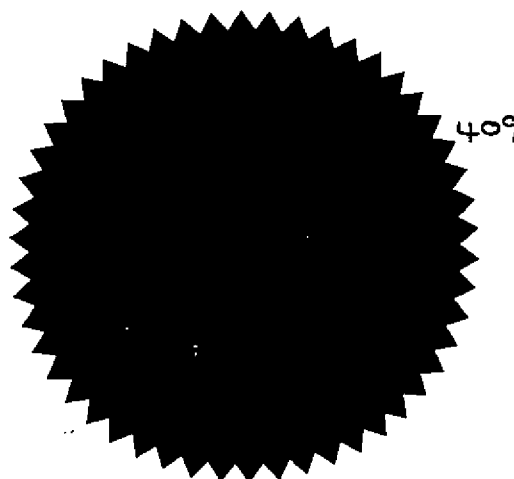
EXECUTED as a Deed by affixing the Common Seal of)
WELWYN HATFIELD BOROUGH COUNCIL)
in the presence of:)

Mayor:

Authorised Officer:



EXECUTED under the Common Seal of)
HERTFORD)
in the presence)
ANDREW)
County Secretary)



EXECUTED as a Deed by affixing the Common Seal of)
NORTHAW PROPERTIES LIMITED)
in the presence of:)

Director (name): M.A.P. GROVES

Signature:

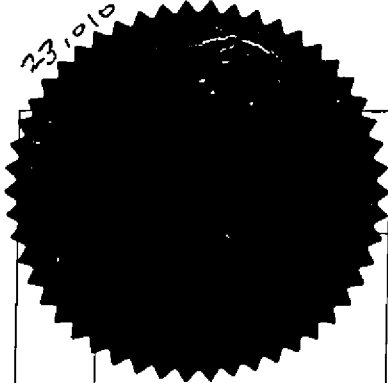
A black rectangular box redacting the signature of the Director.

Company Secretary (name): P.D.B. GROVES

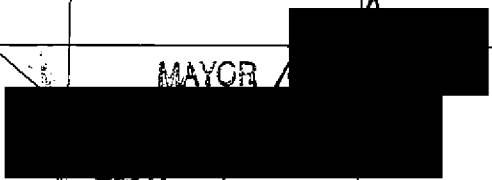
Signature:

A black rectangular box redacting the signature of the Company Secretary.

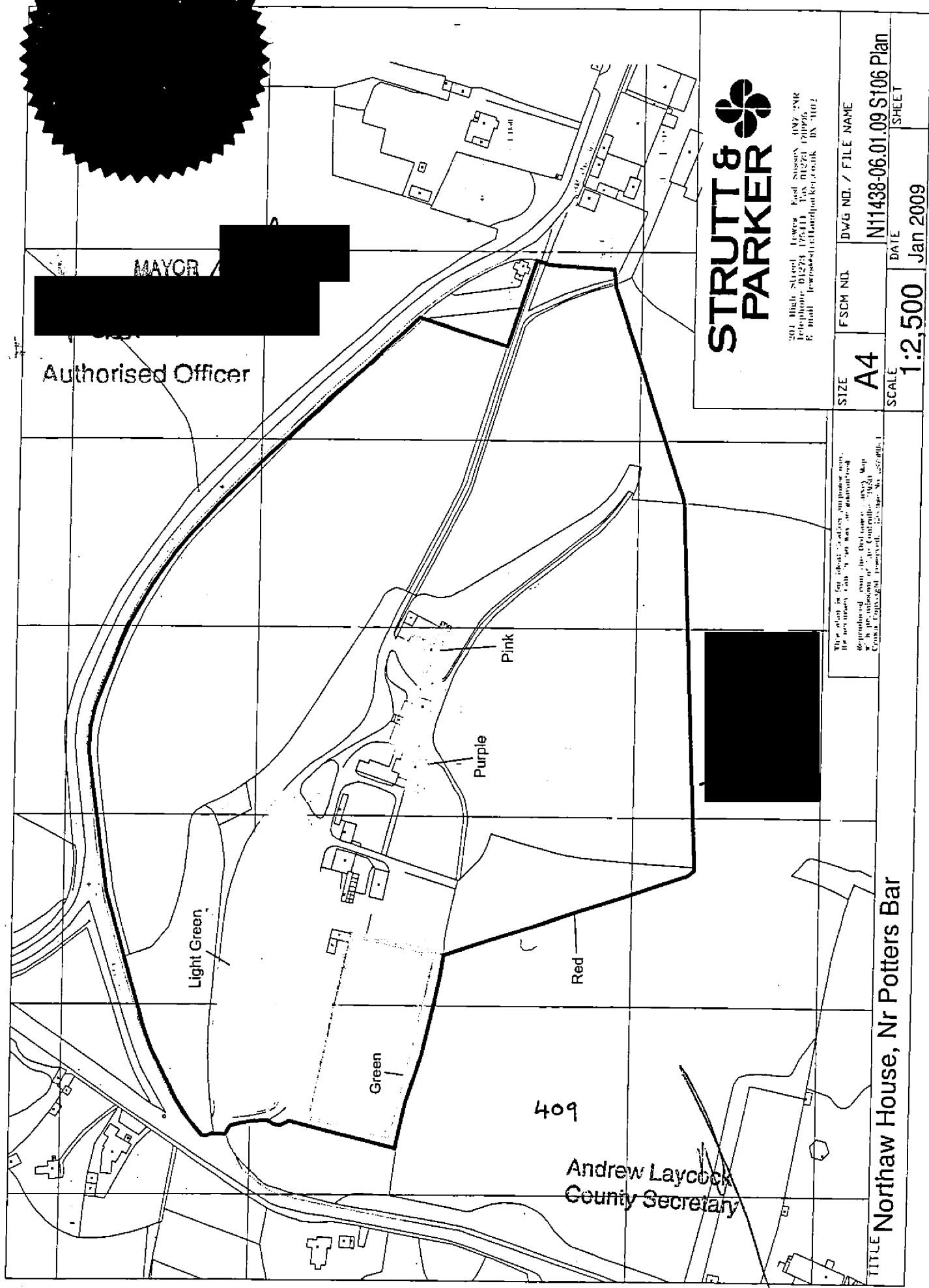
231010



MAYOR



Authorised Officer



STRUTT & PARKER

201 High Street, Lewes, East Sussex BN2 3NR
Telephone 01273 175111 Fax 01273 170956
E-mail lewis@struttandparker.co.uk BN 110J

SIZE	FSCM NO.	DWG NO. / FILE NAME	SHEET
A4		N11438-06.01.09 S106 Plan	
SCALE	DATE	DATE	
1:2,500	Jan 2009		

This plan is for information only and does not constitute a guarantee of accuracy. The user must verify the information shown on this plan with the relevant authorities. No liability is accepted for any loss or damage arising from the use of this plan.

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Andrew Laycock
County Secretary

TITLE Northaw House, Nr Potters Bar