

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 10 OCTOBER 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2019/0217/MAJ

NORTHAW HOUSE, COOPERS LANE, NORTHAW, EN6 4NG

CONVERSION OF NORTHAW HOUSE TO FORM 11 APARTMENTS (INCLUDING
REFURBISHMENT OF EXISTING SINGLE CARETAKER'S FLAT) AND
UNDERGROUND PARKING AREA, THE BALLROOM WING TO FORM 2
DWELLINGS, THE STABLE BLOCK TO FORM 1 DWELLING, REFURBISHMENT OF
EXISTING DWELLING AT OAK COTTAGE, 3 DWELLINGS WITHIN THE WALLED
GARDEN, 7 DWELLINGS WITHIN THE SETTLEMENT AREA, REFURBISHMENT OF
THE WALLED GARDEN, REFURBISHMENT OF ACCESS ROUTES AND
REINSTATEMENT OF OLD ROUTE, PROVISION OF HARD AND SOFT
LANDSCAPING, CAR PARKING AND SUPPORTING INFRASTRUCTURE

APPLICANT: MR WILLIAMSON

(NORTHAW AND CUFFLEY)

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. The curtilage includes a number of buildings and a walled garden.
- 1.3 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 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.

- 1.4 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.
- 1.5 To the west of the house is what is now an informal orchard and beyond a group of fairly dilapidated buildings in an area described by the applicant 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 application seeks approval for the conversion of Northaw House, the adjacent stable block to form residential accommodation, the conversion of the other existing buildings to residential accommodation and the upgrading of the existing accesses to the site. In addition, it is proposed that 10 new-build residential dwellings would be created. It is proposed that this development would enable the repair and refurbishment of the listed buildings, and the wider site, by providing necessary funding for these works. In total this development would provide 25 dwellings. The breakdown of these works are summarised below:
- Repair, refurbishment and conversion of the main part of Northaw House to form 3 x 1-bedroom apartments, 4 x 2-bedroom apartments and 1 x 4-bedroom apartment. These works would also include the extension of the basement to form a car parking area.
 - Repair, refurbishment and conversion of the Edwardian Wing of Northaw House to form 1 x 1-bedroom apartment and 2 x 2-bedroom apartments.
 - Repair, refurbishment and conversion of the Ballroom Wing to form 2 x 3-bedroom semi-detached houses.
 - Repair, refurbishment and conversion of the Stable Block to form a single 4-bedroom detached house.
 - Repair and refurbishment Oak Cottage to form a single 3-bedroom house.
 - Construction 3 x 4-bedroom detached houses within the walled garden.
 - Construction 1 x 3-bedroom detached house, 4 x 4-bedroom semi-detached houses and 2 x 4-bedroom detached houses within the Settlement Area.
- 2.2 It is important to note that the original submission for this applicant was for the creation of 27 dwellings within the site but subsequent to negotiations between the applicant and officers it was agreed to reduce this number to 25 dwellings. These amendments have resulted in the Gate Lodges which were previously being proposed being omitted from the current proposal.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been advertised as a departure from the development plan and Northaw and Cuffley Parish Council have submitted a Major Objection.

4 Relevant Planning History

- 4.1 Application Number: S6/2013/1225/FP
Decision: Granted
Decision Date: 29 October 2013
Proposal: Change of use from offices (Use Class B1) to residential (Use Class C3)
- 4.2 Application Number: S6/2004/0573/FP
Decision: Granted
Decision Date: 01 October 2009
Proposal: 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
- 4.3 Application Number: S6/2004/0572/LB
Decision: Granted
Decision Date: 01 October 2009
Proposal: 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

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2019 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the Green Belt and Northaw Common Parkland Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total 40 representations have been received, comprising 27 objections and 13 comments in support of the proposal. All representations received are published in full on the Council's website and are summarised below:

Objections

- The design of the development would be incongruous with its surroundings and the heritage assets on the site
- The development would result in built form spreading into previously undeveloped land which would adversely impact on the openness of the Green Belt and would be unacceptable in the Green Belt
- The development is within an unsustainable location in terms of access to services and transport links
- The proposal represents an overdevelopment of the site and would result in an increased flood risk
- The development would result in an increase in vehicle movement to and from the site and the proposed access points to the site would have an unacceptable impact on highway safety
- The development would result in ecological harm
- The proposal provides no affordable housing
- The development would put pressure on schools and other local services
- Restoration of the heritage assets on the site would be insufficient to amount to a very special circumstance that would overcome harm caused by this application

Support

- The proposed restoration of the heritage assets on the site outweighs the disbenefits of the proposal
- The proposed development is innovative in the way that most of the new built form is concealed from public vantage points
- The design of the proposal is sympathetic to the heritage assets on site
- The change of use of the Northaw House from an Office to a residential use would reduce the number of vehicle movements to and from the site
- It makes sense to use the site for a residential use
- The proposal will hopefully secure the future of the heritage assets on the site
- The proposal would benefit the local economy and community

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligation being applied:

- Hertfordshire County Council, Historic Environment Advisor
- Hertfordshire County Council, Growth Team
- Hertfordshire Country Council, Transport Programmes and Strategy
- Hertfordshire Country Council, Fire and Rescue Service
- Herts Ecological
- Lead Local Flood Authority
- WHBC, Public Health and Protection

- Environment Agency
- Thames Water
- WHBC Parking Services
- WHBC Client Services
- Place Services
- Historic England

- 8.2 Campaign to Protect Rural England: Accept the principle of refurbishing Northaw House and the need for enabling development but have reservations with regards to the design of the new build dwellings within the proposal.
- 8.3 The Garden Trust: Objected on the grounds that the proposed development would harm the heritage of the site and the heritage assets within it.

9 Town Council Representations

- 9.1 Northaw and Cuffley Parish Council have raised a major objection to the proposed development for the reasons set out below.

“The publicly available viability assessment is not sufficiently detailed to enable third parties to be in a position to make a judgement as to whether the extent of enabling development is reasonable. Whilst it is recognised that the parties to that assessment are proven professionals, the global figures in the published document are insufficient to enable third parties to take an informed view. The siting and design of the proposals within the walled garden and the settlement area are incongruous and out of character with existing buildings. Development should be phased such that the renovation should be done first. We expect there should be a S106 contribution.”

- 9.2 It is important to note that the Parish Council have made no further comments on the revised scheme which is now under consideration.

10 Analysis

- 10.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development**
- 2. Quality of design and impact on the character and appearance of the area**
- 3. Amenity and living conditions of neighbouring occupiers and future occupiers**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Restoration of listed buildings**
 - ii) Ecology**
 - iii) Flood risk and sustainable drainage**
 - iv) Renewable Energy**
 - v) Landscaping**
 - vi) Contaminated land**
 - vii) Archaeology**
 - viii) Refuse and recycling**
 - ix) Fire hydrant**
 - x) Life time homes**

- xi) Environmental Impact Assessment
- xii) Planning obligations
- 6. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances
- 7. Environmental Impact Assessment

1. The Principle of the development

- 10.2 District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan; Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122).
- 10.3 The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;*
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;*
 - iii. The capacity of existing and potential infrastructure to absorb further development;*
 - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; and*
 - v. The physical and environmental constraints on development of land.*
- 10.4 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.5 In terms of accessibility, whilst the site is located approximately 400m from Northaw village centre, Northaw has only limited services including to two pubs, a church, a primary school and a village hall. As a result, future occupiers of the development would be unable to access the majority of their day-to-day service requirements from the village. Approximately 2km from the site is Potters Bar, which provides a wide range of facilities and services as well as education and employment opportunities. Whilst there is a footpath between the site and Potters Bar, street lighting is infrequent. It is considered that the distance involved, together with inclement weather and darkness would discourage residents from walking and cycling.

10.6 Para.103 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. In this regard it is important to note that there are bus stops near the entrance to the site on Coopers Lane and that there are bus stops within Northaw itself on Northaw Road West which provide links to Potters Bar and Cuffley. As a consequence future occupiers would have access to public transport and would not have to be solely reliant on a private car. However, given the distance involved and the limited bus service, it is considered highly likely that future occupiers would still be primarily reliant on the use of a car to access day to day facilities and services.

Green Belt

10.7 The site is located within the Metropolitan Green Belt as defined by Local Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Para.143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para.144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.8 Further to the above, it is important that Policy SADM34 of the Council's Emerging Local Plan is considered because this policy covers all forms of development within the Green Belt.

10.9 Para.145 of the NPPF deals with the construction of new buildings in the Green Belt, and sets out a range of exceptions to the general policy which may be considered as not being inappropriate. Para.146 then lists certain other forms of development that are also not inappropriate. This list includes both engineering operations and the material changes of use of land where they preserve the openness of the Green Belt and they do not conflict with the purposes of including land within the Green Belt.

10.10 With regards to the proposed extensions and alterations to the Northaw House and the Stables Block it is judged that the proposed works would amount to proportionate additions to the original buildings. As a consequence, it is judged that these aspects of the proposed development would fall within Para. 145(c) of the NPPF, with the result that it is considered that these aspects of the development would not be inappropriate within the Green Belt.

10.11 With regard to the new buildings, it is considered that the exception within Para.145 that this development could possibly fall within is (g) because it is not considered that any of the other exceptions are relevant. This exception states:

limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*

- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

10.12 Whilst some of the site where the new buildings would be located may be classed as previously developed land, a large proportion of the site is open and undeveloped. As a consequence of the fact that the majority of the site is not previously developed the proposal would result in new built form being created in this open and undeveloped land it is considered that the proposed development falls outside this exception. In addition, it is considered that as the proposed development would provide no affordable housing and given the scale and size of the proposed development it would have a material impact on the openness of the Green Belt, it would fail the two conditions within para.145.

10.13 With regards to para.146 of the NPPF, it is not considered that the proposed development falls within any of the exceptions listed.

10.14 As the proposed development does not fall within any of the exceptions listed within para.145 or 146, it is considered that the proposed development is by definition inappropriate and that substantial weight should be attached to this harm. In addition, it is necessary to assess whether the proposed development preserves the openness of the Green Belt and the purposes of including land with the Green Belt. As a consequence, para.133 and 134 of the NPPF need to be considered. Para.133 outlines that:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.15 There is no definition of openness in the NPPF, but in the Green Belt context, it is generally held to refer to freedom from, or the absence of development.

10.16 It is considered that the proposed built form would have an impact on the openness of the Green Belt because the proposal would significantly increase the amount and extent of built form on the site. This would therefore impinge on the openness of the Green Belt and would also result in encroachment of built development into the Green Belt.

10.17 Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect. In the visual sense, openness is a qualitative judgement.

10.18 Indeed, in line with *Turner v Secretary of State and East Dorset Council [2016]* judgement the concept of openness should not be limited to a volumetric approach comparing the size, mass and physical effect of openness before and after development. Such an approach would be far too simplistic and ignore the wider aspects of openness which goes beyond the physical effect of buildings or structures. Factors relevant include how built up the Green Belt is now and how built up would it be after development has taken place.

10.19 In *Samuel Smith Old Brewery (Tadcaster) Oxtan Farm v North Yorkshire County Council & Anor* [2018] the visual impact of the scheme was considered as important as its 'spatial' effects. Para.38 of the judgement affirms that to exclude visual impact, as a matter of principle, from a consideration of the likely effects of development on the openness of the Green Belt would be artificial and unrealistic. A realistic assessment will often have to include the likely perceived effects on openness, if any, as well as the spatial effects.

10.20 It is important to note that this approach is supported within National Planning Practice Guidance (NPPG) through the amendments which were made to this document in July of 2019.

10.21 With regards to the proposed change of use of the land around the buildings into a residential use it is considered that this would have an additional impact on the Green Belt. This is because the proposed development would result in a significant increase in the residential use of the site with the resultant increase in residential curtilages around the new dwellings. It is judged that any increase in domestic curtilages would have an inevitable visual impact on the Green Belt when compared to the existing circumstances. This increase in the residential use of the site would contrast with its existing character and appearance, resulting in a more intrusive form of development and the perception of a more developed site.

10.22 Dwellings are not, as a matter of general principle, normally regarded as contributing positively to the visual amenity of the countryside. Although the site contains a number buildings and structures the majority of the site is undeveloped and quite unobtrusive in the landscape and does not appear out of place within the site. As the majority of the new residential development would be located within Northaw House, and immediately around it, it is judged that this relationship would moderate the impact of the new dwellings and associated residential paraphernalia on the Green Belt. Furthermore the compact nature of the proposed dwellings, in close proximity to existing built form on the site, means that although there would be impacts to the openness of the Green Belt these would not be significant. As a consequence the dwellings would result in a moderate reduction in the openness of the Green Belt.

10.23 With regards to the purposes of the Green Belt, para.134 states that the Green Belt serves five purposes which are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

10.24 The development would not, by virtue of its scale and location, lead to the sprawl of a large built up area, result in neighbouring towns merging into one another or fail to preserve the setting and special character of historic towns. The development by virtue of its residential design, appearance and layout would introduce an urban form of development into the countryside. This urbanisation of the application site would fail to safeguard the countryside from encroachment, contrary to para.134(c) of the NPPF. In addition, the proposal is contrary to both existing District Plan and Emerging Local Plan policies which seek to channel

development towards larger urban areas away from more rural locations to assist in urban regeneration. Taking this into account, the development fails to assist in urban regeneration by encouraging the recycling of derelict and other urban land. This is contrary to bullet point (e) within para.134.

- 10.25 It is concluded that the proposal would result in harm to the openness and visual amenity of the Green Belt, while also failing to serve the purposes of including land within the Green Belt. This harm is in addition to the substantial harm resulting from the development being inappropriate within the Green Belt for the reasons identified above.

2. Quality of design and impact on the character and appearance of the area

- 10.26 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

- 10.27 Section 16 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that the local planning authority shall have "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". The specific historic environment policies within the NPPF are contained within para.184-202. para.192 of the NPPF states:

In determining planning applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

- 10.28 Para.193 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given. Para.195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial para.196 states that this should be weighed against the public benefits of the proposal. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

- 10.29 The proposed conversion scheme for Northaw House and the Ballroom Wing raises no objections. The proposed floorplans have been amended following meetings on site and see the retention of more historic fabric and greater legibility of the historic layout than the previous floorplans. The scheme largely follows existing divides and circulation spaces within the building and avoids the division of principal rooms. The demolition of the poorly constructed corridor extension to the Ballroom Wing and the single storey additions to the west are uncontentious and beneficial in improving the appearance of the house.
- 10.30 The proposed conversion and extension to the stable block raises no objections. The design of the extension has been revised following a site meeting to omit the dormer windows by heightening the eaves level. The extension is detailed to match the existing building but with a lower ridge height to provide some distinction between the original block and the new extension.
- 10.31 The refurbishment and extension of the existing early 20th century gardener's cottage (Oak Cottage) is uncontentious. The proposed single storey hipped roof extension would be an improvement on the existing flat roofed addition.
- 10.32 The three proposed houses within the walled garden have been designed to occupy three of the four quadrants of the garden, with the fourth retained as a communal garden. A distinctly contemporary design approach has been adopted with the flat roofs keeping the new houses as low as possible and minimising views from outside the garden. Within the garden, the landscaping scheme and the retention of the fourth quadrant as a garden aids the preservation of the character of the space. Details of the landscaping, both hard and soft, and the quality of external materials and detailing are vital to the success of this part of the scheme with the result that it is considered that it would be reasonable to secure them by condition.
- 10.33 The seven proposed houses within the 'settlement area' are located on land between Northaw House and the walled garden. The existing former agricultural buildings, including a piggery and brick-built 'apple store' (currently in use as an office), are to be demolished. The design approach taken to the proposed houses creates the appearance of a former farmstead. The 'farm house' would be a brick built, detached house and the other six buildings have been designed to have the appearance of converted traditional agricultural buildings. With the exception of the 'farm house' and the 'diary', this has been achieved by designing the buildings so that the buildings are predominantly timber clad buildings, with fenestration detailing that attempts to make the buildings appear as converted agricultural buildings and their roofs would be tiled with traditional clay tiles. The proposed design approach means that the new houses do not visually compete with the existing historic buildings and create a 'home farm' group, including a farm house, barns and dairy.
- 10.34 As the majority of the site is predominantly open and developed, it contributes to the setting and open character of the immediate area which is rural in character. In addition, the current level of development within the site is similar to that found within the historic estate which Northaw House was part of. As a result that the current appearance of the site retains the historic character of this part of the landscape character area.

- 10.35 Although it is noted that the proposed development would have some impact, it is judged that the design and layout of the proposed dwellings would limit the impact that the proposed development would have. This is because the proposed dwellings would be positioned within areas of the site where there is already built form and it would appear that in the past a greater amount of built form had existed in this area. In addition, the design of the dwellings, with the exception of those within the Walled Garden, are of a scale and form which attempts to replicate ancillary buildings which may have existed in the grounds of estate houses like Northaw House.
- 10.36 It is considered that the proposed design, scale, massing and layout of the proposed development would respect and relate to the character and context of the original area. This is because the proposed development has been designed in a manner which is sympathetic to the historic layout of the site and the new buildings have been designed in a manner which respects and relates to the historic development of the site. As a consequence, the proposed design approach adopted within this application therefore ensures the new buildings do not visually compete with the existing historic buildings on the site.
- 10.37 The scheme sees the retention, repair and reuse of the Grade II listed Northaw House, Grade II listed stable block and curtilage listed walled garden and secures a viable long-term use to ensure their future maintenance and conservation. The conversion of the house and the stable block does result in some 'less than substantial harm' as the subdivision of the house impedes its historic layout and its original use a large single dwelling. The loss of historic fabric, although minimised as far as possible, also causes some harm. Development within their setting also causes some degree of 'less than substantial harm' although efforts have been made to mitigate this harm through the location of new buildings and their detailing and design. However, in line with the comment from the Council's Conservation Advisor (Place Services) it is considered that there are notable heritage benefits arising from the scheme, namely the repair and reuse of the Grade II listed buildings. Para.196 of the NPPF should be applied in assessing the applications and the heritage gains are considered to be of particular benefit. As the heritage benefits are vital to the scheme, it is recommended that the repairs to the fabric of the listed buildings and structures are secured through a planning obligation. It is important to note that the above views are supported by Council's Conservation Advisor (Place Services).
- 10.38 Given the extensive nature of the proposed works to the heritage assets on the site, it is considered reasonable and appropriate that conditions are imposed on any permission which would include; additional information on all external materials to be used; additional drawings details of new windows and openings; details of all external lighting, alarm boxes and satellite dishes; additional details on the hard and soft landscaping that is proposed. In addition, as a fundamental part of the acceptability of the proposed development relates to the form, design and layout of the proposed houses it is judged that it would be reasonable and appropriate that permitted development right for walls, fences and other means of enclosure, as well as extension and alterations to these dwellings be removed by condition. These conditions are in line with the comments received by Council's Conservation Advisor (Place Services).

3. Amenity and living conditions of neighbouring occupiers and future occupiers

- 10.39 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.40 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.41 As a consequence proposed layout of the development and the application site's relationship with neighbouring properties it is judged that the two neighbours which may be impacted by the proposed development are the White House and the East Lodge. The reason for this is because the White House would be adjacent to the part of the site where new dwellings would be erected and the East Lodge would be near the proposed alterations to the existing eastern access to the site.
- 10.42 Although the proposed access would allow for vehicle movements past the East Lodge, it is not considered that the number of vehicle movements would have an unacceptable impact. In addition, as the dwelling is already positioned within a similar proximity to an adopted road which accommodates a significantly greater number of vehicle movements occurring each day, it is judged that the material impact of the new vehicle movements through the eastern access would be limited. Finally, it is important to note that although the proposed development would result in an upgrading of the existing eastern access to the site, it would not result in the creation of a new access as it is already possible to access the site from this direction although the access track to the Northaw House is not a metalled road.
- 10.43 Moving to the White House, it is judged that the main impact would be created by the three new dwellings which are proposed within the Walled Garden. This is because the Walled Garden is adjacent to the boundary between the application site and two of the new dwellings within the Walled Garden would be within close proximity to this boundary. As all the dwellings within the walled garden would be single storey in height and would not exceed the height of the existing walled garden, it is not considered that these proposed dwellings would be overbearing, result in a material loss of privacy or a material loss in sunlight, or daylight. Furthermore, it is important to note that although the proposed development would change the use of the site from one which is predominantly commercial (B1(a) Office) to a residential use (C3) the volume of traffic accessing and egressing the site from the western entrance is unlikely to materially larger than what is lawfully possible at present. As a consequence, it is not judged that this part of the proposed development would have an unacceptable impact on the White House.
- 10.44 With regard to the impact on the proposals on future occupants of the proposed dwellings, whilst residential relationships, in respect of privacy and overlooking it is considered the proposed development would achieve an acceptable standard. This is because the layout of the buildings and the positioning of windows would result in an acceptable relationship. The layout also ensures that, with regard to overshadowing, daylight and sunlight, and the dominance of the development, the scheme has been designed to achieve acceptable conditions.

10.45 Further to the above, it is considered that the proposed development could provide reasonable living conditions, for both neighbours and future occupants.

4. Highways and parking considerations

10.46 Para.109 of the NPPF requires developments to create places that are safe, secure and attractive by minimising conflicts between different travel modes and allowing access to a site for all users, including goods delivery and emergency vehicles. Policy D5 of the District Plan requires all new development to make provision for pedestrian, cyclist and passenger transport facilities.

10.47 As part of this application HCC Highways Authority has been consulted. It is important to note that the Highways Authority have no objection to the proposed development in principle, subject to appropriate conditions being imposed on any approval. These conditions relate to: making sure that proposed works on the highway, illustrated on drawing No.KMC001-1 Rev 3, are carried out to the satisfaction of the Highways Authority and that the improvement to access proposed within this plan are completed before the development can be occupied.

10.48 With regard to on-site car parking provision, it is proposed that each of the 4x bedroom houses within the walled garden would be provided with double garages and parking areas to the front of these garages which accommodate at least two parking spaces. The Oak Cottage which would be a 3x bedroom dwelling would be provided with a double garage and a parking area to the front of the garage which could accommodate at least two parking spaces. Within the area which the applicant refers to as the settlement area all the 4x bedroom dwellings are provided with garages and parking areas which means that they have a minimum of three spaces for each dwelling, with some having more. The 3x bedroom dwelling which the applicant refers to as the 'Diary' would not have a garage but it would have two allocated spaces. With regards to the Stable Block it is proposed that its parking would be provided within a double garage and parking areas to the front of the garage which accommodate at least two parking spaces. It is proposed that fifteen parking spaces for the apartments within Northaw House would be provided through basement parking with a further seven spaces being provided to the front of Northaw House. An additional seven visitor spaces being provided next to the sunken access track to the basement.

10.49 As a consequence of the level of provision proposed there is no objection to the proposal in relation the Council's Parking Standards SPG. In addition, the proposal would be acceptable in terms of highway safety and would accord with Policy D5 of the District Plan.

10.50 Although objections have been received about the likely increase of vehicle movements accessing and egressing the site, it is important to note that the existing office use of the site allows for an unrestricted number of vehicle movements. Furthermore, given the amount of the office space available it is possible that existing use could generate a larger number of vehicle movements than the proposed development. As a consequence of this, it would not be reasonable or appropriate to suggested that the proposed use would result in an unacceptable increase in vehicle movements from what is already possible.

10.51 The parking standards require provision of cycle storage at a rate of one long term space (secure and weatherproof store) per flat unit. It is noted that a cycle storage provision proposed as part of the development within the basement of

Northaw House and that it would be of a size and location which would be acceptable but no details have been provided within the plans about how this provision would be laid out. It is therefore considered reasonable and appropriate, that if permission is granted, that a condition be imposed requiring further details of this parking provision be provided prior to the occupation of these units and that this cycle storage be permanently retained.

5. Other considerations

i) Restoration of listed Buildings

10.52 The NPPF at para.202 says that Local Planning Authority's should "assess whether the benefits of a proposal for enabling development that would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disadvantages of departing from these policies".

10.53 The English Heritage (now Historic England) publication "Enabling development and the conservation of significant places" 2008 provides detailed guidance on this topic. It has been accepted as a material consideration in several court cases, with the result that it is relevant to the considerations within this report.

10.54 This guidance defines enabling development as "development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out and which could not otherwise be achieved". It indicates that the case for enabling development rests on there being a 'conservation deficit' – where the existing value of a building (often £0) plus development costs exceeds its value after its renovation. The Policy sets out a number of criteria to assess proposals for enabling development including that 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 harm to other public interests. The Policy and full list of the criteria set out within the guidance is as follows:

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) *it will not materially harm the heritage values of the place or its setting*
- b) *it avoids detrimental fragmentation of management of the place*
- c) *it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose*
- d) *it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid*
- e) *sufficient subsidy is not available from any other source*
- f) *it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests*
- g) *the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.*

- 10.55 If these criteria are met, permission should only be given if the impact of the development is precisely defined at the outset, it is securely and enforceably linked to a planning obligation or planning condition, the heritage asset is repaired to an agreed standard as early as possible and the planning authority closely monitors implementation.
- 10.56 Further to the comments from the Council's conservation officer it is considered that although the proposed development may harm the heritage assets on the site, as this harm is less than substantial harm and given the benefits to these assets that would result from their restoration and their viable use, it is not judged that the proposed development would materially harm the heritage value of these assets. As the proposed development around the heritage asset does not propose changes to curtilage of the heritage assets and the proposed use of the buildings within its curtilage are materially the same as its historic use of the site it would not result in the detrimental fragmentation of the management of the heritage asset. The proposed works to the heritage asset are designed to provide a long term future which would be in accordance with the historical use of the property as a landed estate with a residential use. The result of this is that the proposed use of the heritage asset would be sympathetic to the historic use of the property. The inherent needs to restore the heritage asset have resulted from the fact that in its current form and use as a commercial office has not provided the necessary investment to maintain it. As a consequence without substantial investment there is a risk that the heritage assets will be lost. In addition, the applicant has been unable to find other sources of funding to subsidise the works to the heritage assets on the site.
- 10.57 The applicant has stated that the dwellings proposed within this application are the minimum required to fund the restoration of the heritage asset. The Council's viability analysis of this proposal indicates that the applicant's assertion that the proposed number of dwellings is the minimum required to restore the heritage assets within the application site is supported by robust viability evidence. As a consequence, it is judged that the proposed number of dwellings can be considered as enabling development.
- 10.58 It is considered that the proposed enabling development would allow for the restoration of heritage assets which have local significance to the community and would provide these assets with a use that should ensure their long term survive.
- 10.59 Further to the above analysis it is considered that the proposed development is in accordance with Historic England's guidance on enabling development for a heritage asset. As the acceptability of the proposed development in heritage terms is fundamentally linked to the restoration of the heritage asset and Historic England's guidance states that enabling development should be securely and enforceably linked to a planning obligation or planning condition, it would be reasonable and appropriate, to require that the enabling development is secured in either of these manners, if the application is approved. Historic England's guidance states that planning conditions will normally be acceptable where the restoration works will be delivered early within proposed development. As this is not proposed within this case and given the fundamental importance of the restoration works proposed to the acceptability of the proposal, it is considered reasonable and appropriate to secure the restoration works through an obligation. In addition, as it is essential that the site is not broken up and that it is

managed as one unit, it is considered that the best way to achieve this is through including a management scheme within a legal obligation for the site.

- 10.60 In accordance with the guidance discussed previously this obligation should include, but should not be limited to, an agreed timescale for the proposed works which would be linked to the enabling development, to ensure that the heritage asset is restored, and a management scheme which should appropriately maintain the site and place restrictions on the use of the historic curtilage of Northaw House, so that this curtilage remains in a similar form to its historic form. It is considered that a reasonable trigger point for the complete restoration of the heritage would be prior to applicant being able to occupy the 13th dwelling within the proposal.
- 10.61 It is considered that the public benefits from securing the future of the heritage assets through the proposed enabling development would decisively outweigh the disbenefits of breaching other policies, namely Green Belt policies. This point is discussed further under heading 6 of this section of the report.

ii) Ecology

- 10.62 Para.170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Para.175 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Para.175(d) of the NPPF that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”*.
- 10.63 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 10.64 The applicant has undertaken a recent ecological appraisal of the application site and that survey has been submitted as part of this application. Hertfordshire Ecology have been consulted as part of this application and they have assessed the submitted appraisal. In summary their response is that the proposed development would be acceptable but that it is important that a number of further habitat surveys are undertaken prior to the commencement of the permission. In addition, it is stated within their comments that there is a requirement that an ecological management plan is agreed for the site as a whole to make sure that the development appropriately deliveries the necessary ecological benefits to the scheme which are essential to making the scheme acceptable.
- 10.65 As a consequence of this advice it is considered reasonable and appropriate to require that the proposed conditions are imposed on any approval to make sure that the proposed development is acceptable in ecological terms.

iii) Flood risk and sustainable drainage

- 10.66 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.

- 10.67 In an area classified as Flood Zone 1 all land uses are considered appropriate and the technical guidance advises that the overall aim of the sequential approach should be to steer development to Flood Zone 1. The technical guidance advises that residential uses should be steered toward Flood Zone 1 where possible and where it cannot that there is appropriate mitigation measures. It is judged that as the proposed development is in accordance with the guidance on steering residential development to land that is within Flood Zone 1 because all the development would be within Flood Zone 1.
- 10.68 The technical guidance also advises that the overall aim of developers and local authorities should be to seek opportunities to reduce the overall level of flood risk in an area through the layout and form of the development, and the appropriate application of sustainable drainage systems. Such systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.
- 10.69 A Drainage Strategy, as well as subsequent additional information, has been submitted by the applicant as part of this application. The Lead Local Flood Authority and Environment Agency have been consulted as part of this application and they have raised no objection, in principle, to the Drainage Strategy submitted by the applicant. Although in principle the Lead Flood Authority have no objection to the proposal they have asked that conditions be imposed on any approval which would require that the proposed development accords with the details submitted within the submitted Drainage Strategy and also that further drainage assessments and data be submitted, and approved, prior to the occupation of the dwellings on site. Accordingly, subject to the recommended conditions being imposed on any approval, the proposed development provide sustainable drainage solutions and would be in accordance with Policy R7 of the District Plan, Policy SADM14 of the Emerging Local Plan and the NPPF.

iv) Renewable Energy

- 10.70 Renewable Energy: Policy R3 of the District Plan states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...' Policy SD1 of the District Plan states that 'development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.
- 10.71 The proposed development has not outlined how the development would incorporate robust energy efficiency measures promoting the use of renewable resources, heating and power systems. As such, it is considered reasonable an appropriate to impose a condition securing details of the energy-efficient construction materials and processes, including measures for long term energy and water efficient use of the building, to be submitted to and approved in writing by the Council.
- 10.72 This is to ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policies R3 and SD1 of the District Plan and Policies SP1, SP 10 and SADM 13 of the eLP.

v) Landscaping

- 10.73 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the

high quality design required by Policy D1 and D2 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.

10.74 The site is within the Northaw Common Parkland Landscape Character Area. The Northaw Common Parkland Landscape Area is characterised by parkland features, with landscapes that have been created through the historic development of these parklands and estates. The area is predominantly rural in character with formal parkland and estate entrances being the norm. The recommended strategy for the area includes ensuring that historic hedged field boundary patterns are retained and that any new planting improves the character of the area. As a consequence, in accordance with Policy RA10, the proposed development should contribute, as appropriate, to the conservation, maintenance and enhancement of the character of this area.

10.75 It is noted that some details have been provided as part of this application about the location and areas that would be used for hard and soft landscaping. It is considered that the information provided is sufficient to assess that the location and size of the proposed soft and hard landscaping would be acceptable but further information is required to make sure that the materials and planting used within these landscaping features are acceptable. As a consequence, it is considered reasonable and appropriate to impose conditions on any approval requiring that a detailed landscaping plan and Arboricultural Impact Assessment, as well as an Arboricultural Method Statement be submitted and approved by the Council. In addition, it is considered reasonable and appropriate to attach a planning condition, on any approval, requiring a Tree Protection Plan be submitted and approved by the Local Planning Authority prior to the commencement of development.

vi) Contaminated land

10.76 District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.

10.77 A Phrase 1 contamination report has been submitted as part of this application and this has been assessed by the Council's Environmental Health and Public Protection team. In summary their response to the proposed development is that it is acceptable in principle but that further work is required to make sure any contamination on the site is properly dealt with. Given the nature of the use at the site and the comments from the Council's Environmental Health team, it would be reasonable, if minded to grant planning permission, to impose a condition ensuring that any unexpected contamination found during any phase of the development is identified to the Local Planning Authority and a scheme of mitigation based on the contamination found submitted and approved.

10.78 Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2.

vii) Archaeology

- 10.79 District Plan Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.
- 10.80 The consultation response from the Historic Environment Advisor indicates that due to the heritage of the site, which includes a number of listed buildings that date back to the 17th and 18th Century, there is a reasonable likelihood that there could be historic works on the application site which may be disturbed as part of the proposed development. As a result of this, it would be reasonable and appropriate to impose a condition on any approval which would require an appropriate archaeological assessment of the site prior to commencement, which would inform what further works are necessary.
- 10.81 Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R29.

viii) Refuse and recycling

- 10.82 The Council's Client Services Team have been consulted as part of this application and raised no objection to the principal of the proposed development but they have requested that appropriate monies for refuse and recycling provision on the site are provided as part of any approval. It is considered that if this application were approved that these monies could be secured through the proposed obligation.
- 10.83 It should be noted that the applicant has indicated within the Heads of Terms that they have submitted that these monies would be provided through a future planning obligation were this application to be granted.
- 10.84 As the submitted plans do not include details of the proposed bin provision for the proposed dwellings, it is judged that it would be reasonable and appropriate to require, by condition, that this information is submitted to and approved by the Council prior to the occupation of these units.

ix) Fire hydrant

- 10.85 As Herts Fire & Rescue Service have requested that there is appropriate fire hydrant provision as part of the proposed development in accordance with Hertfordshire County Council's Obligations tool kit. It is considered that this request is reasonable and that due to the fact that an obligation will be required for other parts of the development that this requirement can be included within this obligation. As an obligation is already proposed for other aspects of this development it is considered reasonable and appropriate, were permission to be granted, for this provision to be included within this obligation.

x) Life time homes

- 10.86 *Lifetime Homes:* Policy H10 of the District Plan requires residential development of this scale to involve a proportion of dwellings to be built to lifetime home standards. It is noted that the applicant has stated within their planning statement that they intend to provide a number of dwellings which meet this standard. Although the applicant has stated that they would provide life time homes within the development it is considered that it would be reasonable to impose a

condition which would require that the specific details of these units are submitted and approved by the Council to make sure that the home standards are in accordance with Policy H10 of the District Plan and SP7 of the Emerging Local Plan.

xi) Environmental Impact Assessment

10.87 Whilst the applicant has not submitted an Environmental Impact Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the overall area of development would be less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwellinghouse development. An EIA is therefore not required.

xii) Planning obligations

10.88 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

10.89 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.

10.90 *Affordable Housing:* The proposed development seeks permission for 25 residential units and in accordance with Policy H7 of the District Plan, the Council would expect this number of houses to include the provision of affordable housing. Para.64 of the NPPF states that LPA's require a minimum of 10% affordable all major housing developments, which means proposals for 10, or more dwellings. In addition, Policy SP7 of the Emerging Local Plan requires that for a proposal of 11 or more new dwellings, a proportion of these houses should be affordable, with the exact percentage being dependant of the application site's location within the borough. In this case the proportion of the dwellings which should be affordable would be 35%. Given the advanced stage of this plan, whilst not adopted this is a material consideration that holds significant weight. Accordingly, it is considered that nine affordable units would normally be sought to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market.

10.91 The applicant has not proposed any affordable housing, with the result that the proposal would fail to comply with the Council's emerging policy on affordable housing. As the proposed development is considered to be enabling development it is not considered that it would reasonable or appropriate to

require any affordable housing provision in this case. The reason for this is because it would likely result in the quantum of development necessary to support the proposal being increased which would likely result in addition harm to the heritage assets on the site. This opinion is supported by a robust viability data which has been appraised by the Council's appointed viability consultant's BNP Paribas, who concluded within their viability assessment, dated July 2019, that the proposed number dwellings is the minimum necessary to facilitate the restoration of the heritage assets on the application site.

10.92 *Hertfordshire County Council Contributions:* Confirmation has been received from Hertfordshire County Council that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including;-

- Primary Education (Woodside Primary School) - £54,823
- Secondary Education (Chancellors School) - £59,887
- Library Services (Cuffley Library) - £4,482
- Youth Services (Hatfield Young People's Centre) - £1,160
- Fire hydrants

10.93 *WHBC Contributions:* WHBC Client Services have found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of bin provision for the 25 units.

10.94 In accordance with the Council's Planning Obligations SPD, a monitoring fee of up to a maximum of £5,000 will also be required and payment will be required to be made prior to commencement of the development.

10.95 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.96 *Heritage:* As the heritage benefits are vital to the scheme, it is recommended that the repairs to the fabric of the listed buildings and structures are secured through a planning obligation. In addition, given the importance of maintaining the wider site in its current form, it is appropriate and reasonable to request that the management and access to this land is managed through an obligation.

10.97 *Conclusion:* The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

10.98 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.

6. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances

10.99 It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt that would be caused by the proposed development, which for the reasons set out above, constitute inappropriate development. Furthermore in accordance with Para. 196 of the NPPF it is important that an assessment is made as to whether the less than substantial harm discussed above is outweighed by the public benefits of the proposal and whether the development accords with criteria (g) of the English Heritage's guidance discussed above on enabling development.

Harm

10.100 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. Moreover, as set out above the proposed development would lead to some loss of openness and would be an encroachment into the countryside, which adds to the harm to the Green Belt, albeit to a limited extent.

10.101 With regards to the heritage, as discussed above it is judged that the proposed development would result in some harm to the heritage assets on the site. Although it is judged that this harm would be less than substantial and that this harm would be outweighed by the benefits of restoring the heritage assets on the site and providing them with a viable use.

Benefits

10.102 The development would be close to existing built form of the existing built form within the site and the landscape strategy proposed is likely to lead to an enhanced landscape value for the site. The ecological value of the site would be harmed by the proposals but provided that appropriate details are provided by the proposed ecological conditions, the ecological impacts of the proposed development would be acceptable. In addition, subject to conditions, the strategy for site drainage has been found acceptable by the statutory authorities.

10.103 The application has stated that the Council's failure to have a 5-year supply of housing amounts to a very special circumstance in the case of this application.

10.104 It is the Council's position that the ministerial statement 2013, the Courts and the NPPF 2019 are clear that the lack of a five year housing land supply would be insufficient on its own to justify housing on Green Belt land. The ministerial statement from 2013 clarified the government's position on whether unmet housing need overcome Green Belt limitation by stating as follows;

“unmet demand for housing is unlikely to outweigh the harm to the Green Belt and other harm so as to constitute the very special circumstances justifying inappropriate development in the Green Belt.” (Ministerial Statement 1 July 2013)

- 10.105 Although the Ministerial Statement pre-date the current NPPF it is considered that the revisions within the revised NPPF do not alter the significance of them. This is because it is considered that paragraph 11 and footnote 6 make clear that Green Belt restrictions set out within the NPPF should not be overridden by the lack of a five year housing land supply. As a consequence, it is judged that this only provides some weight in favour of the proposal.
- 10.106 With regard to highway matters and parking, these are regarded as satisfactory by the Highway Authority and the Council's Parking Service Team. Accordingly, the proposal and the resulting traffic generation are not considered to be harmful to highway safety which in favour of the proposal.
- 10.107 With regards to residential amenity impacts, the proposal is not considered likely to have an unacceptable impact on residential amenity which would weigh against the scheme.
- 10.108 The restoration of the heritage assets would provide a significant environmental benefit through the preservation of the heritage assets on the site and a less substantial social benefit through the conservation of the site cultural heritage for future generations. It is judged that substantial weight should be attached to these benefits.
- 10.109 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the dwellings. However, this benefit would be short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be spread over a wide area given the location of the site and would therefore be limited in effect.
- 10.110 In respect of those matters which weigh in favour of the scheme, subject to the applicant agreeing to a Section 106 Agreement which would require that they fund the restoration of the listed buildings and the permanent management of the application site in its current estate form, which would include a condition removing permitted development rights to create means of enclosure and extension to the houses on the site, it is considered that these aspects of the development would make a very positive contribution to the community and to the wider area. It is therefore, considered that these aspects weigh substantially in favour of the development.
- 10.111 Para.144 of the NPPF outlines that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para.144 outlines that *'Very Special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 10.112 It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in *South Bucks District Council v Secretary of State for Transport, Local Government and the Regions* [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): *"It is of the essence*

of very special circumstances that the applicant establishing them is in a very special category.” However, by their nature the existence of very special circumstances must relate to a particular site.

10.113 In light of the above, it is concluded that very special circumstances do exist, in the form of the restoration of the listed buildings on the site and the permanent management of the site in a form which is similar to the current estate form, to warrant a departure from established and adopted Green Belt policies. In addition, further to the above although the proposed development would result in a less than substantial harm to the heritage assets on the site it is judged that as the harm would be decisively outweighed by the benefits of the proposal it would accord with criteria (g) of the English Heritage’s guidance discussed above on enabling development and Para. 196 of the NPPF. As a consequence, the principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance as there are other considerations that weigh in its favour.

11 Conclusion

- 11.1 Policy SD1 of the District Plan and Policy SP1 of the Emerging Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. Para.8 of the NPPF outlines three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an environmental role which includes protecting and enhancing the environment, including the historic environment; economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations.
- 11.2 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.
- 11.3 The restoration of the heritage assets would provide a significant environmental through the preservation of the heritage assets on the site and a less substantial social benefit through the conservation of the site cultural heritage for future generations. It is judged that substantial weight should be attached to these benefits.
- 11.4 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the dwellings. However, this benefit would be short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be spread over a wide area given the location of the site and would therefore be limited in effect.
- 11.5 The proposal would provide a social benefit through the provision of 25 windfall dwellings which provide a contribution towards the identified housing within the borough.

- 11.6 It is considered that the environmental, social and economic benefits set out within this report would outweigh the environmentally unsustainable location of the development, the environmental harms to the Green Belt that have been identified and the less than substantial harm to the heritage assets on the site.
- 11.7 Notwithstanding the identified harm to the Green Belt, when all of the factors, set out within this report, which are all material considerations, are taken together, the Officers' view is that the test in para.144 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission. It is judged that these benefits would outweigh the long term cost to the community that would be caused by the loss of a modest amount of Green Belt land where the proposed new dwellings would be located. Additionally it is considered that the less than substantial harm to the heritage assets on the site is outweighed by the restoration of this assets and their proposed viable use.
- 11.8 Subject to conditions and a planning obligation the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or nature conservation interests and subject. Accordingly and for the reasons given, the proposal is recommended for approval.

12. Recommendation

12.1 It is recommended that planning permission be approved subject to:

1. Completion of a Section 106 Agreement, to secure the following obligations:

- Management plan for the site, including Northaw House, the Stables Block, the Walled Garden and estate landscape;
- Scheme of works for the restoration of the listed building, with a requirement that the works will be complete prior to the occupation of more than 13th of the dwellings on site;
- Hertfordshire County Council Contributions; and
- Provision of fire hydrants within the site.

2. Referral to the Secretary of State

3. Subject to the following conditions:

PRE-COMMENCEMENT CONDITIONS

1. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) Final, detailed drainage scheme including a detailed drainage layout and detailed calculations;
- b) Detailed assessment of the culverted drainage connection from the site into the ordinary watercourse including CCTV survey to justify any

additional maintenance and repair works needed prior implementation of the approved drainage scheme. If discharge to the Ordinary Watercourse of the surface water run-off generated from the site will not be feasible then an alternative discharge mechanism should be provided;

- c) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs; and
- d) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To comply with Policies R5 and R7 of the Welwyn Hatfield District Plan 2005 and in accordance with the National Planning Policy Framework 2019.

2. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination
- ii. an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to

the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

3. No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The development shall not be carried out other than in accordance with the approved Archaeological Written Scheme of Investigation. The scheme shall include an assessment of archaeological significance and research questions; and:
 - a) The programme and methodology of site investigation and recording;
 - b) the programme for post investigation assessment;
 - c) provision to be made for analysis of the site investigation and recording, including Northaw House;
 - d) provision for how archaeological recording, relating to Northaw House will be carried out to record all interventions into the fabric of building in areas where such works might reveal additional information relating to the development of the building, and for the purpose of recoding any original historic features that may be exposed;
 - e) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - f) provision to be made for archive deposition of the analysis and records of the site investigation; and
 - g) nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development and to comply with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

4. No development shall take place until an environmental management plan for the construction period has been submitted to and approved in writing by the Local Planning Authority. This shall include a review of any ecological impacts; risk assessment of potentially damaging construction activities; identification of any biodiversity protection zones; practical measures to reduce impacts during construction; location and timing of works to avoid harm to any biodiversity features; any times when specialist ecologists need to be present to oversee

work and use of protective fences, exclusion barriers and warning signs. The approved plan shall be adhered to throughout the construction period

REASON: To make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

5. No development shall take place until an Arboricultural Method Statement, which includes an Arboricultural Impact Assessment, must be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method statement must include:
 - a) A plan showing the areas of trees, or parts of trees growing from adjacent sites, to be protected and fencing in accordance with the relevant British Standard (BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) and to identify areas where no chemical or materials or equipment shall be stored, mixed or prepared, no fires or site washings, within the root protection area of the tree or under the canopy spread whichever is the greater;
 - b) details of any proposed alterations to existing ground levels and details of any proposed excavation within the proximity of the root protection area of any retained tree, including trees growing from adjacent sites, or within a distance from any retained tree equivalent to half the height of that tree; and
 - c) specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policies R17 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

6. If 2 years have passed since the September of the year of the last bat survey and development has not commenced, before these works can start a bat activity survey of the buildings shall be carried out by a suitably qualified and experienced ecologist. Details including an assessment of the impact of the proposed development and any appropriate mitigation measures to alleviate such impacts shall be submitted to the Local Planning Authority for written approval.

REASON: To make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

PRIOR TO ABOVE GROUND DEVELOPMENT

7. Prior to above ground development samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- a) Additional drawings that show details of new windows, doors eaves, verges, fascias and cills, by section and elevation; and
- b) Details and colours of all external lights, alarm boxes or satellite dishes to be fixed to the of the new buildings.

The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

8. Prior to above ground development full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- a) original levels and proposed finished levels;
- b) car parking layout and markings;
- c) vehicle and pedestrian access and circulation areas;
- d) hard surfacing, other hard landscape features and materials;
- e) existing trees, hedges or other soft features to be retained
- f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, details of seeding or turfing and details on when these will be undertaken;
- g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- h) details of siting and timing of all construction activities to avoid harm to all nature conservation features; and
- i) management and maintenance details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

10. Prior to above ground development a Landscape and Ecology Management Plan (LEMP) comprising a written document which must specify the ecological objectives of the development, with details and drawings as appropriate, setting out measures for the management and maintenance of landscape and ecology must be submitted to and be approved by the local planning authority. The plan must be implemented in accordance with these details prior to the

first occupation or use of the buildings hereby approved or in accordance with a timetable approved as part of the LEMP.

REASON: In the interests of visual amenity and to ensure the protection and provision of wildlife habitats and local ecology in accordance with the National Planning Policy Framework 2019.

11. Prior to above ground development an Energy & Sustainability Statement must be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed and shall thereafter be maintained in the approved form.

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

12. The development permitted by this planning permission shall not be carried out in accordance with the approved surface water drainage assessment by MTC Engineering, drawing title Updated Drainage Layout, drawing number 2090-03, dated 3 April 2019 and the following mitigation measures detailed within the Flood Risk Assessment:
 - a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 12.8 l/s during the 1 in 100 year event plus 40% of climate change event.
 - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 1270 m³ (or such storage volume agreed with the LLFA) of total storage volume in attenuation pond.
 - c) Discharge of surface water from the private drainage network into the ordinary watercourse.

The mitigation measures must be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory disposal, and storage of surface, water from the site and to reduce the risk of flooding to the proposed development and future occupants. To comply with Policies R5 and R7 of the Welwyn Hatfield District Plan 2005 and in accordance with the National Planning Policy Framework 2019.

PRIOR TO OCCUPATION

13. The development shall not be used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation, approved under condition 6, and the provision made for analysis and publication where appropriate.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development and to comply with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

14. Prior to the first occupation hereby permitted vehicular accesses indicated for improvement on drawing number KMC001-1 Rev 3 shall be reduced in width and provided with kerb radii as shown. Prior to use, arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework 2019.

15. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number KMC01 Rev 02 and KMC02 Rev 02. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework 2019.

16. Prior to the first occupation of the development hereby permitted the proposed access, onsite car parking, as well as servicing areas shall be laid out, demarcated, levelled and surfaced in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework 2019.

17. Prior to the first occupation of the development hereby permitted, all off-site highway works shown on drawing KMC001-1 Rev 03 must be completed to the satisfaction of the Highway Authority.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework 2019.

18. Prior to the first occupation of the flats hereby permitted, a scheme which shows the spaces allocated to each flat has been submitted to and agreed in writing by the Local Planning Authority. The agreed parking allocation must be retained permanently and shall not be used for any other purpose.

REASON: To ensure that the car parking spaces are provided prior to the occupation of the units in the interests of highway safety and that the number of spaces to serve each flat complies with Policy M14 and D5 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance - Parking Standards 2004, Interim Policy for Car Parking Standards and Garage Sizes 2014; and the National Planning Policy Framework 2019.

19. Prior to the first occupation of the flats hereby permitted, a scheme for the provision of secure cycle parking on site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Supplementary Planning Guidance - Parking Standards 2004 and the National Planning Policy Framework 2019.

20. Prior to the first occupation of the dwellings hereby permitted, details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

21. Details of any external street lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the occupation of development. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

22. Prior to the first occupation of the development hereby permitted, details of the location, design and specification of the units which be built to Lifetime homes standard shall be submitted and approved by the Council. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To provide accessible housing to meet the requirements of Policy H10 of the Welwyn Hatfield District Plan 2005 and SP7 of the Emerging Local Plan 2016.

23. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of ten 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

POST DEVELOPMENT

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of preserving the setting of the heritage assets on the site and the openness of the Green Belt in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, SADM34 of the Emerging Local Plan 2016 and the National Planning Policy Framework 2019.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of preserving the setting of the heritage assets on the site and the character of the area in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
16_254_PL04		Existing Basement Plan Floor Plan, NH & EW	1 February 2019
16_254_PL05		Existing Ground Floor Plan, NH & EW	1 February 2019
16_254_PL06		Existing First Floor Plan, NH & EW	1 February 2019
16_254_PL07		Existing Second Floor Plan, NH & EW	1 February 2019
16_254_PL08		Existing Roof Plan, NH & EW	1 February 2019
16_254_PL09		Existing Elevations 1, NH & EW	1 February 2019
16_254_PL10		Existing Elevations 2, NH & EW	1 February 2019
16_254_PL11		Existing Sections, NH & EW	1 February 2019

16_254_PL12		Existing Floor Plans, BW	1 February 2019
16_254_PL13		Existing Roof Plan, BW	1 February 2019
16_254_PL14		Existing Elevations, BW	1 February 2019
16_254_PL15		Existing Ground Floor Plan, SB	1 February 2019
16_254_PL16		Existing First Floor Plan, SB	1 February 2019
16_254_PL17		Existing Roof Plan, SB	1 February 2019
16_254_PL18		Existing Elevations, CH	1 February 2019
16_254_PL19		Existing Sections, SB	1 February 2019
16_254_PL20		Existing Floor Plans, OC	1 February 2019
16_254_PL21		Existing Roof Plan, OC	1 February 2019
16_254_PL22		Existing Elevations & Sections, OC	1 February 2019
16_254_PL23		Bas, Floor Demolition Plan NH & EW	1 February 2019
16_254_PL24		G. Floor Plan Demolition Plan, NH & EW	16 May 2019
16_254_PL25		First Demolition Plan, NH & EW	16 May 2019
16_254_PL26	A	Second Floor Plan	16 May 2019
16_254_PL27	A	Demolition Elevations 1, NH & EW	16 May 2019
16_254_PL28	A	Demolition Elevations 1, NH & EW	16 May 2019
16_254_PL29		Floor Demolition Plans, BW	1 February 2019
16_254_PL30		Demolition Elevations, BW	1 February 2019
16_254_PL31	A	Ground Floor Demolition Plan	16 May 2019
16_254_PL32		First Floor Demolition Plan	1 February 2019
16_254_PL33	A	Demolition Elevations, SB	16 May 2019
16_254_PL34		Demolition Plans, OC	1 February 2019
16_254_PL35		Demolition Elevations, OC	1 February 2019
16_254_PL36		Proposed Bas, Floor Plan, NH & EW	1 February 2019
16_254_PL37	A	Proposed GF Plan, NH & EW	16 May 2019
16_254_PL38	A	Proposed First Floor Plan, NH & EW	16 May 2019

16_254_PL39	A	Proposed Second Floor Plan, NH & EW	16 May 2019
16_254_PL40	A	Proposed Roof Plan, NH & EW	16 May 2019
16_254_PL41	A	Proposed Elevations 1, NH & EW	16 May 2019
16_254_PL42	A	Proposed Elevations 2, NH & EW	16 May 2019
PL_254_PL43		Proposed Floor Plans, BW	1 February 2019
16_254_PL44		Proposed Roof Plan, BW	1 February 2019
16_254_PL45		Proposed Elevations, BW	1 February 2019
16_254_PL46	A	Proposed Ground Floor Plan, SB	16 May 2019
16_254_PL47		Proposed First Floor Plan, SB	1 February 2019
16_254_PL48	A	Proposed Roof Plan, SB	16 May 2019
16_254_PL49		Proposed Elevations, SB	16 May 2019
16_254_PL50		Proposed Floor Plans, 15-OC	1 February 2019
16_254_PL51		Proposed Roof Plan, 15-OC	1 February 2019
16_254_PL52		Proposed Elevations, 15-OC	1 February 2019
16_254_PL53		Proposed Floor Plans	1 February 2019
16_254_PL54		Proposed Roof Plan, 26-FH	1 February 2019
16_254_PL55		Proposed Elevations, 26-FH	1 February 2019
16_254_PL59		Proposed Floor Plans, SU1-21-23	1 February 2019
16_254_PL60		Proposed Roof Plan, SU1-21-23	1 February 2019
16_254_PL61		Proposed Elevations, SU1-21-23	1 February 2019
16_254_PL62		Proposed Floor Plans, SU2-24-25	1 February 2019
16_254_PL63		Proposed Roof Plan, SU2-24-25	1 February 2019
16_254_PL64		Proposed Elevations, SU2-24-25	1 February 2019
16_254_PL65		Proposed GF Plan, WG-16-18	1 February 2019
16_254_PL66		Proposed Basement Plan, WG-16-18	1 February 2019

16_254_PL67		Proposed Roof Plan, WG-16-18	1 February 2019
16_254_PL68		Elevations, WG-16-18	1 February 2019
16_254_PL69		Elevations, Walled Garden	1 February 2019
16_254_PL70		Proposed Floor Plans, D-27	1 February 2019
16_254_PL71		Proposed Roof Plan, D-27	1 February 2019
16_254_PL72		Proposed Elevations, D-27	1 February 2019
16_254_PL73	B	Proposed 3D Aerial Of Site	20 August 2019
16_254_PL74	A	Proposed 3D Views, NH &EW	16 May 2019
16_254_PL75	A	Proposed 3D Views, SB-12	16 May 2019
16_254_PL76		Proposed 3D Views, BW-13-14	1 February 2019
16_254_PL77	A	Proposed 3D Views, OC-18	16 May 2019
16_254_PL78		Proposed 3D Views, FH-26	1 February 2019
16_254_PL79		Proposed 3D Views, SU1-21-23	1 February 2019
16_254_PL80		Proposed 3D Views, SU2-24-25	1 February 2019
16_254_PL81		Proposed 3D Views, GL-19-20	1 February 2019
16_254_PL82		Proposed 3D Views, WG-16-18	1 February 2019
16_254_PL83	A	Proposed 3D View, WG-16-18	16 May 2019
16_254_PL84		Proposed 3D View, D-27	1 February 2019
16_254_PL02		Site Block Plan	1 February 2019
16_254_PL03	B	Proposed Site Plan	20 August 2019
16_254_PL01		Site Location Plan	1 February 2019
02	B	Landscape Masterplan 1 of 3	20 August 2019
03	A	Landscape Masterplan 2 of 3	1 February 2019
KMC001-001	3	Proposed Highway Improvements	20 August 2019

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of para.38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

INFORMATIVES

1. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
2. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
3. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
4. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
5. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
6. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
7. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".
8. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction

and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
11. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

OR

12.2 In the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 Obligation for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.


Together with drawing numbers and positive and proactive statement.

William Myers (Development Management)

Date of expiry: 03 May 2019

Extension of time: 11 October 2019



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:
	Northaw House Coopers Lane Northaw		DNS
	Project:		Date:
	DMC Committee		2019
Drawing Number:		Drawn:	
6/2019/0217/MAJ		Baras Mast-Ingle	
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