

WELWYN HATFIELD BOROUGH COUNCIL
PLANNING CONTROL COMMITTEE – 3 NOVEMBER 2011
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

N6/2011/0434/MA

BUSH HALL HOTEL LTD, MILL GREEN, HATFIELD, AL9 5NT

EXTENSIONS AND ALTERATIONS TO BUSH HALL HOTEL AND STABLE BUILDING
AND ERECTION OF NEW BUILDINGS TO INCREASE ACCOMMODATION FROM 25
TO 75 BEDROOMS ALONG WITH ANCILLARY FACILITIES AND RELOCATION OF
CAR PARK

APPLICANT: Bush Hall Hotel Ltd, Gascoyne Cecil Estates

(Hatfield East)

1 Site Description

- 1.1 The application site is located to the north of the A414 and is located on land which is designated as Metropolitan Green Belt. Bush Hall is located in the hamlet of Mill Green, which is approximately two miles north east of Hatfield Town centre, on the edge of Hatfield Park. The application site is bounded to the south west by the A414, with a residential area beyond which is within the settlement of Hatfield and to the south by the A1000, which is known also as Chequers Road. There is open countryside to the north and west of the application site, with a tributary of the River Lea situated directly to the north.
- 1.2 The site forms an area of approximately 7.4ha and is occupied predominantly by Bush Hall Hotel, which is a Grade II Listed Building. This building is a large 17th century two storey red brick property with dormer windows in the roof. It is designed with a parapet roof and front bay windows.
- 1.3 The most recent use of the building was as a hotel, however the hotel ceased operations in December 2009 and is now closed to the public. Prior to its closure the hotel currently comprised of Bush Hall with its Coach House which together had 25 bedrooms, stables, a number of modern extensions, various outbuildings and a car park for 140 spaces for guests and staff which was located to the front of the main building. There were also facilities for recreational activities, a go kart track which occupies much of the field to the north east of Bush Hall. In this same general location is a helicopter landing pad.
- 1.4 The access to the hotel and site is gained from Chequers Road where the vehicular driveway leads to the front of the hotel and to an existing area of hardstanding which was formerly used as the hotel car park sited to the south west of the principle building.
- 1.5 Hatfield Park is located to the south of the application site beyond the A1000 and Chequers Road, which forms a physical divide between Bush Hall and the

Hatfield Park. To the north east of Bush Hall lie two residential properties, The Old Mill House and Turbine Cottage. The Old Mill House is a Grade II Listed building. These properties are also accessed from Chequers Road via the same vehicular access for Bush Hall.

- 1.6 The site is predominantly flat and has some tree cover. A line of trees runs north to south of the site which lie to the west of Bush Hall. A further tree belt runs east to west on the southern boundary of the site.
- 1.7 A tributary of the River Lea together with a network of associated drainage channels passes to the north and along the north western boundary of the application site. One tributary passes through the site which has been canalised in part which powered the Paper Mill which was previously on the site, but has been demolished.
- 1.8 The landscape of the Middle Lea valley is characterised by a flat, broad valley with grazing marshes along north banks of the river. The area to the north and west of the site, known as Woodhall Farm Meadows is a country wildlife site.

2 The Proposal

- 2.1 The proposed development seeks planning permission for extensions and alterations to Bush Hall hotel and Stable building and erection of new buildings to increase the accommodation at the site from 25 to 75 bedrooms along with ancillary facilities and the relocation of the car park.
- 2.2 The overall building footprint of the proposed development would be 3,584sqm with 4,886sqm of floorspace. Currently the footprint of the buildings are 1,970sqm and the floorspace is 2,583sqm. The proposed development would therefore increase the footprint by 1,614sqm and floorspace by 2,303sqm.

Bush Hall

- 2.3 The proposed development to Bush Hall hotel would include the demolition and removal of a number of modern extensions and outbuildings which are sited to the rear and north of Bush Hall. This includes a large utility structure used as the laundry, four portacabins, two sheds, a utility cabin and a structure referred to by the applicant as the existing north barn. In addition, repairs and alterations have been proposed to the external fabric of Bush Hall which also includes the removal of more modern features such as fire escapes.
- 2.4 With regard to the proposed extensions to Bush Hall these will include a single storey conservatory proposed to the north elevation of Bush Hall which would form a dining area and replace the existing modern rear additions. It would have a width of 14.32m, depth of 5.69 and would have a pitched glazed roof with the ridge running parallel to the building facade. In addition, a curved replacement link is proposed between Bush Hall and the Coach House, which would accommodate a gymnasium. This building would have a curved appearance and would be constructed from red brick with a slate roof which would match the existing Coach House. Eight bedrooms would be accommodated within Bush Hall.

Coach House

- 2.5 A first floor extension is proposed to the Coach House, which is attached by a linked extension to Bush Hall which is described above. The proposed extension would be located over the existing single storey flat roof element. The extension would be designed to match the existing gable facades of the Coach House and would be constructed using red brick to match the existing and the roof would be covered with slates to match the existing. Subsequently seven of the 75 bedrooms would be housed in the extended Coach House.

Garden Wall Building

- 2.6 A building is proposed along the east side of the garden wall which would be attached to the rear elevation of Bush Hall. This building would be sited adjacent to the tributary of the River Lea and on the footprint of the existing pavilion and Orangery which are proposed to be demolished. This building is referred to as the Garden Wall building and would include 12 bedrooms.
- 2.7 It would have a length of 65m, depth of 8.8m and overall ridge height of 3.2m. This building would be constructed from red brick with a flat sedum roof. The south western elevation of this building, which would be predominately glazed, would define the edge of the proposed restored garden wall. The north eastern elevation would look onto the tributary of the River Lea which has been designed with French doors and Juliette balconies which would serve the bedrooms in this building.

North Barn

- 2.8 A two storey building with single storey elements and a central courtyard is proposed to the north west of Bush Hall which is referred to on the submitted plans as the North Barn.
- 2.9 This building would provide a restaurant, bar, kitchen, function rooms, 21 bedrooms and facilities for staff. The building would define the north western end of the reinstated wall garden. It would comprise of two storey and single storey elements with the two storey element facing towards Bush Hall. The two storey element would be designed with a pitched roof. This part of the proposal would have a feature gable that would face inwards to the courtyard. A flat roof single storey element with a sedum roof would be attached to the eastern elevation of the two storey element and would also look into the proposed walled garden towards Bush Hall. The single storey elements would be designed as a courtyard with hipped and half hipped roofs.
- 2.10 The North Barn would have a width of about 8.4m and depth of approximately 37.4m and at its highest point, the North Barn would be 10m. The roofs of the main barn would be constructed from a plain clay tile and the single storey element facing Bush Hall would be bound by a flat green roof. The elevations would be horizontal timber boards.

Mill Building

- 2.11 A further building is proposed to the east of Bush Hall which would be called the Mill Building. This would be separated from Bush Hall and would be sited on land to the north of the existing vehicular access into the site and to the south of Turbine Cottage, which is outside the application site.

- 2.12 This building would predominantly be two storey with an overall ridge height of 10.605m, although there would be a single storey element that would face towards Turbine Cottage with a height of 6.25m. This building would have an overall width of approximately 13.5m and depth of about 41.5m and would provide 14 bedrooms. It would be designed with a pitched roof and end gables and would be constructed from stained timber weather boarding with a plain roof tile.

Stable Building

- 2.13 The existing stable building to the east of Bush Hall was used as conference rooms would be refurbished and converted to 5 bedrooms. The building would also be extended to the south and would create a 'U' with a central courtyard. These extensions would provide a further 8 bedrooms and lean to plant room.

The appearance of the proposed extension would reflect the existing stable building with the same eaves and ridge height and detailed design and appearance and it would be constructed from brick and deep horizontal boarding and a clay pain tile roof.

Parking, Landscaping and Other Features

- 2.14 With regard to parking, the existing car park would be relocated from the front of Bush Hall to the north west of the site beyond the proposed North Barn. This car park would provide 204 parking spaces, including six disabled parking spaces, which would be laid out with a formal hornbeam hedge to screen the parked cars and pleached tree planting. Four further disabled parking spaces would be dispersed around the site and would be located in close proximity to the Mill Building and the Stable Building. In addition, 16 cycle parking spaces would also be located on the south eastern edge of the proposed car park, together with nine motorcycling spaces which would also be located within the car park. The car park surface at the entrance would be sealed gravel but beyond it would be a more informal with the use of crushed stone combined with a fine compacted surface.
- 2.15 Vehicular access to the site would be via Chequers Road from the existing access into the site. The driveway would follow the line of the existing driveway and pass to the front of Bush Hall. The driveway would be extended and continue past the proposed reinstated walled garden which would be located to the rear of Bush Hall and would then continue past the proposed North Barn.
- 2.16 The landscape within the site would be restored to a parkland setting. Much of the existing site is laid to grass which will continue with areas of both regularly mown grass around the hotel, particularly to the south and north of Bush Hall. The existing go kart track will be cleared before being rotovated. The area would then be graded and seeded to form a meadow. Ornamental planting species, including trees and shrubs will only be used in areas around the hotel complex buildings with native species including tree shrubs, grasses and wild flowers to be used for the remaining areas within the site.
- 2.17 A restored walled garden is proposed which would be located between Bush Hall and the North Barn and would be bound on the north eastern elevation by the proposed Garden Walled Building. This will provide a formal garden with two terraces. It will consist of a series of gravel paths linking seating areas with small arbours. The garden would contain herbs species, fruit trees and pleached trees

in a design associated with the country house. A Box hedge is proposed along the southern boundary with the vehicular access road.

- 2.18 A new terrace would be provided to the east of the North Barn which would be surfaced using stone paving. Low walls and hedging would be provided along the boundary with the river. The existing riverside terrace between Bush Hall and the Stable Building would be upgraded using a combination of stone and brick paving with loose gravel laid between the paving areas for drainage. The existing brick wall that forms the boundary with the river would also be upgraded.
- 2.19 The areas associated with the Mill Barn would be simple, retaining a meadow structure with informal mown paths leading to the river. Wildflowers would be sown and the existing trees retained.
- 2.20 A new terrace is to be provided to the east of the North Barn which would be paved with stone paving. The areas immediately around the existing hotel building would be enhanced using a combination of small specimen trees shrubs and ground cover.
- 2.21 Lighting is proposed around the site which would be attached to buildings or brick walls. In addition low level lighting bollards to a height of 1m would be used in the car parks and access routes for pedestrians. The terraced areas and areas along the waterside walks would also be lit.
- 2.22 An area for refuse collection and recycling and the compound for the mechanical plant would be to the rear of the North Barn and within the car park. These compound areas would be enclosed by a brick wall, 2 to 2.5m high. The brick type would match those used in the North Barn and the existing bricks for brick type for Bush Hall.

3 Planning History

- 3.1 N6/2011/0435/LB: Alterations and extensions to Bush Hall Hotel, the Coach House and the Stable including demolition of existing extensions to the rear and sides of Bush Hall and outbuildings and garden wall within its grounds. Pending consideration.
- 3.2 Pre-application advice has been given. This included a meeting held with the applicant on 24 July 2010 which was subsequently followed by letter dated 6 September 2010. Concern was raised with regard to the Very Special Circumstances put forward by the applicant relating to Bush Hall. It was considered that whilst some financial information had been submitted, it was not sufficiently detailed or robust to enable a detailed consideration and assessment as to whether a 75 bedroom hotel would actually be appropriate in this instance and would be the minimum required.
- 3.3 Advice was given on 22 August 2006. This stated “that whilst acknowledging that there is a commercial need for the hotel to upgrade I am unconvinced that these alone are sufficient to set aside the strong Greenbelt policy presumption against such development. Whilst comprehensive supporting information has been submitted, given the type and scale of development that is being proposed, I can see no very special circumstances at this time to outweigh the likely harm that would be caused to the character and openness of this part of the Greenbelt, sufficient enough to set aside national and local planning policy”.

Turning to other considerations, with regard to the impact upon the existing listed hotel, this has been altered substantially in the past, which has in my opinion reduced the historic merit of the main building, and it has also been altered by way of unsympathetic additions and outbuildings, especially to the rear. However, the demolition of these, which may improve the setting of the rear of the building and the works proposed to the building, would not, in my opinion justify development of the scale proposed and outweigh the harm to the visual amenity of this part of the Greenbelt.

- 3.4 In addition, further pre-application advice has been given dated 15 June 2005. This concluded by saying that whilst it is acknowledged that there is a need for the hotel to upgrade and expand, I remain to be convinced that the scale of the development proposed and the justification put forward are sufficient to provide the very special circumstances that would need to be advanced in order to overcome the harm that would be caused to openness of the Green Belt.
- 3.5 The initial pre-application advice given was dated 15 March 2004. This informed the applicant that the site was within Green Belt and that this form of development is inappropriate.
- 3.4 N6/2009/1913/MA: Demolition, alterations and extensions to existing hotel building(s) and erection of new hotel buildings to provide 50 bedrooms, replacement function room, restaurant, kitchen and staff facilities. New lodge building at the entrance to Bush hall to provide staff accommodation, refurbishment of existing stable building to provide spa facilities, conversion of Turbine cottage from residential to provide hotel office accommodation and associated engineering and landscaping works including two new digester tanks, relocation of main car park, reinstatement of Parkland landscaping, access and walled garden. Withdrawn 02/12/2009.
- 3.5 N6/2009/1912/LB: Demolition and removal of existing extensions and outbuildings to the rear and north of Bush Hall, repair and improvements to Bush Hall and The Coach House including internal alterations and replacement of single storey link between Bush Hall and The Coach House and alterations to northern façade, to include the erection of a new conservatory. Withdrawn 02/12/2009
- 3.6 N6/1997/0264/FP: Retention of a single storey extension for use as function room. Approved 20/05/1997.
- 3.7 N6/1991/7040/AD: Illuminated signs. Approved consent 23/12/1991.
- 3.8 S6/1974/0278/: Conversion of a stable block into bedrooms with bathrooms Approved 04/06/1974.
- 3.9 N6/1997/266/FP: Retention of a single storey extension for use as function room. Permission granted.
- 3.10 C6/1987/1040/FP: Front entrance porch. Approved 21/03/1988.
- 3.11 C6/1986/0002/DC: Site for leisure and recreation park including provision of golf course, sailing lake, concert bowl, caravan park and ancillary buildings Approved 05/06/1986.

- 3.12 S6/1979/0174/FP: Stables. Approved permission 14/06/1979.
- 3.13 S6/1978/0752/FP: Demolition of existing pig sties and reconstruction to form stores. Refused permission 2/11/1978.

4 Planning Policy

4.1 National Planning Policy

PPS1: Delivering Sustainable Development
PPG2: Green Belt
PPS4: Planning for Sustainable Economic Development
PPS5: Planning for the Historic Environment
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPS10: Waste Management
PPG13: Transport
PPG14: Development on Unstable Land
PPS22: Renewable Energy
PPG24: Planning and Noise
PPS25: Development and Flood Risk

4.2 East of England Plan 2008

SS1: Achieving Sustainable Development
SS2: Overall Spatial Strategy

ENV6: The Historic Environment
EMV5: Woodlands of the East of England 2008
ENV7: Quality in the Built Environment

T2: Changing Travel Behaviour
T3: Managing Traffic Demand
T8: Local Roads
T9: Walking, Cycling and Non Motorised Transport
T14: Parking
T15: Transport Investment Priorities

ENV2: Landscape Conservation
ENV3: Biodiversity and Earth heritage
ENV6: The Historic Environment
ENV7: Quality in the Built Environment

ENG1: Carbon Dioxide and Energy Performance

WAT4: Flood Risk Management

WM1: Waste Management Objectives
WM6: Waste Management in Development

4.3 Welwyn Hatfield District Plan 2005

SD1: Sustainable Development
GBSP1: Definition of the Green Belt

R1: Maximising the Use of Previously Developed Land
R2: Contaminated Land
R3: Energy efficiency
R4: Renewable energy sources
R5: Waste management
R6: River Corridors
R7: Protection of ground and surface water
R11: Biodiversity and Development
R15: Wildlife sites
R17: Trees, woodland and hedgerows
R19: Noise and vibration pollution
R20: Light Pollution
R24: Character Appraisals and Enhancements
R29: Archaeology

M1: Integrating Transport and Land Use
M2: Transport Assessments
M3: Green Transport Plans
M4: Developer Contributions
M5: Pedestrian Facilities
M6: Cycle Routes and Facilities
M8: Powered Two Wheelers
M14: Parking Standards for New Development

IM2: Planning Obligations

D1: Quality of Design
D2: Character and Context
D3: Continuity and Enclosure
D4: Quality of Public Realm
D5: Design for Movement
D6: Legibility
D7: Safety by Design
D8: Landscaping
D9: Access and Design for People with Disabilities
D11: Design Statements
D12: Development Briefs

CLT6: Hotels

RA10: Landscape Regions and Character Areas
RA21: Leisure and Tourism in the Countryside

4.4 Supplementary Design Guidance, February 2005 sections

Design Principles
General Design Guidance
Sustainability Checklist
Design Statements

4.5 Supplementary Planning Guidance, Parking Standards, January 2004

5 Constraints

- 5.1 The site lies within the Metropolitan Green Belt, Woodhall Farm Meadows Wildlife Site, Landscape Character Areas and Flood Zones 1, 2 and 3 as designated in the Welwyn Hatfield District Plan.

6 Representations Received

- 6.1 This application has been advertised by site notice, newspaper notice and neighbour notifications. Nine representations have been received which include one from Welwyn Hatfield Access Group.
- 6.2 Summary;
- Bush Hall and its ancillary buildings make a splendid significant historic group in Mill Green and their future continues facilities are encouraged;
 - The development is encouraging and it is sad to look across and see the gates firmly closed at present;
 - Bush Hall's location has a great deal of natural appeal and it is most important that these assets are put to good use again as soon as possible;
 - It has always been a disappointment that clients disperse to hotels in St Albans, Hertford and North London and it is hoped with the approval of these places this situation can be remedied;
 - Bush Hall is a historic building in a good setting;
 - Its one drawback is the lack of bedrooms, which in practice must limit the size and duration of the functions it can hold.
 - There is a high demand for good function facilities in the area and there is a shortage of conference facilities and quality bedrooms;
 - The application overcomes the short comings;
 - A successful outcome of the application would help to bring more conference business into the area, maintain a historic building and building on Welwyn Hatfield's reputation as a place to come and do business;
 - It will support the local economy;
 - The hotel is ideally located;
 - The development would be unlikely to impact on other hotels in there because there is already a shortage of hotel accommodation;
 - Demand is only certain to increase with the continuing development of new industrial and commercial concerns in the local area;
 - A straw poll of the residents of the Ryde was conducted to canvas their opinion and it has received 100% support for this development;
 - It is a sensitive development that would not run the character of Bush Hall;
 - This will provide an upmarket hotel for Hatfield which will provide local jobs and will be of importance to both visitors to Hatfield House and other tourists;
 - Two areas of concern have been raised by respondents of the poll which were associated with noise from fireworks and increased traffic.
- 6.3 Welwyn Hatfield Access Group has not objected to the development but cite reference to BS8300:2009, surface materials for the disabled parking spaces, appropriate grab rails for bariatric clients, consideration to door furniture and opening systems for entrance doors, concerns with the number of baths in the bedrooms rather than a walk in shower, large print menus, signposting to

facilities and appropriate arrangements for the provision of disabled staff and fire evacuation standards.

7 Consultations Received

7.1 Hertfordshire County Council Transportation Planning and Policy

Department – The Highway Authority objected to the original application for two reasons: 1. The applicant had failed to address existing barriers to using modes of transport other than the car; and 2. The provision of a minibus link to the railway station could undermine existing public transport provision.

The letter dated 13 June 2010 addresses these issues by stating that the applicant is willing to provide a sustainable transport contribution to enhance the two bus stops near the site. The survey of previous staff showed that 22.5% of staff used public transport. Assuming the same model split there will be an increase in staff using the bus as well as visitors and therefore I consider that this contribution to upgrade the bus stops to make them Disability Discrimination Act compliant will help meet the requirements of the Travel Plan to encourage travel by modes other than the car. It meets the three tests required by the Community Infrastructure Levy which are;

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

Hertfordshire County Council Passenger Transport Unit understand the use of a mini bus to link Hatfield House and the hotel, however there are major reservations about the mini bus serving the railway station for two reasons. Firstly there are good bus services which already link the station and the hotel and the minibus on this route could be seen as undermining Public Transport provision. Secondly the station forecourt already suffers severe congestion and a minibus waiting to pick up passengers would add to this. The letter of 13 June states that the applicant is prepared to withdraw their proposal to provide a mini bus to the station, thereby overcoming the highway authority's second reason for refusal.

A travel plan has been submitted with this application and although it does not fully meet the requirements of Hertfordshire County Council, I consider that it is developed sufficiently to allow the provision of a Travel Plan to be covered by condition if permission is granted.

- 7.1 Hertfordshire Country Council Archaeology** – Bush Hall is listed as being of architectural and historic significance and is described as dating from the 17th century with 18th, 19th and 20th century alterations. However the historic Environment Record notes that the earliest record of the estates dated to 1574, when it had a farmhouse and adjoining watermill. The stable block area to the south east of the house was added during the 19th century. A modern cottage currently lies on part of a former mill at the site, and is called Turbine Cottage. A brick wheel house was all that remained after the mill burnt down around 1883. The site was a paper mill by 1672 and it was enlarged and modernised in the early 19th century. Beyond the yard is a large early Georgian house which was formerly joined to the mill. Regional archaeological research agendas have inedited Industrial Age structures, including agricultural, as importance and as

facing a high rates of loss through redundancy, demolition and conversion. The proposed development is therefore likely to have an impact on heritage assets and therefore two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

- 7.2 **BEAMS** – The general form, bulk, scale and massing of the proposed buildings are considered acceptable in relation to the immediate and wider setting of the principal building. The main public view (public appreciation of its significance Historic Environment Practice Guide para. 117) from the road to the south is for the mostpart retained. Sensitive landscape treatment will enhance this public view.

With a strong commitment to high quality materials, which is of course fundamental for buildings and in landscaping external works, these would be attractive new buildings and spaces.

On balance, there is the basis of a successful, sympathetic and harmonious development with the applications that would represent one means to accord with conservation good practice and to conserve the heritage asset, currently at risk. The lingering questions relating to the design are more the detailed aspects referred to below.

With the conditions suggested and a general acceptance of the principle of a development of this scale, I feel that those conditions will be sufficient to ensure a repair/ re-instatement of the required high standard. When work gets under way then we will need to monitor closely- but I would not anticipate divergence from the previously agreed position of a sound, high quality, conservation-based outcome. The flat green roof specification is vague and there is some concern that this will not be a realistic long term solution. The alternative of lead or perhaps some other sheet metal could be considered.

- 7.3 **Natural England** – Permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
- 7.4 **English Heritage** – The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 7.5 **Herts Biological Records Centre** – Amended plans and an amended ecological survey have been received and therefore HBRC were consulted over the amendments and their latest comments are stated below.

Protected Species - The proposed development of Bush Hall Hotel will result in the loss of identified bat roosts. In order for the Local Planning Authority to apply the three stage test, it will need appropriate information, in the form of a bat survey report and mitigation strategies that protect the bats and their roost sites from harm; as set out in the EU Habitats Directive. The submitted bat survey reports deliver its requirement, but it should be noted that the survey date is now 19-24 months old and we consider this to be at the limit or its current relevance.

It should be remembered that it is not the duty of the Local Planning Authority to police the protected species system via the planning process. This duty clearly lies with Natural England and the European Protected Species licensing system.

The Local Planning Authority can only consider each case on the evidence supplied to them by the applicant and can only assume that an European Protected Species licence application to Natural England will be successful.

Appendix 2: Programme of bat surveys, European Protected Species Licence and Mitigation makes several recommendations: further surveys are conducted, an application for a Natural England European Protected Species licence is made, mitigation strategy for possible re-roofing works and restoration of roost sties, mitigation strategy for removal of trees, compensatory bat foraging and commuting habitat, habitat enhancement – lighting, birds removal of scrubs and trees and other species habitats.

We recommend that the Mitigation Strategy detailed on pages 31-38 of Appendix 2: Programme of bat surveys, European Protected Species Licence and Mitigation is conditioned in full. All bat survey will be sent to Hertfordshire Biological Records Centre with written permission for the information to be entered into the county archive and used.

Habitat Creation and the Enhancement of Biodiversity – No additional comments were received concerning Habitat Creation and the Enhancement of Biodiversity. Therefore the original comments received are stated.

We recommend that the following habitats and issues are considered:

Buffer strips should be created along edges of ditches and the River Lee; they should be a minimum 2 metres wide. The buffer strips must not be 'gardened', but should be planted with native marginal aquatic species to form suitable habitat for Water Voles – BAP species.

Fruit trees adjacent to Turbine Cottage: cuttings should be taken and propagated; if successful, plants to be added to native planting around the new meadow area. Other 'old variety' fruit trees to be added to planting mix.

Wild flower meadow; top soil to be stripped and stored, or landscaped in an appropriate location on site. Native wild flower and grass mix to be sown. Management to consist of an annual hay cut in late summer/early autumn; eg. September. All arising to be composted as they could form potential breeding sites for Grass Snakes.

Future management of biodiversity and natural features on site should be controlled and reported on under the guidance of a S106 Agreement. A detailed Management Plan, covering a minimum of 5 years, should be submitted to the Local Planning Authority for their approval. The plan should include the following:

- native planting schemes
- fruit tree species and management
- watercourse management; marginal habitats and buffer strips
- wild flower meadow; annual monitoring of successful establishment and annual hay cutting regime
- bat roosts; post-development monitoring
- monitoring of Woodhall Farm Meadow (WS57/008) wildlife site by botanical survey; once every three years

- reports and data to be supplied to Local Planning Authority, Environment Agency and Herts Biological Records Centre (HBRC) annually, with permission for HBRC to use the reports to update its database and Wildlife Site file.

7.6 **Herts & Middlesex Wildlife Trust** – Having looked back over the response I submitted regarding the Bush Hall hotel proposal (application N6/2011/0434/MA), our concerns were that the recommendations included in Chapter 5 of the Ecological Survey Report (Adams Loxton Partnership 2009, amended by Agellus Projects 2011) were not sufficiently thorough or robust. We therefore requested that an appropriate habitat creation and management scheme be secured as a prerequisite to granting planning permission. It is possible for this to be achieved by way of a planning obligation (s106 agreement). I understand, however, that planning obligations are meant as second recourse should planning conditions not be sufficient to make acceptable any given development proposal that is otherwise unacceptable in planning terms. In this case, planning conditions are likely to be adequate to ensure that an acceptable habitat management scheme is formulated and realised as part of the development, to preserve and enhance the site's biodiversity value. Our concern is that such conditions must be robust enough, enforced and implemented fully.

Our recommendations remain as previously stated in the original submission, minus the specification of planning obligations, as follows. The suggested conditions include a detailed habitat creation, management and monitoring plan to be submitted for approval in writing, no loss of or damage to the Wildlife Site (ref 57/008) is to be caused by development works and ongoing operations of the hotel, no works of site clearance or demolition is to begin until a detailed Code of Construction Practice, outlining the ecological interest of the site and its surrounding habitat, and the neighbouring Wildlife Site has been submitted and further bat surveys within 2 years of the commencement of work on the building/tree, to ensure no bats or roosts will be affected by the works and no work to buildings or removal of trees, scrub or hedges, shall be carried out on site between the 1st March and 31st August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.

7.7 **Environment Agency** – We are not able to remove our objection. The proposed development will only be acceptable if the following measures are implemented and secured by way of planning conditions on any planning permission. The conditions relate to the development being carried out in accordance with the approved Flood Risk Assessment and the second requires the submission, approval and implementation of a buffer zone alongside the River Lee.

7.8 **Council's Landscape Department** – The Council's Landscaping Department initially raised concerns with the landscaping plans and tree protection plans submitted. They considered that proposed landscaping was not appropriate for the country house setting and there was a lack of information concerning how trees would be protected. A number of revised plans have been submitted to address these concerns and their latest comments are referred to below.

Master Plan

The Landscape Master Plan has been amended to include further tree planting, species and positions. This is sufficient for this application.

Green Roof

The Biodiversity Plan has been amended to remove an ambiguous plant species list.

The green roof will be amended to a sedum species roof. This will therefore fill the need to have a 'neat' appearance and yet still have a green roof.

Pleached Limes

Should the application be approved, the design detail of the pleached lime frame design can be finalised.

North Barn Foundations

The foundations of the North Barn have not been specified. Both the architect and Building Control need to be aware of the removed mature oaks (should soil samples show a proportion of clay) and the remaining oak. The foundation should be sympathetic to the root system of the remaining oak and be durable enough to ensure it is not influenced by the tree. This can be arranged by condition.

Tree Protection

The areas of tree protection and ground protection should be as per the documents submitted to the Council.

Landscape Detail

The finer details of the Landscape Masterplan, such as the species mix and size of planting material, can be dealt with as a condition of approval.

Summary: I have no arboricultural or landscape objections to the proposal.

7.9 **Council's Environmental Health Department**– No comments concerning the proposed development.

7.10 **Thames Water** – Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

- 7.11 **Veola Water** – The site is located with the groundwater protection zone of Hatfield Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Three Valleys Water. The development shall be constructed in accordance with relevant British Standards and Best Management practices, thereby significantly reducing the risk of groundwater pollution risk of any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken.
- 7.12 **Highways Agency** – Whilst no reference is made in the Transport Assessment to the impact on the strategic trunk road network namely the A1 (M) Motorway, this is not likely to be material. Nevertheless the applicant should implement measures that will minimise traffic generated through the hotel expansion by providing a travel plan, which can be dealt with by condition.
- 7.13 **Council’s Building Control Services** – No objections.
- 7.14 **Hertfordshire Constabulary** – No comments received and consultation expired on 9 October 2011.
- 7.15 **Hertfordshire Fire Service** - No comments received. No comments received and consultation expired on 9 October 2011.
- 7.16 **Council’s Client Services** – No comments received and consultation expired on 9 October 2011.
- 7.17 **Hertfordshire County Council (Mineral and Waste)** – No objections are raised. However, advises that the proposal promotes the sustainable management of waste.
- 7.18 **British Telecommunications** - No comments received and consultation expired on 9 October 2011.
- 7.19 **English Tourist Board**- No comments received and consultation expired on 9 October 2011.

8 Discussion

- 8.1 This application is presented to the Planning Control Committee because the proposed development does not accord with the provisions of the appropriate development plan.
- 8.2 The main issues to be considered are:
1. **Principle of development in Green Belt;**
 2. **Principle of use in such a location;**
 3. **Impact on Residential Amenity;**
 4. **Highway and Parking Matters;**
 5. **Landscaping;**
 6. **Protected Species;**
 7. **Biodiversity and Habitat Creation;**
 8. **Flood risk;**
 9. **Lighting;**
 10. **Archaeology;**
 11. **Sustainable Development;**
 12. **Waste Management;**

- 13. Surface Water Drainage;**
- 14. Bins, Mechanical Plant and Cycle Provision;**
- 15. Chalk Mining;**
- 16. Planning Obligations and Developer Contributions; and**
- 17. Other Material considerations.**

1. Principle of development;

- 8.3 The application site is located on land which is designated as Metropolitan Green Belt within the Welwyn Hatfield District Plan. National planning guidance on Green Belts is contained in PPG2: Green Belts. This guidance states that the general policies controlling development in the countryside apply with equal force in Green Belts. It continues to state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and their openness is the most important attribute (paragraph 1.4).
- 8.4 Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for specified purposes, none of which includes the development proposed in this application. The proposed development is therefore considered to be inappropriate development within the Green Belt.
- 8.5 Paragraphs 3.1-3.2 of PPG2 set out the general presumption against inappropriate development in Green Belts. Such development should not be approved, except in Very Special Circumstances. Inappropriate development is by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, substantial weight should be attached to the harm to the Green Belt which considering any such development.
- 8.6 Policy RA1 of the District Plan, which refers to Development in the Green Belt, is consistent and echoes the advice within PPG2. It confirms that the general presumption against inappropriate development in the Green Belt should not be approved except in Very Special Circumstances. It will be for the applicant to justify why permission should be granted.
- 8.7 In addition to the above PPG2 seeks to ensure that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.
- 8.8 In this instance, the proposed development would substantially increase the amount of built development at the site. Whilst it is appreciated that some buildings would be removed, separate buildings have been proposed which include the Mill Building, the North Barn and the proposed Garden building together with extensions to Bush Hall, the Coach House and the Stable Building which are currently on the site. Cumulatively the proposed scheme would have a footprint of 3584sqm which would be spread around the site. This would be an

increase of 1614sqm. In addition, these buildings would range from single storey to two storey.

- 8.9 The proposed development would encroach predominantly onto land which is currently open and undeveloped. The existing site is open with views into the site from the A414 and Chequers Road. In terms of building footprint and floorspace, taking into account the proposed demolition of some of the existing buildings on site, they would substantially increase the ground area. As a result of the mass, bulk and overall scale of the proposed development it would have a physical presence within the landscape and subsequently a significant impact on the openness of the land which would diminish the current openness of the Green Belt thus undermining Green Belt policy. Whilst it is appreciated that some of the buildings are sited partly over or near to a historic footprint, which includes the Mill Building, part of the North Barn and the proposed extension to the Stable building, these buildings no longer exist and therefore have little weight in favour of overcoming this objection. In addition, the proposed amount of development is significantly more than the historic footprints.
- 8.10 PPG2 states that the most important attributes of Green Belts is their openness where the development is considered would reduce this. Accordingly with reference to paragraph 1.5 of PPG2, the proposed scheme would not assist in safeguarding the countryside from encroachment and would introduce new built development in the Green Belt which would not preserve Green Belt openness. Bearing this in mind, it is further concluded that the development would be inappropriate development within the Green Belt.
- 8.11 The development is therefore inappropriate development within the Green Belt, which is by definition, harmful to the Green Belt where it would conflict with the identified purposes of safeguarding the countryside from encroachment. Therefore an assessment needs to be made whether the harm, by reason of inappropriateness, is clearly outweighed by other considerations to justify permission. Circumstances that have been accepted as being 'very special' are very rare. It will often involve a specific judgement being made that no other option is available in light of the unique circumstances and individual case.
- 8.12 There is no dispute from the applicant that the proposed development is inappropriate development and hence agrees that Very Special Circumstances must exist to set aside the presumption against such development. The applicant has therefore sought to demonstrate Very Special Circumstances by referring to;
- i) The contribution to tourism to Welwyn and Hatfield;
 - ii) The contribution to the local economy; and
 - iii) The provision of development to enable the completion of repairs and provide for a long term future for Bush Hall.
- 8.13 Subsequently the above Very Special Circumstances put forward by the applicant are discussed below.
- i) Contribution to Tourism in Welwyn and Hatfield
- 8.14 The applicant states that Bush Hall is the only country house hotel in Welwyn Hatfield where the proposals will make an important contribution to the provision of the overall quality of hotel accommodation in the Borough especially at the top

end of the market. Their case puts forward that the Welwyn Hatfield District Plan identifies a shortage of hotel bed spaces to support business and tourist visitors. They make reference to the changes that have been made to hotel provision with the area and refer to the approvals at the Best Western Hampstead Court Hotel for 24 bedrooms, the Premier Travel Inn for 30 bedrooms and Beales Hotel for 19 bedrooms.

- 8.15 In addition, the applicant refers to a report prepared by TRI Hotel Consulting which accompanies the application and assess the minimum number of bedrooms required in order to provide a suitable financial return and secure the long term future of Bush Hall. This reports that there has been a decline in hotel supply within the district due to the closure of Bush Hall Hotel and the Clock House Hotel. It continues to state that demand is currently displaced due to a lack of suitable hotel accommodation in the area and that the demand originates from companies including T-Mobile, Everything Everywhere, Roche, Tesco and Henkel, which are located within the district. They consider that there is a demand for high quality hotel accommodation from local businesses whose clients/customers currently have to travel outside the Borough to find hotel accommodation as there is a lack of supply of hotel accommodation in Welwyn Hatfield to meet this demand.
- 8.16 The applicant continues to argue that the increased hotel accommodation would also support the conference and banqueting business at Hatfield House. The Estate estimates that approximately £120,000 per annum's worth of enquiries is unable to be satisfied through not having accommodation on site or within the immediate park surrounds which would help increase revenue to Hatfield House.
- 8.17 In relation to the provision of a high quality hotel in the Borough, Bush Hall was the only 4* country house hotel within the Borough until its closure in 2009. In addition within the District there are no other hotels similar to what is proposed and that a hotel of the nature proposed would be expected to include a restaurant, banqueting and conferencing facilities together with some leisure amenities.
- 8.18 The supporting text to policy CLT6 refers to a site for a hotel that has been identified in the master plan for the Hatfield Aerodrome Site, however it is acknowledged that this has not been built. However, planning permission has been granted in August 2011 for a 95 bedroom hotel at the Former Clock Hotel, Welwyn, reference N6/2011/0868/MA. In addition, Beales Hotel, Hatfield, Stanborough Beefeater and Travel Inn, Welwyn Garden City and Best Western Hampstead Court Hotel, Welwyn Garden City have been granted planning permission under references S6/2010/2070/S73B, N6/2008/2104/FP and N6/2009/1349/MA respectively, for extensions (as yet unimplemented) which would increase the number of bedrooms at the hotels. Therefore, there has been an increase to bed spaces since the District Plan was adopted in 2005, which refers to a shortage of hotel bed spaces within the district. However, the TRI report prepared demonstrates that there is currently a lack of bed space within the District, which is not disputed.
- 8.19 Notwithstanding this, the arguments put forward by the applicant concerning any lack of bed spaces within the District are not considered to constitute a Very Special Circumstance and be a reason to override the stringent Green Belt policy. To demonstrate very special circumstances, the applicant must show that the arguments put forward are site specific and only relevant to Bush Hall and

the application site. In this instance, it is considered that the arguments put forward do not demonstrate this and could be argued for any country house hotel within the District.

- 8.20 Turning to the arguments put forward by the applicant concerning Hatfield House, no financial information or detailed and robust evidence has been put forward to support this claim. Any argument concerning Hatfield House should be supported with financial information which would be the basis for overriding the planning policies and to demonstrate that the harm is outweighed by the benefits. Consequently, the lack of any financial information concerning this results in little weight being afforded to this argument.

ii) Contribution to the Local Economy

- 8.21 The applicant considers that the benefits the scheme would bring to the local economy are a Very Special Circumstance. The supporting information demonstrates that when Bush Hall was in operation, it employed a total of 63 full and part time staff. The applicant states that Bush Hall once extended, would create a total of 75 jobs which would be equivalent to 58 full time jobs. In addition indirect jobs would be created through the wage spending of the Bush Hall's employees in local shops and services and from the hotel's own spending with local suppliers and contractors.
- 8.22 The creation and provision of local jobs is important at all levels and is one of the Council's primary ambitions, it is considered that the arguments put forward by the applicant do not clearly demonstrate a very special circumstance for this site. In addition, no information has been submitted by the applicant that the type of jobs that would be provided by the development would meet a proven shortage of local jobs within the Borough or could not be met from other unimplemented planning permissions.
- 8.23 National Online Manpower Information System (NOMIS) figures for July 2011 contained in Hertfordshire County Council's latest unemployment bulletin show that Welwyn Hatfield's claimant count proportion is 2.4%, which is below equivalent figures for Hertfordshire (2.5%), the East of England (3.0%) and England (3.7%). Therefore, whilst it is vital to maintain a prosperous economy with low unemployment where there is a need to encourage economic development, the arguments put forward by the applicant to demonstrate Very Special Circumstances, are not considered to be site specific and could be argued for any case put forward. Subsequently they are not considered to be very rare and therefore not 'very special'.
- 8.24 Therefore, in conclusion, whilst the creation of jobs is a material consideration, the development would involve a departure from the development plan by being in Green Belt, where it is clearly necessary to consider the effects of these departures on the objectives that policies were designed to achieve and the amenities that they were designed to protect. Subsequently, whilst this argument is a material planning consideration to the application and attracts some weight in favour of the development, it is considered that it does not amount to Very Special Circumstances needed to outweigh the harm by reason of inappropriateness or the harm to openness of the Green Belt which is described above.

iii) The provision of development to enable the completion of repairs and provide for a long term future for Bush Hall

8.25 The argument put forward by the applicant that the provision of development to enable the completion of repairs and provide for a long term future for Bush Hall refers to English Heritage's policy on Enabling Development.

8.26 Enabling Development is 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. The key benefit to significant places is usually the securing of their long term future and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. Planning law has recognised that enabling development may have its place in generating funds for other development that is in the public interest.

8.27 English Heritage has produced a policy and guidance for enabling development which applies only to development contrary to established planning policy, which is now also incorporated as Policy HE11 in PPS5. English Heritage's Enabling Development policy states:

'Enabling development that would secure the future of a significant plan, 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 minimise harm to other public interests; and*
- 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'.*

8.28 The proposed development is therefore required to meet each of the seven enabling development criteria, which could then cumulatively be considered to be a Very Special Circumstance that would clearly outweigh the harm that would be caused by the development proposed, by reason of its inappropriateness and visual impact on openness. The only solution can then be seen as the local planning authority relaxing the planning rules by permitting otherwise unacceptable development. Therefore, each of the criteria of the Enabling Development Policy are listed and assessed below.

a) It will not materially harm the heritage values of the place or its setting

8.29 In addition to this part of the Enabling Development Policy, PPS5: Planning for the Historic Environment is also relevant. This guidance states that planning has a central role to play in conserving our heritage assets and utilising the historic environment and increasing sustainable places. PPS5 outlines a "presumption in

favour of the conservation of the historic environment". In this context the proposal should "either sustain or where appropriate enhance the historic environment". Policies HE7 and HE9 of PPS5 outline that the more significant the element of the historic environment that may be affected by the relevant proposal the greater the presumption in favour of conservation. Policy HE7 states "Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use". Whilst Policy HE9 sets out different criteria for Local Planning Authorities to consider a proposal against when it is considered to lead to "substantial harm to or total loss of significance" of a designated heritage asset, or "where a proposal has a harmful impact on [its] significance... which is less than substantial harm.'

- 8.30 Policy HE11 of this guidance reiterates English Heritage's enabling development policy and states that local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan
- 8.31 In addition to the above PPS1 is also relevant which has a strong emphasis on design of development where it states that 'Good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'. PPS1 also confirms that developments should respond to their local context and create or reinforce local distinctiveness. Local Plan policies clearly reflect the emphasis on high quality design advocated by PPS1.
- 8.32 Additionally Policies D1 and D2 of the District Plan apply. These policies 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.
- 8.33 Bush Hall which is Grade II Listed, was originally a smaller U shaped building constructed in the late 17th century. In the mid 19th century it was significantly altered and enlarged. Cartographic records that date from 1766 show historically there were a number of other buildings on the application site. The most notable building being a paper mill to the north of the race and east of Bush Hall. A plan from 1845 shows a number of outbuildings including a stable block to the south east of the main house and green houses to the north. A plan from 1878 shows out buildings to the north west of the garden and Bush Hall, along range building to the east of the Coach House and various outbuildings on land south of the paper mill and the mill race. There was also an entrance lodge to the south west of the Estate which provided access to the east. At the end of the 20th century a number of low quality buildings were installed to the north of Bush Hall on the site of the former walled garden adjacent to the Mill Race.
- 8.34 Bush Hall and its associated buildings ceased operating as a hotel in December 2009 and are subsequently vacant and falling into disrepair. Therefore the proposed development would bring the buildings on the site back into use and allow for their repair and maintenance, which is a key benefit to the overall benefits.

- 8.35 Bush Hall is considered to need major repair and maintenance. With regard to the internal alterations proposed, generally the modern replacements within Bush Hall would be replaced with former detailing. This would include the late 20th century cornices to be replaced with new, the details of which are to respect the hierarchy of room types. Internal doors generally are of late 20th century character and are to be replaced with new paneled door along with modern skirting. In addition, existing doorways would be blocked up and former doorway blocked up would be reinstated along with fireplaces. The proposed development internally would reinstate previous detailing to the building which would improve the fabric and appearance of the existing building and would thus better retain its significance.
- 8.36 In addition, there would be alterations to the external fabric of the building which include blocking of some windows and doors, removal of modern fire escapes, reinstatement of the former dormer windows, replacement windows of the existing three dormer windows with eight pane casement windows, replacement of twentieth century windows with sash windows, filling in of extensions with the removal of the external fire escapes. Overall, it is considered that these works would considerably enhance the setting of this important Listed Building.
- 8.37 Externally the work that is proposed involves the removal of the later additions to the building including the rear extensions to Bush Hall and the link to the Coach House, which are unsympathetic additions. In addition, the building behind Bush Hall would be removed which by virtue of its incongruous design and appearance would not detract from its setting but would enhance it and help to restore the historical integrity of the original house and grounds.
- 8.38 The proposed extensions to Bush Hall, which include the proposed conservatory, the proposed link building to the Coach House and the first floor extensions to the Coach House, take into consideration the existing listed building. Their overall scale, proportion, height and massing result in modest additions to the existing buildings which makes a positive contribution to the character and local distinctiveness of Bush Hall. The detailed design and appearance of the proposed extensions respect the character of Bush Hall and follow the alignment of building lines. Overall they are considered to be an appropriate design for its context and make a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
- 8.39 Turning to other buildings within the site, the proposed Mill Building takes its benchmark from the historic footprint shown on the 1878 OS map. This map shows a building to the south of the river which presumably would have been connected with the paper mill, which appears to have been pulled down in 1885 where it was not rebuilt. However, the submitted plan showing the historic footprint of the building to the south of the river in close proximity to the Mill Building, illustrates that it was smaller than the Mill Building currently proposed.
- 8.40 The proposed Mill Building has not been proposed to be sited directly over the footprint of the previous building on this site due to the existing trees and trenches in this area. It would be sited about 90 metres from Bush Hall and set beyond the gated vehicular entrance to the hotel. The overall design and appearance of this building would be a two storey building with a single storey element to the north elevation of the building, near to Turbine Cottage, which provides an appropriate relationship with this building. It would have an uncomplicated appearance with a pitched roof and gable ends, that would seek

to appear as a more traditional feature that would be reflective of the North Barn. The proposed materials for this building would include a red plain clay tile and wood boarding, also helping to make it appear as a more traditional building. Whilst this building would have a height of approximately 10m, it is considered that given its geographical juxtaposition with the principle listed building together with its design and appearance it would ensure that the Mill Building would sustain the setting of Bush Hall and have no harmful effect on the setting of this building.

- 8.41 The existing Stable Building is located within an area to the east of Bush Hall where the historic footprint of Bush Hall shows a couple of small buildings within this locality, which were support buildings to the main house. This current building is in a poor state of repair where the proposals would repair the building so that the finished appearance would not reveal evidence of the work that has taken place.
- 8.42 The proposed extensions to this building would be single storey and would reflect the proportions of the existing Stable Building by continuing the eaves and ridge height, width and depth of the existing building. In addition, the appearance and design of this existing building would reflect and match the traditional roof vents, dormer windows and openings in the existing building. Furthermore, the materials to be used for its construction would be weather board and tiles to match the existing. Subsequently the proposed development would relate well to the existing stable building. The proposed extensions together with the existing stable building, would create a 'U' shape with a central courtyard which would appear appropriately subordinate to the main listed house. Whilst this extended building would be forward of the front elevation of Bush Hall, due to the scale, proportion and height of this building, it is considered that it have the appearance of outbuildings subservient to the principle building. Subsequently it is considered that it would cause no detrimental impact to the setting of Bush Hall where the proposal would only sustain its setting.
- 8.43 With regard to the proposed Garden Wall building this would be located to the south of the tributary of the River Lee and form the northern boundary of the proposed enclosed walled garden to the north west of Bush Hall. The building would be sited over the footprint of the existing modern portacabins and structures on site that are proposed to be demolished. It would stretch beyond the rear of Bush Hall by approximately 65m. No objections are raised to the building which would comprise a suitable low key connection with a flat roof and glazing set within a walled garden to replicate the historic walled garden proposed on the site. It is considered that the scale of the building and its simple form and detailing substantially reduces its mass. It would be located to the rear of Bush Hall and would be designed with a low ridge height where its width would not be excessive. Subsequently, it is considered that it would form an appropriately subordinate building and appear as a recessive element to Bush Hall where it would not intrude on the setting of the Listed Building.
- 8.44 With regard to the proposed North Barn which would be on the northern edge of the complex, historical maps of the site illustrate that some support buildings comprising of single storey sheds or greenhouses have previously existed over a small proportion of the footprint of the proposed building. However, the majority of the proposed North Barn would be sited on land which has not previously had any buildings on the site. By comparison, the new building would have a footprint of approximately 1218sqm, comprising a new building around a large

courtyard to the north. This would be the largest building added to the site and would be substantial in size, scale, bulk and massing including a two storey element facing towards Bush Hall. It has been designed in the form of a medieval barn with a central courtyard with an expanse of traditional tiling. This formality is typical of traditional farm buildings in Hertfordshire.

- 8.45 With regard to its detailed design and appearance, the south eastern elevation of the building which would face towards Bush Hall would predominantly incorporate a two storey section at a height of 10m, which would be 1m below the ridge height of Bush Hall, together with a single storey flat roof element. This would form the south eastern elevation of the walled garden proposed to be reinstated. This elevation would have a relatively simple appearance with an uninterrupted expanse of traditional tiling on the pitched roof and a single storey flat roof element with traditional fenestration.
- 8.46 To the rear of the two storey section would be a low profiled courtyard with single storey elements around the remaining three sides. These elements would be designed with hipped and half hipped roofs. This part of the North Barn would not be unduly prominent from Bush Hall as it would be obscured by the two storey element of the North Barn. Nonetheless, it would appear as a recessive element set back from the front of Bush Hall where it is considered that it would maintain the significance of Bush Hall and not intrude on its setting.
- 8.47 The geometry of the North Barn and its distance between Bush Hall, which would be about 65m, would create a considerable break between the two buildings where the building provides a well designed book end to the northern end of the complex. Importantly given the distance from Bush Hall and the scale of the two storey element, albeit it only 1m below the ridge height of the main principle building, it is considered that it would not compete in scale with the main house. Therefore given the distance from Bush Hall, it would be a comparatively recessive element when viewed from the main Grade II Listed building.
- 8.48 The materials the North Barn would be constructed from have been designed to respect the materials of Bush Hall with a plain clay tile roof and brick walls with timber cladding which would be appropriate to the context. Therefore it is considered that the combination of this building's siting, design and appearance, ensures that it would appear as a comparatively recessive and background element in the hotel complex which would be appropriately subordinate and would not intrude but sustain the setting of Bush Hall.
- 8.49 Overall with regard to the proposed development, they are considered appropriate and would sustain the setting of the principle listed building. Subject to conditions covering a precise specification list of materials and the making good of the building, BEAMS are satisfied that there would be no adverse effect on the character appearance, architectural integrity of the Grade II principle listed building and curtilage listed buildings. Officer's concur with this view and consider that the scheme is acceptable in these respects and complies with the appropriate District Plan policies and national guidance.
- 8.50 BEAMS consider that the proposed sedum roofs to the Garden Walled Building and the single storey flat roof element of the North Barn, would be better to be designed with a lead roof. In this instance, officers consider that the sedum roof would provide a neat roof top to these buildings which would help to enhance the

landscaping at the site, and cause no detrimental impact on the setting of the listed building.

- 8.51 In addition, officers consider that it would be appropriate that ground levels and finished floor levels of the buildings, driveways and paths are submitted, to ensure that the development would not detract from the architectural quality of the site was retained.
- 8.52 The proposed car park would be relocated to the north of the North Barn on the north western edge of the application site. The car park would be obscured from Bush Hall as a result of the proposed North Barn, which is not considered to have any detrimental impact to the setting of Bush Hall. It would be landscaped with pleached lime trees and a hornbeam hedge would surround its boundaries. The detailed design of the pleached lime frame has not been submitted which is considered appropriate to be attached as a condition, to ensure that its design and appearance would be appropriate to the setting of the Listed Building.
- 8.53 The materials used for the external landscaped areas consist of sealed gravel for all main access road, parking area, footpaths and shared paving surfaces, for the terraces, riverside walks and entrances to the building dense stone paving would be used brick paving may be used in selected areas with gravel margins for drainage. Whilst these materials would appear to be appropriate, it is relevant to condition that detailed information of the materials and their precise locations is submitted, to ensure a high quality development that sustains the setting of the Listed Building.
- 8.54 The proposed landscaping of the site would involve the reinstatement of the walled garden between Bush Hall and the North Barn. Walled gardens are typical features of county houses and it is considered that it would enhance the landscape of the site and the setting of Bush Hall. In addition, the areas to the front of Bush Hall and the surrounding buildings, would be landscaped with shrubs and planting, the details of which have not been submitted and would therefore be conditioned. The areas further away from the development would be sown with wild flowers and would create meadows and mown grass areas, which would provide an acceptable setting for the building and vastly improve the current landscaping on the site. It is considered that these elements are traditional features found for country house hotels and would only seek to enhance the significance of Bush Hall and the contributions of its setting.
- 8.55 The development also proposes to incorporate a new bridge over the River Lea where no details of its appearance have been submitted, which would be conditioned.
- 8.56 In conclusion it is considered that some of the clarity of the historic building has been lost which has been caused by the addition of unsympathetic additions and temporary buildings to the rear of the site. Subsequently its setting has been undermined by the variety and arrangement of outbuildings on the site which detract from the setting of the historic building itself. The proposed development would undertake urgent repairs required to the listed building and clear away the existing unsympathetic additions. With regard to the proposed development, this would be around the complex and not sited in one place, however it is appreciated that the development seeks to replicate the footprint of historic buildings once on the site. Overall it is considered that the proposed development would rejuvenate the country house and enhance its setting.

Therefore the proposals are not considered to detrimentally affect the historic integrity of the composition where it would make a positive contribution to the character and local distinctiveness of the historic environment. As advised by PPS5, the proposed development would sustain or enhance the significance of Bush Hall and the contribution of its setting.

- 8.57 In addition, to the above, the proposals are not considered to adversely affect the character and appearance of the surrounding areas as the development has been designed to respect and to relate to Bush Hall. It is considered that the development would take advantage of the opportunity of enhancing the character and appearance of the site where the quality of the development, subject to appropriate materials, which would be conditioned, would be of a high quality to respect and to relate to the location of the site.

b) it avoids detrimental fragmentation of management of the place;

- 8.58 Paragraph 4.6 of the Enabling Development guidance states that ‘the integrity of many significant places depends on coherent, consistent and sustainable long term management, based on a thorough understating of their significance both as a whole and in their parts; enabling development must thus avoid “detrimental fragmentation of management of the significant place”’.

- 8.59 The arguments advanced by the applicant refer to Bush Hall being under the freehold ownership of Gascoyne Cecil Estates and forms part of the wider estate of Hatfield House. Bush Hall provides an important income stream towards the upkeep of Hatfield House and the surrounding garden/parkland. From the Estate’s perspective it is essential that Bush Hall remains capable of producing rental income into the future. It is an integral part of the Hatfield House Estate and the Gascoyne Cecil Estate have confirmed that they will not dispose of the freehold interest of Bush Hall. To ensure the effective management and a guaranteed long term income from the lease of Bush Hall, the Estate will not split the property and grant separate leases for different parts of Bush Hall and its surrounding land.

- 8.60 In this instance, the detailed financial information put forward by the applicant in relation to the ‘significant place’ in association with the enabling development policy refers to the restoration of Bush Hall only and provides no financial or detailed information about Hatfield House, where it would be difficult to advance such arguments with the lack of financial information. Notwithstanding this, it is appreciated that Bush Hall forms part of the wider Gascoyne Cecil Estate and provides rental income for the estate and its reinstatement as a hotel would help secure future income. It is accepted that the integrity of Hatfield House Estate, which includes Bush Hall, is dependent on coherent and sustainable long term management, where its continued use as a lease hotel would not result in detrimental fragmentation of management to the Gascoyne Cecil Estate.

- 8.61 Notwithstanding this, taking Bush Hall only, it has been used as a hotel for 40 years and the current proprietor has been running the hotel for the past 15 years. the proposed development would continue its use as a hotel where the proposed scheme would also avoid the detrimental fragmentation of management of Bush Hall.

c) It will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose

- 8.62 As a listed building, PPS5 is also relevant. This guidance states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive and new and even continuing uses will often necessitate some degree of adaptation. Judging the best use is one of the most important and sensitive assessments that local planning authorities and others involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or areas in question. In principle the aim should be to identify the optimum viable use in compatible with the fabric, interior and setting of the historic building.
- 8.63 In the 1960s Bush Hall became a hotel and continued to be used as a hotel until December 2009, when following a period of losses and facing the repair costs to the building the proprietor had no option but to close the premises. Prior to its closure the hotel had 25 bedrooms and 516sqm of conference space. The submitted TRI report prepared by the applicant concludes that the redevelopment of the hotel with 25 bedrooms is nonviable in financial terms and would result in a negative return on investment. The report adds that such a scheme would fail to generate a positive net operating profit over the lifetime of the project. The above demonstrates that continuing the present hotel use with 25 bedrooms will neither fund the repairs nor secure a long term future for Bush Hall and in order to continue the present use, extensions to the hotel are essential. The Local Planning Authority undertook external specialist advice on the submitted hotel report prepared by TRI Hospitality Consulting to ascertain whether it is an accurate assessment. The report prepared on behalf of the Council by Colliers concludes that a scheme of 27 bedrooms is not viable in the commercial sense. Both the TRI report and the Collier report conclude that 75 bedrooms is the minimum required to ensure long term viability for the hotel.
- 8.64 Paragraph 4.7.1 of the criterion states that ‘before any enabling development is considered the applicant normally needs to demonstrate that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the place. This should normally include the offer of the unrestricted free hold or leasehold on the market at a realistic price reflecting the condition of the place, and, so far as ownership allows, with an appropriate curtilage’.
- 8.65 In this instance, the applicant has not marketed Bush Hall and has stated that it will not under any circumstances market either the freehold or a long leasehold of Bush Hall which would be contrary to English Heritage’s Enabling Development policy.
- 8.66 However supporting information from the applicant states that Bush Hall forms part of the Gascoyne Cecil Estate. The portfolio owned by the Estate is held for long term income generation in order to ensure that the historic buildings on Hatfield Park, such as the Old Palace, Hatfield House and surrounding gardens and parkland can be maintained in good conditions to enable public access and for future generations to enjoy. The estate has owned its current portfolio of land and properties in Hertfordshire for the majority of the past 400 years. There have been very few sales except where precipitated by compulsory purchase, such as the in respect of the New Towns Commission Land. Bush Hall hotel and associated land is regarded as part of the Estates strategic landholding and as such would not be considered for sale. The applicant therefore confirms that the

Estate will not dispose of the freehold interest of Bush Hall and its estate management practices related to the granting of leases seek to ensure that there is not risk of future enfranchisement.

- 8.67 As referred to previously, it is accepted that the integrity of the Hatfield House Estate, which includes Bush Hall, is dependent on coherent and sustainable long term management, where placing Bush Hall on the market could result in detrimental fragmentation of management to Hatfield House Estate. Additionally, it is accepted that Bush Hall does provide income generation for the estate. However, it is concluded that whilst Bush Hall has not been placed on the market in accordance with the guidance from English Heritage, the supporting information submitted by the applicant demonstrates that placing Bush Hall on the market would be detrimental to the Gascoyne Cecil Estate and therefore in this instance, no objections are raised.
- 8.68 Notwithstanding this, a report has been prepared by Strutt and Parker which seeks to demonstrate that a viable alternative for Bush Hall, which would secure the long term future of the building without damaging its historic interest, does not exist. The Agents were engaged initially in May 2006 and again in February 2010 to examine alternative uses from a market perspective. This report investigated the following uses: a mass market restaurant, a high quality restaurant, a single residence, a multiple residence, a care home hospital or other institutional use and offices. The report illustrates that for a number of reasons including access problems and the requirement for ancillary or open plan accommodation it was considered that all of these alternatives would have too many negative aspects and would either impact detrimentally on the Listed Building as a result of the changes that would be required to be made to its layout, or that there would be no market. By limiting such occupations to for example, offices or a specific type of user, it would reduce the market desirability of the property, with subsequent reductions in economic viability. Additionally, the Strutt and Parker report felt that a commercial user would certainly wish to generate income from the outbuildings and would seek to develop the land. They concluded that no other use would be of greater benefit to the site, or would require less development than the current proposal to expand the hotel use.
- 8.69 In this instance, it is accepted that the continued use of the building as a hotel, together with the proposed extensions, would be a viable option for the site where there is a market present, which is discussed in further detail later in the report. This would enable the building to be brought back into a viable use and would secure its future upkeep and conservation. In addition, the building is currently used as a hotel, where few internal alterations to the actual layout of the historic building would be required and therefore the proposals would be sympathetic to the historic character of the building and would not be so damaging to it that they would effectively destroy its interest.
- 8.70 Therefore, it is considered that continuing the present use of the building as a hotel but increasing the amount of bedrooms and facilities available would secure the long term future of the place for a sympathetic purpose which would be compatible with the fabric, interior and setting of the historic building, in accordance with this criterion of English Heritage's policy and PPS5.

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

- 8.71 Bush Hall is a Grade II Listed Building which is currently vacant and falling into disrepair. The condition survey submitted as part of the application states the work that is required to Bush Hall and refers to the interior of the main building and the external areas of the building. The submitted cost plan states a total of £829,000.00 is required for the repairs to the buildings.
- 8.72 Bush Hall Hotel closed in December 2009, as it was unable to be sustained with only 25 bedrooms and was making a financial loss. The submitted TRI report states that 25 bedrooms would be non viable which is also confirmed by the Council's specialist valuation advice prepared by Colliers. Therefore, to undertake the work that is required to the main Listed Building and its listed curtilage buildings, require a commercially viable development project, which has been demonstrated within the above stated reports to be a 75 bedroom hotel, which is discussed in part f) below.
- 8.73 Therefore it is concluded that from the information submitted, Bush Hall hotel is currently not in a position to generate the funding required to address the problems associated with the building unless a commercially viable development project can be created.

e) Sufficient subsidy is not available from any other source

- 8.74 The applicant has sought to look for subsidy from English Heritage and the Heritage Lottery Fund to seek sufficient subsidy from other resources to help fund the work to Bush Hall. English Heritage have confirmed via an email dated 14 April 2010 that they only have limited funds available and as a Grade II listed building not on the Council's 'Buildings At Risk Register' would not be eligible for funding. The English Heritage Guidance and criteria for grant aid has not changed since April 2010 and in the light of the cuts to English Heritage's budget the applicant considered that the criteria for grant aid would not be amended.
- 8.75 The Heritage Lottery Fund confirms in a letter dated 19 March 2010 that Bush Hall fails to meet the requisite criteria and would not be eligible for financial support.
- 8.76 Therefore, it is considered that the applicant has adequately demonstrated that there is no sufficient subsidy available from other sources to address its repair programme.

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 benefits

- 8.77 The English Heritage Policy Statement advises 'it is of the essence of proposals for enabling development that a scheme which would otherwise be unacceptable in planning terms, is the only practicable means of generating funds needed to secure the future of the heritage asset in question. It is entirely appropriate therefore, to require applicants to provide evidence to the local planning authority in support of such a claim, particularly financial evidence.'
- 8.78 In this instance, there are two elements that are required to be looked at which include;
- f) i) whether the costs and assumptions in the schedule of repair costs are realistically costed; and

f) ii) whether the 75 bedrooms in the minimum amount of development to secure the future of Bush Hall to a viable use.

8.79 To enable an assessment of the financial appraisals submitted with the application two independent consultants were appointed. This includes BEAMs, who assessed whether the costs and assumption in the schedule of repairs costs are realistically costed. The other was Colliers with hotel experience to identify whether 75 bedrooms was the minimum required.

f) i) Whether the costs and assumptions in the schedule of repair costs are realistically costed

8.80 With regard to whether the costs and assumptions are realistically costed, a conservation plan has been submitted which was prepared in March 2007, which forms the basis of a more detailed document backed on desk-top research, surveys and reports. A Condition Survey was also carried out by Donald Intsall Associated, in February 2007. This is a visual survey to record the condition of the main building and outbuilding, to supplement the Schedule of Dilapidations and Wants of repair previously carried out by King Sturge in 2003. It stressed that it covered those areas which were open at the time of the inspection and did not cover internal roof spaces, the basement, service or service voids, or landscaping.

8.81 With regard to financial matters, a cost plan has been submitted which provides indicative construction costs for the refurbishments and extensions to Bush Hall Hotel. The Cost Plan totals £12,604,000 and provides indicative construction costs for the refurbishments and extensions at Bush Hall. The Cost Plan is a present day fixed price at February 2011 price levels, but excludes items such as contingencies, fixtures, fittings and equipment, professional fees and VAT. The breakdown of the costs is summarised below;

Expenditure	£
Repairs to Existing Buildings, (Bush Hall, Coach House and the Stable Building)	£829,000
Adaptations/ Alterations to existing buildings (Bush Hall, Coach House and the Stable Building)	£1,729,000
New Buildings and Extensions	£7,142,000
Infrastructure, including landscaping	£2,904,000
TOTAL	£12,604,000

8.82 The Council's specialist valuation advice on these documents refer to the much needed work required for Bush Hall which includes items such as the bell tower and parapet copings which need to be overhauled and repaired, fire escapes removed, replacement of cementitious pointing which need to be replaced with lime mortar, outbuildings and extensions which are in a poor condition, windows which need to be overhauled and repaired and so forth. In respect of this information, BEAMs considered that since the hotel has finished trading evidence, albeit isolated instances, of partial collapse of ceilings and the ingress

of rain water in at least two important interiors due to outbursts of rain. In addition, the condition survey covered only areas which were open at the times of the inspection and did not cover areas such as internal roof spaces, the basement, service voids or landscaping.

- 8.83 With regard to the Cost Plan submitted, BEAMS considered that the exclusions within the report could have a cost impact and therefore need to be covered by other budgets within the overall project cost estimate which could add to the estimate of £2,558,000 for the cost of repairs, adaptations and alterations to existing buildings.
- 8.84 Therefore in conclusion, the BEAMS report states that the information provided by way of condition survey, the Cost Plan and the Gazetteer in the Conservation Plan about the condition of and work needed for every space within the buildings to be retained all goes a long way to reassure that the work is realistically costed. The report concludes that based on the Cost Plan and supporting information, the costs and assumptions in the schedule of repairs are realistically costed.

f) ii) Whether the 75 bedrooms in the minimum amount of development to secure the future of Bush Hall to a viable use

- 8.85 With regard to the amount of development proposed and whether 75 bedrooms is the minimum necessary, the applicant has appointed hotel consultants, TRI Hospitality Consulting to undertake and advise on the minimum number of bedrooms that would be required to secure the essential works to Bush Hall and the long term sustainable future of the hotel. The TRI report draws on the detailed schedule of costs independently costed by Davis Langdon and the English Heritage guidance as valuing hotels when assessing the potential levels of revenue, turnover and profit from the hotel. It looks at three scenarios, a 27 bedroom hotel, a 48 bedroom hotel and a 75 bedroom. The TRI report finds that a hotel with 75 bedrooms will secure the long term future of Bush Hall. TRI concludes that schemes options with fewer bedrooms are non viable in financial terms as they result in a negative return of investment and it is unlikely that they would be funded.
- 8.86 The Local Planning Authority has also sought external professional advice on this matter to ascertain whether the information provided by TRI is an accurate assessment of the appraisal and whether they have clearly demonstrated that the amount of enabling development is the minimum necessary to fund the essential repairs to Bush Hall and secure it long term viable future. The report prepared by Colliers on behalf of the Council states that after fixed charges the mature year projections show the following operating profit/loss.

£000s	75 bedrooms	48 bedrooms	27 bedrooms
Revenue	£4,559	£3,144	£1,116
Gross Operating Profit	£1,578	£796.4	£180.9

Net Operating Profit After Fixed Costs	£1,103	£445.5	Loss of £35.7
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- 8.87 As can be seen from the above a scheme for 75 bedrooms and 48 bedrooms show operating profits whilst 27 bedrooms show an operating loss.
- 8.88 The report concludes that the scheme for 27 bedrooms is not viable in the commercial sense and the scheme for 48 bedrooms is marginal in terms of commercial viability. The report states that the 75 bedroom option adequately demonstrates that this is the only scheme likely to show a sufficient operating profit to justify the investment required. They conclude therefore that the scheme for 75 bedrooms is the minimum required to ensure long term viability.
- 8.89 Therefore, in summary it is concluded that the proposed works are realistically costed and that the amount of development necessary to make the development viable would be a minimum of 75 bedrooms. Therefore the development is considered that the level of development is the minimum necessary to secure the future conservation of the heritage asset.
- 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*
- 8.90 Successful enabling development is where any harm resulting from the enabling development is outweighed by the benefit resulting from the enabled development. The mere fact that any particular factor outweighs any harm to the Green Belt does not mean that that factor could reasonably be described as comprising 'very special circumstances'. The very special circumstances must clearly be so special that the strong presumption against inappropriate development in the Green Belt (which, by definition, is in itself harmful to the objectives of the Green Belt) can exceptionally be set aside in those particular circumstances.
- 8.91 Bush Hall as existing is a historic building which has become the focus of accretive development that is of no intrinsic merit and detracts from the setting of the historic building itself. For around 40 years the site has been used as a hotel, which ceased trading in 2009 and has now become vacant. It is considered that the building is now tired and has the potential to fall into a dilapidated state where urgent repairs are starting to be required for the building. The proposed development, if permitted, would enable Bush Hall to be brought back into use together with improvements to the principle listed house, the Coach House and the Stable Building, which are both curtilage listed. This would continue the occupation of the building, enable overdue repair work of some magnitude to the Listed buildings on the site and thirdly secure the vitality of the proposed hotel business for years to come.
- 8.92 Therefore it is considered that on balance, given the supporting case postulated by the applicant and advice from specialist consultants, the repairs and gains to the existing buildings would not be achieved without the proposed development where the development is the minimum necessary to undertake the works. Therefore, the result will be that the country house would be rejuvenated and

brought back into use, dilapidated structures would be removed, the setting of the whole site would be enhanced along with tourism and economic benefits for the community, which although do not form a very Special Circumstance, are a benefit of the scheme. It is therefore considered that the enabling development argument has been satisfactorily made and the seven criteria set out in the English Heritage Policy Statement have been met and that this constitutes a Very Special Circumstance contrary to the green belt and policies within the development plan.

- 8.93 It has been considered that the proposals for enabling development are acceptable in principle, it is therefore essential that the benefits are properly secured. In this instance, English Heritage's guidance refers to legally enforceable arrangements, through either conditions or planning obligations that must be put in place to ensure that the commercial element of the development on which the scheme has been predicated cannot be carried out or used without the heritage benefits materialising. In this instance, given that the proposed development would form a hotel complex which would encompass the main Grade II listed building which would be an integral and fundamental part of the hotel, it is considered highly unlikely that the development to Bush Hall and its curtilage listed buildings would not be carried out. In addition, the site would remain in one private ownership. Therefore, on balance, it is considered that it would be appropriate to attach a planning condition to any permission ensuring that prior to the occupation of the hotel, the works to Bush Hall and its listed buildings have been undertaken which shall be carried out in accordance with the Condition Survey and the Cost Plan.

2. Principle of use in such a location

- 8.94 The proposed development comprises economic development where the proposed hotel is a main town centre use which is defined in PPS4 Planning for Sustainable Economic Growth. However the application site is located between Hatfield and Welwyn Garden City where the site is defined as an out of centre location within PPS4. Policy EC10 requires planning authorities to adopt a positive and constructive approach towards proposal for economic development. Applications which secure sustainable economic growth should be treated favourably. The proposal is to be assessed against the impact considerations in EC10.2 including the limiting of CO2 emissions over the lifetime of the development, accessibility by a choice of means of transport, securing design objective, economic and physical regeneration and impact on local employment. These factors are applied under policy EC17.2.
- 8.95 Policy EC15 sets out the specific requirements for a sequential assessment for a planning application for a main town centre use which is not in a centre and not in accordance with an up to date development plan. Policy EC15.1b requires all in centre options to be thoroughly assessed before 'less central sites are considered'.
- 8.96 Policy EC17 considered that a proposal should only fail if there is a suitable in-centre or well connected edge of centre site available (EC15). If however the only alternative available is an out of centre site, then any locational or other advantages it may have over the proposal are to be weighted with all other relevant factors under EC17.2.

- 8.97 Policy CLT6 of the District Plan also applies which refers to Hotels and echoes some of the guidance in PPS4. This Policy states that the Council will grant planning permission for proposals which increase and improve hotel accommodation within the district. The preferred locations for hotels are in the district's town centres and on the designated sites on the Hatfield Aerodrome site. Where there are no suitable sites in the town centres, the Council may consider development proposals in edge of centre locations, at district or neighbourhood centres or in areas with high accessibility by public transport. In all cases the Council will only permit proposals for hotels where:
- There is no harmful impact on the amenities of nearby residential properties and other uses;
 - The development is in keeping with the scale and character of the surrounding area; and
 - The development is easily accessible by passenger transport, walking and cycling.
- 8.98 In line with PPS4 and CLT6, a sequential assessment has been submitted by the applicant. This looks at ten alternative sites within Hatfield and Welwyn Garden City for the proposed development. The applicant has stated that the sequential site search considers sequentially preferable sites that are initially within Welwyn Garden City and Hatfield Town centres and the edge of centre locations that extend 300m from the defined town centres boundary of the above centres. In addition, given the requirements of the hotel, which include grounds and gardens, spacious public areas with a range of extra facilities, Ensuite bedrooms, high quality dining facilities and originality in architecture and interiors design, a threshold of 1 ha has been adopted as a minimum requirement for the size of the site to look at within the sequential test. Furthermore, the methodology adopted in identifying site availability was a development plan search of sites allocated in or on the edge of identified centres and existing permission for town centre proposals where the existence of valid permissions or application for town centre use developments in or on the edge of any identified centres. Where sites emerged, an assessment was made of each site in order to establish its suitability, viability, availability and protection to accommodate a high quality country house hotel development of a similar size and function to that proposed at Bush Hall.
- 8.99 The applicant demonstrates that none of the ten sites tested have all the essential characteristics to accommodate a high quality country house hotel. The majority of the sites are within Welwyn Garden City and Hatfield town centre and are not within rural or semi rural locations or have grounds or gardens, or opportunities of gardens, which are an essential site characteristic for a high quality country house hotel. In addition, the sites are not within close proximity to Bush Hall.
- 8.100 The applicant has sequentially tested all sites designated in the District Plan for housing that do not have permission and allocated retail sites in the District Plan. The sites put forward by the applicant are predominantly within built up areas and surrounded by town centre uses where it is agreed that these sites do not have the characteristics that are required for a hotel of the quality envisaged. However, it is noted that allocated Housing Site HS12 has not been considered within the sequential test, however this has received planning permission in 2011 for residential development. This site is located towards the edge of Hatfield

close to the AI (M) and Tesco retail park. It is considered, like other similar sites that it would not fit with the country house envisaged for the site.

- 8.101 In addition to the above, it is considered that given the proposals are for an extension and upgrading of an existing hotel which would seek to secure the long term future of Bush Hall, it is considered that sites remote from Bush Hall would be unsuitable as alternatives. It is therefore considered that a pragmatic approach does need to be taken and based on the current lawful use of the site, it is considered that no objections are raised with regard to the location of the site. Therefore, whilst Housing Development site HS12 has not been assessed within the sequential test it is considered that the sites remaining would not be appropriate for Bush Hall hotel. Therefore, no objections are raised to the passing of the sequential test.
- 8.102 With regard to the impact test required by Policy EC16, the applicant states that there are currently no hotels or allocated hotels in either Welwyn Garden City or Hatfield town centres therefore the proposed development is not considered to have any impact on either town centres. They continue to state that Bush Hall is an existing County House Hotel serving a different market from typically located hotels within town centres where there will be no impact on the vitality and viability of these town centres. With regard to the impact of the proposal on allocated sites outside town centres, the development plan contains an allocation for a business hotel at Hatfield Aerodrome, although no proposals have come forward. The report prepared by TRI considers that in the current economic climate it is unlikely that there will be significant interest from investors to development new hotels, particularly at the mid-market and full service level in the Hatfield Area. The assessment continues to state that given there are no hotels in Welwyn Garden city and Hatfield, the proposed development will have any adverse impacts on in-centre/turnover. The TRI report advises that room occupancy levels in the wider area have increased in the 12 months to October 2010 and that significant corporate demand is currently displaced from the hotel market, resulting in demand being displaced as far away as Elstree. The proposed development would be able to capture some this trade.
- 8.103 In this instance, it is considered that there is a 4* Hotel located at the Hatfield Aerodrome District and an allocated site in the District Plan for a hotel at the Hatfield Aerodrome. The proposed development could result in some impact to this existing 4* hotel if business tourists choose to stay at Bush Hall Hotel instead. With regard to the allocated site in the District Plan, this has not come forward for development. However, the proposed development at Bush Hall is for a high quality country house hotel which would cater for functions such as weddings, which is considered to appeal to a different market than hotels at the Hatfield Aerodrome hotel. The nearest hotels to this are the Luton Hoo, The Grove in Watford and Hanbury Manor, Ware which are not within the District and some distance from the application site. As such it seems unlikely that the expansion of the development would have a significant impact on the viability of the town and district centres. That view is reinforced by paragraph 6.9 of PPS4 which acknowledges that different markets exist, for example, for hotel uses in town centres as compared to out of centre locations.
- 8.104 Overall, on the evidence put forward it is considered that the applicant has demonstrated that the sequential tests are satisfied. Nevertheless, it is accepted that the development is an extension to an existing hotel and other sites are not realistically an option. With regard to the impact there are no other similar 4*

hotels within the District which would be impacted on. On this basis, it is considered that in the interests of promoting and securing the regeneration benefits of the application site and bringing back a Listed building to a viable use no objections would be raised. Therefore whilst the proposals would be sited on land designated as Green Belt contrary to PPG2, the development would ensure the retention of the existing Listed Building and associated building to a viable use, would provide some economic growth through the creation of jobs and would provide biodiversity enhancement, which is discussed below in chapter 7 of the report.

- 8.105 With regard to the remaining criteria of Policy CLT6, there are bus stops at the entrance to the site on Chequers Road which go to Hatfield and Welwyn Garden City. Whilst the scale of the development is more than what is currently on the site, the application site is large and would be able to encompass the proposed development adequately and would ensure that the setting of Bush Hall would be maintained.

3. Impact on Residential Amenity

- 8.106 Policy D1 of the District Plan applies which seeks to provide a good standard of design in all new development. The Council's Supplementary Planning Guidance supplements Policy D1 and expects that development should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the development. In addition, the Council expect that all new residential development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.

- 8.107 The application site is located within the settlement of Mill Green but sited away from nearby residential properties. The nearest property to the site is the Old Mill Building. This building is sited about 30m from the existing stable building, which would be the nearest part of the proposed development to this property. Given this distance, it is considered that the proposed development would not impact detrimentally on the residential amenity of adjoining properties in terms of a loss of sunlight, daylight, privacy or overbearing effect and no objections are raised in this respect.

4. Highway and Parking Matters

- 8.108 The Council's adopted parking standards for hotels requires that 1 space per bedroom is provided plus 11 space per manager plus 2 spaces per 3 staff minus spaces related to staff bedrooms plus 1 space per 3sqm bar area plus 1 space per 5sqm public area on conference facility plus 1 space per 6sqm of public area in exhibition hall plus a minim of 1 coach parking space per 100 bedrooms. Additionally, the site is within zone 4, where the adopted standards state that 75-100% of the maximum demand-bases standard may be provided.
- 8.109 The proposed development is for a 75 bedroom hotel with associated facilities including conference rooms with dining facilities, a restaurant with 50 covers and a gymnasium. The applicant has outlined that there would be a total of 75 staff which will include 10 managers, 30 full time employees and 35 part time employees. The applicant has, within the Transport Assessment, laid out that there would be 380sqm of dining space, 110sqm of bar area plus 320sqm of function room. Therefore, in accordance with the above standards a maximum of

292 parking spaces would be required to be provided for the proposed development. However, a total of 208 parking spaces would be provided.

- 8.110 The majority of the parking spaces would be located in a car park sited to the north west of the application site, behind the proposed North Barn. The existing car park to the south west of Bush Hall would be removed and planted with wild flowers and grasses. The proposed car park would have a total of 204 parking spaces including six disabled parking spaces. A further two disabled parking spaces would be sited outside both the Mill Building and the Stable Building, creating a total of 208 parking spaces. Subsequently, the proposed development would have a deficit of 84 spaces.
- 8.111 However the above levels of parking are maximum parking standards and the zonal approach can be applied to this development. In this instance, a restraint of 75-100% of maximum demand based standard can be applied. This would equate to between 219 and 292 parking spaces being required to be provided for the development. Subsequently, this results in a deficit of 11 parking spaces under the minimum required to be provided.
- 8.112 To seek to justify this deficit, the application is supported by a Transport Assessment, which looks at trip generation associated with the previous hotel on the site and estimates the trip generation from the proposed uses. In this instance, the statement refers to the previous car park at the site which accommodated 140 parking spaces. It also refers to previous levels of staff at Bush Hall and confirms that the hotel provided employment for 63 people, consisting of seven managers, 22 full time employees and 34 part time employees.
- 8.113 The Transport assessment refers to the development upgrading what was previously at Bush Hall. It states that there are no proposals to change the capacity of the existing conference facilities since the proposed facilities will simply be upgrading what is currently available on site. In addition, the conservatory dining room will be a replacement formal dining room for the hotel with 50 covers which will be no increase in the number of covers previously at the hotel restaurant. The additional car parking spaces will provide overspill parking to meet exceptional demand and is expected to be needed only for evening events such as wedding receptions.
- 8.114 The assessment continues to state that there is not expected to be an increase in parking demand, compared to the historic situation as a result of the proposals. This is due to the fact that the number of guests arriving by car for conferences and weddings can already be accommodated during the day, and in the evenings the proposed number of bedrooms would be able to accommodate all guests on site, the existing level of car parking provision has supported the needs of the hotel, in particular wedding and conference guests for the ten years up to the end of 2009 when the hotel closed, and it is proposed that guests attending conferences at Hatfield House will leave their cars parked overnight at Hatfield House and travel by mini bus to Bush hall. In addition, the business accounting information provided by the hotel has confirmed that the existing hotel car park (140 spaces) would have sufficient spare capacity to cater for an enlargement of the hotel. This is for example; as a result that around 35 members of staff are expected to be part time and therefore typically no more than 60% of staff is expected to be on site at any one time. In addition, 80% of the dinners are expected to be guests staying at the hotel and not additional visitors requiring a

parking space. They consider that under this approach 159 parking spaces are required to be provided.

- 8.115 In addition, the assessment refers to the existing bus services which provide a reasonable level of service, especially for staff. The development proposals would not create sufficient extra demand to require extra capacity. The hotel benefits from good access to rail services, cycling and walking routes. An Interim Travel Plan has been produced to accompany the application and includes measures to encourage greater use of non car modes. A full Travel Plan would be drawn up in cooperation with Hertfordshire County Council.
- 8.116 A Green Travel Plan will be required for the proposed development in accordance with District Plan policy M3 (Green Travel Plans). An Interim Travel Plan has been submitted with this application and whilst it does not fully meet the requirements of Hertfordshire County Council, it is considered that it has been developed sufficiently to allow the provision of a Travel Plan to be covered by condition if permission is granted.
- 8.117 The applicant has submitted a S106 agreement to include a sustainable highways contribution of £25,000 in accordance with policies M4 and IM2 of the District Plan.
- 8.118 In conclusion, the parking provision is below the minimum requirements for the proposed development. PPG13 states that '*developers should not be required to provide more car parking than they, or potential occupiers, might want*'. However, the under provision is not excessive and with the introduction of a Green Travel Plan and a Sustainable Transport Contribution, the provision that would be provided is considered to be appropriate for the proposed development and would cause no detrimental impact to highway safety. Therefore subject to conditions, concerning the parking areas to be laid out and a green travel plan being submitted which would help to reduce the number of vehicles visiting the site, it is considered, that an adequate level of parking would be provided and there would be no detrimental impact to highway safety.

5. Landscaping

- 8.119 The application site consists predominantly of amenity grassland with some vegetation, hedgerows and ornamental pond around the site. The landscape within the site has degraded over time.
- 8.120 Policies D8 and R17 of the District Plan seek to ensure that landscaping and vegetation, including trees, are protected where applicable and enhanced. Policy D8 stated that all development should include landscaping as an integral part of the overall design. The landscape proposal are designed to retain existing native trees and to restore a meadowland setting to Bush Hall and its environment.
- 8.121 A tree survey has been undertaken and identifies all trees worthy of retention. It includes the removal of 28 trees, where no objections are raised in this respect.
- 8.122 The Tree Survey illustrates the protection of trees along with a Tree Protection Plan which has been included with the application. The Tree Protection Plan illustrates the trees to be protected and states that it shall comprise of interlocking Heras panels braced to a solid frame. These measures are considered to be appropriate, subject to the development being built in accordance with these details which would be conditioned.

- 8.123 No information has been submitted concerning the extent of any pruning works to the existing trees that would be retained on site. To ensure that an appropriate level is pruned in the interest of the visual amenity of the site, this would be conditioned.
- 8.124 With regard to landscaping, it is proposed that the site would be reinstated to a parkland setting around Bush Hall with the addition of planting using native species. A wet grassland and damp meadow would be created adjacent to southern boundary of the car park and North Barn. The area to the south and north of Bush Hall would be mown grass. The areas directly around the proposed development would be core landscaped areas with native and non native planting. In addition, a number of trees are proposed to the front of the site and along the existing access into the site. These trees consist of English Oak, Wellingtonia, Chinese Dogwood and Beech trees where there is no objection to their siting or their type. In addition, a Holm Oak would be located to the north of the application site which would provide a focal point at the end of the site.
- 8.125 Within the proposed car park pleached lime trees have been proposed which would be supported by a frame. This is considered would only enhance the character and appearance of the area and the setting of the Listed Building. However, no specific details of the appearance of the frame have been submitted which is considered could be conditioned to ensure a satisfactory design and appearance.
- 8.126 Overall it is considered that the proposed landscaping would lead to a setting that would be appropriate for a country house hotel, which would only contribute to and enhance its setting and appearance.
- 8.127 Sedum roofs are proposed to the Garden Wall building and the single storey flat roof element of the North barn which would face towards Bush Hall. This would enable the roofs to have a neat appearance but retain the green roof.
- 8.128 With regard to the courtyard areas, proposed walled garden and areas to the front of Bush Hall, little detail has been provided about the type of plants and trees within these areas. Subsequently to ensure a satisfactory development, it is considered necessary to condition these details. In addition, to ensure that the landscaping proposals are maintained and aftercare given, a condition relating to a habitat management plan would be required if permission were given.
- 8.129 Therefore, in conclusion, it is considered that no objections are raised to the proposed landscaping of the site, subject to conditions, which would reinstate the parkland setting and contribute to the setting of the Listed Building. In This case, it is felt that the landscape enhancement and management can be delivered through suitably worded conditions rather than a planning obligation.

6. Protected Species

- 8.130 The application site is located in the valley of the River Lea to the north east of Hatfield in Hertfordshire. The site has a former mill stream that passes through the site from north to south, a pond located to the south, north and western parts of the site and an expanse of amenity grassland area of rough grass which are located in the eastern part of the site. The site is not designated for nature conservation and there are no statutory sites within a 2km radius of the site. However, Woodhall Farm Meadows which is a designated Wildlife Site, is located

immediately to the north of the principle Listed building and forms part of the application site.

8.131 The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

8.132 Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

8.133 In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states;

a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."

8.134 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:

- "Deliberate capture or killing or injuring of an EPS"
- "Deliberate taking or destroying of EPS eggs"
- "Deliberate disturbance of a EPS" including in particular any disturbance which is likely –
 - (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong
- "Damage or destruction of a EPS breeding site or resting place" (applicable throughout the year).
 - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)
 - e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
 - e.g. dormice nest (breeding site or resting place (where it hibernates)

8.135 In some circumstances a person is permitted to 'derogate' from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The

approval of such a license by Natural England may only be granted if three strict "derogation" tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

8.136 Notwithstanding the licensing regime, the Council as Local Planning Authority has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the Local Planning Authority should;

- Consider whether an offence to an EPS is likely to be committed by the development proposal;
- If the answer is yes, consider whether the three "derogation" tests will be met.

8.137 The three derogation tests are;

1. The activity must be for imperative reasons of overriding public interest or to public health and safety;
2. There must be no satisfactory alternative; and
3. The favourable conservation status of the species in their natural range must be maintained.

8.138 An Ecology Survey Report has been submitted with the application which includes a methodology, result and conclusions of phase 1 surveys carried out. The report also details the methodology, result and conclusions of a bat assessment of the site which was carried out between the 10th and 12th June 2009 and the 27th February 2010. These surveys comprise a building assessment, evening bat emergence survey, dawn re-entry survey evening activity survey and winter activity. The report also identifies opportunities for the improvement to the existing wildlife habitats, together with increase in biodiversity. A further bat survey was carried out in February 2010 and concludes that evidence of summer bat roosts was discovered within the hotel, annex and coach house, but no bats were seen to emerge from any of the buildings on the site. Fresh evidence of long eared bats was discovered within the south western roof void of the hotel, confirming low number of bats since July 2009. No evidence of bats was discovered within any other buildings. Therefore the surveys have indicated that bats occupy spaces within the buildings and that the proposed development of Bush Hall Hotel would result in the loss of identified bat roosts.

8.139 In this instance, there is evidence of the presence of bats in the Hotel, Coach House, Stable Building and Turbine Cottage. Therefore, it is necessary to apply the three derogation tests.

1. The activity must be for imperative reasons of overriding public interest or to public health and safety

8.140 As referred to previously, the proposed development is to a historic building which is becoming tired and has the potential to fall into a dilapidated state where

urgent repairs are starting to be required for the building. The proposed development is the only satisfactory alternative which would enable Bush Hall to be brought back into use together with improvements to the principle listed building, the Coach house and the Stable building which are both curtilage listed. The development would continue the occupation of the building, enable overdue repair work of some magnitude to the listed building and secure the viability of the hotel business. Subsequently the resulting public benefit from bringing the building back into use creates an imperative reason for the development.

2. There must be no satisfactory alternative

8.141 The proposed development is to Bush Hall which has been used as a hotel for a period of around 40 years until its closure in December 2009. The building is now vacant and tired and has the potential to fall into a dilapidated state. The development is to extend the existing hotel and utilise the main Listed Building, the Coach House and the Stable Building together with development and extensions within the grounds which would create a 75 bedroom hotel. Agents Strutt and Parker were engaged by the applicant to examine alternative uses of Bush Hall from a market perspective. Their reports from May 2006 and February 2010 consider that a number of alternative uses would not be practicable or viable alternative uses to the hotel and would not secure the long term future of the Grade II listed building. The use of the building as a hotel which would involve improvements would continue the occupation of the building, enable repair work and secure the vitality of the hotel business for years to come. It is therefore considered that there is no satisfactory alternative.

3. The favourable conservation status of the species in their natural range must be maintained

8.142 In line with national legislation protective measures will be taken to minimise any disturbance to the identified bat roost which have been outlined within the Ecological Survey Report. It outlines that further surveys are to be conducted, an application for a Natural England EPS licence will be made, mitigation strategy for possible re-roofing works and restoration of roost sites, mitigations strategies for the removal of trees, compensatory bat foraging and commuting habitat, habitat enhancement, removal of scrubs and trees and other species habitats. It is considered that the mitigation put forward by the applicant would conserve the status of the species in their environment.

8.143 Therefore to comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with PPS9, it is considered necessary that a condition is attached to any permission requesting that the development is carried out in accordance with the proposed mitigation strategy set out in Appendix 2 of the Ecological Survey Report. In addition, to ensure that further surveys are submitted, it would be appropriate to condition that these are submitted to the local planning authority for approval.

8.144 The applicant is clearly aware of their responsibilities through the commissioning of the Ecological Survey Report and is fully aware of the recommendations and implications, it is therefore considered that subject to the above conditions, it is unlikely that an EPS offence will occur and it is therefore not necessary to consider the Conservation Regulations 2010 further.

7. Biodiversity and Geological Enhancements

- 8.145 The application site is located within the Middle Lea Valley West Landscape Character Area and is partly covered by two wildlife sites. The site consists mainly of amenity grassland with some large parkland trees and hedgerows, an ornamental pond, buildings and hardstanding.
- 8.146 Policies R6, R11 and R15 of the District Plan are relevant. Policy R6 refers to River Corridors and aims to protect and enhance the river environment for biodiversity, including proposals for deculverting and naturalisation of the river channelled will be supported. Suitable public access and informal water based or waterside recreation within main river corridors will also be supported where it is approved provided that there is no conflict with the biodiversity of the site.
- 8.147 Policy R11 refers to Biodiversity and Development and considers that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site.
- 8.148 Policy R15 refers to wildlife sites and stated that planning permission will not be granted for any development which would have an adverse effect on wildlife sites or regionally important geological/geomorphological sites unless it can be demonstrated that the reasons for development outweigh the needs to safeguard the biodiversity of the site; and measures are taken to mitigate the effect of the development to compensate for any residual adverse effects and to reinstate the nature conservation value of the site.
- 8.149 The Ecological Survey Report and associated drawings submitted with the application propose a range of measures which would help to increase the biodiversity of the application site. This includes information that the area to the north west of the site will be cleared of invasive shrub species and mown to encourage the growth of native grasses and wild flowers which will include a wet grassland and damp meadow, the mown grass area to be mown on a regular basis which will be encouraged to develop a floristic sward in selected locations, native tree and shrub planting, fruit trees planted to the north of Bush Hall, scrapes along riverbanks which would provide habitats for dragonflies and to extend the marginal vegetation and tree planting.
- 8.150 It is considered that these measures would be appropriate and no objections are raised. However, to make appropriate provision for the habitats within the approved development and to ensure that a reliable process for the implementation and aftercare is provided, conditions would be appropriate on any permission given.
- 8.151 Therefore, subject to the above conditions, it is considered that the proposed development would meet the requirements of the Wildlife and Countryside Act and Habitats regulations, Policy ENV3 of the East of England Plan and Policies R6, R11 and R15 of the District Plan.

8. Flood Risk

- 8.152 The application site is predominately within Flood Zone 1 however parts of the site area and the proposed development are within Flood Zones 2 and 3.
- 8.153 PPS25: Development and Flood Risk aims to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development

in areas at risk of flooding and to direct development away from areas at highest risk flood risk. PPS25 advises that 'new development should be directed to Flood Zone 1'. It states that Planning applications for development proposals of 1 ha or greater in Flood Zone 2 should be accompanied by a Flood Risk Assessment.

- 8.154 A Flood Risk Assessment has been submitted. It concludes that no parts of the proposed buildings would be located within Flood zone 3a with some development within Flood Zone 2 and the remaining within Flood Zone 1. However parts of the proposed car park would be within Flood zone 3. The proposed car park is classified as a 'Less vulnerable' in accordance with PPS25 and is suitable development in Flood zone 3a or 2. It would be located 8m from the existing river bank and would be surfaced with bound gravel allowing some natural drainage through the surface provided and it would follow existing ground level or natural gradient to minimise and flood water displacement. It recommends that the proposed development should allow a minimum 8m maintenance access buffer on both banks of the River Lee and provision of a minimum freeboard of 300mm above the 1 in 100yrCC floor level for finished floor levels is recommended as a precautionary approach
- 8.155 The application site is not allocated in the District Plan for development. PPS25 states that 'Where applications are brought forward on sites not allocated in the plan, LPAs should consider the flood risk implications of the proposal, including applying the Sequential Test. It continues to state that 'Where a site has not yet been sequentially tested in the LDD, the Sequential Test will need to be applied at the individual site level. In these cases the developer will need to provide evidence to the Local Planning Authority that there are no other reasonably available sites which could be considered as being suitable and appropriate for the development that is proposed, where that development could then be located. PPS25 advises that where development cannot be located in Flood Zone 1, the planning authority will need to apply the sequential test to land use allocations and where necessary the Exception Test.
- 8.156 More vulnerable uses proposed in Flood Zone 3a require the Exception Test to be applied. In this instance, the proposed built development proposed at the site is classified in PPS25 as a 'More Vulnerable' land use and is located within Flood Zones 1 and 2. The proposed car park is classified as a 'Less Vulnerable' land use which is located within Flood Zones 1, 2 and 3a. Therefore, as a result of the type of development and its location, the Exception Test is not applicable.
- 8.157 A search for sites with a lower probability of flooding, within zone 1 and the catchment area has been undertaken for a country house hotel. The report illustrates the essential characteristics a site must have to practically accommodate a high quality county house hotel which includes grounds and gardens, spacious public areas, high quality dining facilities, Ensuite bedrooms and originality in architecture and interior design. The site must have an area of 1ha or more. The Report examines allocated sites within the District Plan and a former hotel site, which are on the edge of Welwyn Garden City, Welwyn and Hatfield Town Centre which are within Flood zone 1. However the report concludes that these sites are not available to accommodate the proposed development, which officers concur.
- 8.158 PPS25 guidance notes states that 'when applying the Sequential Test, a pragmatic approach on the availability of alternative sites should be taken in

considering planning applications for extensions of existing business premises where it might be impracticable to suggest that there are more suitable alternative locations for the development elsewhere’.

- 8.159 In addition, alternative locations within the application site have been assessed which could accommodate the new building, however the report states that that this would not be subordinate to the Grade II Listed building, would harm its setting and would increase harm to the openness of the Green Belt. In this instance, officers would agree that altering the locations of the proposed development in the application site would impact detrimentally on the setting of the Grade II Listed Building and further increase the prominence of the development in the Green Belt.
- 8.160 It is considered that the applicant has demonstrated that there are no other reasonably available sites which could be considered as being suitable and appropriate for the development that is proposed. In this instance, the proposed development is for an extension to an existing hotel building. It is considered that locations remote from Bush Hall would be unsuitable as an alternative and would not secure the essential repairs and alterations required to Bush Hall. It is therefore appropriate that this accommodation is within the grounds of the hotel's existing accommodation. Therefore the Local Planning Authority has no objections to the application passing the Sequential Test.
- 8.161 The Environment Agency has raised no objections to the development subject to the development being carried out in accordance with the Flood Risk Assessment which would be attached by condition in the event of an approval.
- 8.162 Therefore, it is considered that subject to the inclusion of this condition, the proposed development would not have a detrimental impact on flooding in accordance with PPS25.

9. Lighting

- 8.163 Bush Hall, the Coach House and the Stable Block are currently lit from a number of floodlights at night which currently illuminate the southern facade of these building where it is considered that has not been designed sensitively to reflect the Listed building. These lights are attached to the upper parts of these buildings. Lighting for security cameras is also provided. These lights are predominantly 70 watt floodlights. Currently the existing lighting around the hotel can be seen from nearby public areas.
- 8.164 The application site is located within a rural area, where the Institute of Lighting Engineers advises that such a location, which is considered to be a low district brightness area for example, a rural or small village location, is within E2. The recommendation for the maximum luminance in such areas is 300 or 600 for an illuminated area of over 10sqm or up to 10sqm respectively. The applicant refers to lux as opposed to candelas, however $1 \text{ lux} = 1 \text{ cd}\cdot\text{sr}\cdot\text{m}^2$.
- 8.165 The proposed lighting scheme for the site will continue to illuminate the building facades of the Coach House and Bush Hall which use light fittings close to the wall base. These lights would be positioned between the windows lighting the structure of the building and they would be approximately 200-400 lux. At the entrances of the buildings a wall mounted up and down light will provide safety at ground level and would have a downward level of 150 lux. The applicant considers that the downward element will produce no glare into the night sky,

whilst the upward element would be carefully focused to cut off the half peak beam at the top line of the facade.

- 8.166 Turning to the car park, the proposed light fittings would be to bollard lights no higher than 1m with an average luminance of 15-25 lux. These would provide no upward light spillage. Along pedestrian routes, low levels bollard or ground lights at a height of 1m would provide light distribution by the effect of inbuilt louvers producing an average of 15-10 lux.
- 8.167 The remaining lighting for the development would include ground lighting, small wall mounted lights and low level lighting which would direct light horizontally at ground level to provide lights for paths and access roads. The car park and footpath would be lit by down lighters which would direct the light to the ground.
- 8.168 Policy R20 of the district plan applies which refer to light pollution and states that in order to minimise light pollution, external lighting scheme proposals, including floodlighting, will only be approved which meets the criterion within this policy, which refers to glare and light spillage, amenity of residential areas is not adversely affected, the visual character of historic buildings and conservation areas are not adversely affects, there would be no adverse impact on the character or openness of the countryside and green belt, there would be no adverse effects on ecology and the natural environment including wildlife and there would be no dazzling or distraction of drivers using nearby roads.
- 8.169 No elevational details of the lighting have been submitted or their exact locations on the buildings. Notwithstanding this, their general locations and heights as described within the External Lighting Assessment are considered appropriate and would not cause a detrimental impact to the character of the Green Belt or to the Listed Building. In addition, the approximate luminance of each of the proposed lights would be minimal and would comply with the Institute of Lighting Engineers Guidance for such rural areas. However, to ensure that the lighting is sensitively designed and located and to ensure that it is suitably discrete to reflect the particular qualities of Bush Hall, the locality and the minimise impact on Bats, a condition requesting the exact details of this will be required. In addition, the applicant confirms that many of the light units proposed would be activated by either time control of dusk till dawn sensors or both which would reduce the overall light levels throughout the night, which would be conditioned. Subject to these conditions the proposal complies with Local Plan Policy R20.

10. Archaeology:

- 8.170 Policy R29 of the District Plan refers to archaeology and states that where a proposal for development may affect remains of archaeological significance or may be sited in an area of archaeological potential, developments will be required to undertake an archaeological assessment. An Archaeological Desk Based Assessment has been produced where Hertfordshire County Council Archaeology consider that the proposed development is likely to have an impact on heritage assets. No concerns have been raised in this regard subject to the inclusion of two conditions requesting further information and the implementation of the development in accordance with the approved information, and therefore no objections are raised with regard to Policy R29.

11. Sustainable Development:

- 8.171 The applicant has completed the sustainability checklist in accordance with Policy R3 of the District Plan and SD1 of the Supplementary Design Guidance. This includes building on previously developed land, making use of derelict, under used or vacant land or buildings, introducing renewable energy, providing water efficient measures by storing rainwater within the existing pond and used for ground irrigation, promotion of sustainable transport measures and composting on site. It is therefore considered that the proposal meets the aims and objectives of sustainable development.
- 8.172 In accordance with policy ENG1 of the East of England Plan, which requires commercial developments with a floor area exceeding 1000m² to provide 10% of the energy by renewable means or reduction in carbon, the applicant has submitted a Sustainability Statement which details how they would meet this requirement. The applicant commits to the development utilising an earth connected geothermal pump system, to provide all heating and cooling for the buildings. The earth connected component contributes 10% of the overall project's annual energy consumption by taking advantage of the earth's constant 12 degrees centigrade temperature as a source of heating and cooling. The earth connection is achieved through the use of closed boreholes on site to a depth of approximately 100metres. This facility would be installed within the car park. It is therefore considered necessary to attach a condition so that the geothermal heat pump system is implemented.

12. Waste Management

- 8.173 Hertfordshire County Council Waste department have responded to the consultation and require that a Site Waste Management Plan is submitted. There are a number of buildings across the site that will be demolished as part of the development. The applicant has stated that hard material, such as bricks and concrete suitable for use infill will be reused in the construction. Other material will be removed from site and deposited at approved site. It would be reasonable therefore to attach an informative to any approval so that this is secured.

13. Surface Water Drainage

- 8.174 Thames Water has advised that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Where it is proposed to discharge to a public sewer prior approval is required from Thames Water Developer Services. An informative is suggested raising this to the applicant's attention.

14. Bins, Mechanical Plant and Cycle Provision

- 8.175 Recycling bins, a mechanical plant and cycle parking is shown for the proposed hotel. The proposed recycling area and mechanical plant would be sited close to the rear elevation of the North Barn and adjacent to the edge of the car park. No elevational details of this have been submitted however the supporting information confirms that it would be enclosed by a 2 to 2.5m brick wall. Notwithstanding this, the principle of such a structure is considered acceptable and the location is considered appropriate being within close proximity to the service road and not causing a detrimental impact on the visual amenity of the site. As such the elevational details of these elements would be conditioned. In addition, cycle parking for 16 cycles is provided to the edge of the proposed car

park which would be a suitable location. Again, no elevational details of this have been submitted, however it is considered appropriate that this is also conditioned.

15. Chalk Mining

- 8.176 As with all developments across Hatfield, the suitability of the development in accordance with PPG14: Development on Unstable Land needs to be assessed. The site is not within any designated area that has been identified as possibly being at risk of chalk mining.
- 8.177 The appraisal for chalk mining indicates that the risk is low for this site. Advice recommends that conditions are attached requiring the submission of a structural design certificate and subsequent implementation of the proposed measures, as well as an informative warning that responsibility for proper design and construction lies on the developer and/or landowner. Although there has historically been built form across the site, there would be an increase in the amount of built form. It is therefore considered reasonable to attach these conditions. The development would then comply with PPG14: Development on Unstable Land.

16. Planning Obligations and Developer Contributions

- 8.178 As discussed under Section 4, Parking and Highway Safety, a contribution of £25,000 towards sustainable transport measures has been requested by Hertfordshire County Council Transportation Planning and Policy Department. The applicant has submitted a Unilateral Undertaking with this amount to the Council to meet this requirement. Therefore no objections are raised with regard to Policies M4 and IM2 of the District Plan.

17. Other Material Considerations

- 8.179 **East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds;
- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
 - He failed to consider the likely environmental effects of revoking Regional Strategies
- 8.180 However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. The policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.
- 8.181 The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

- 8.182 **Environmental impact Assessment Screening:** An environmental impact assessment screening has been carried out for this planning application confirming that the development falls outside of the Environmental Assessment Regulations. The screening is summarised below.
- 8.183 This development falls outside the definition of Schedule 1 of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It therefore falls within the thresholds and criteria of Schedule 2 development (12, Tourism and Leisure, Part C as a hotel complex outside an urban area).
- 8.184 For Schedule 2 development it is necessary for the Council to assess whether the proposed development would have significant effects on the environment. The existing land use comprises buildings, car parks, waste ground, grassland, parkland and trees. Although the development site may have limited ecological importance and is remote from any Site of Special Scientific Interest, there is protection for the site to provide natural habitats for wildlife and wild fauna and flora.
- 8.185 In assessing the significance of tourism development, visual impacts, impacts on ecosystems and traffic generation will be key considerations. In particular Environment Impact Assessment (EIA) is more likely to be required for hotel complexes with more than 300 bed spaces.
- 8.186 In this instance, the proposed development would be for extensions to the existing building together with the erection of two new buildings on the site which would increase the number of bedrooms from 25 to 75. This would be under the 300 bed spaces which is usually required for an EIA. Taking into account all the application documentation and supporting reports it is considered for all the purposes and requirements of the above EIA legislation that the application falls outside the EIA requirements as the proposed development is not likely to have a significant effect on the environment to justify the requirement of an EIA.

9 Conclusion

- 9.1 The proposed development is inappropriate development within the Green Belt which is by definition, harmful to the Green Belt where it would conflict with the identified purposes of safeguarding the countryside from encroachment. The applicant does not dispute that the development is inappropriate and has therefore sought to demonstrate Very Special Circumstances to overcome the harm that would be caused. In this instance, having considered the enabling development argument put forward by the applicant to justify the proposed development, it is concurred that the enabling development argument has been justified and that the scheme will secure the long term future of the listed building and that this constitutes very special circumstances which are sufficient to outweigh the harmful impact that the additional amount of new building would cause to the Green Belt.
- 9.2 In addition to the above, the proposed development comprises economic development where the proposed hotel is a main town centre use which is defined in PPS4 Planning for Sustainable Economic Growth. The evidence put forward by the applicant is considered to demonstrate that the sequential tests are satisfied. Nevertheless, it is accepted that the development is an extension to an existing hotel and other sites are not realistically an option. With regard to

the impact of the development, there are no other similar 4* country hotels within the District which would be impacted on. On this basis, it is considered that in the interests of promoting and securing the regeneration benefits of the application site and bringing back a Listed building to a viable use no objections would be raised

- 9.3 With regard to the character and appearance of the development and its impact of the Bush Hall which is grade II Listed, it is considered that the proposed development which would involve the removal of modern additions to the building together with new development which would be spread around the application site, and partly built on historical building sites, has been sensitively and appropriately designed so that the setting of the listed building would be sustained and enhanced.
- 9.4 The development would provide 208 parking spaces for the development, which would be a deficit of 11 spaces. However, a Green Travel Plan would together with £25,000 towards a Sustainable Transport Contribution, which would help reduce the number of vehicles to the site. It is concluded that no objections are made to the parking provisions and that the development would not have a detrimental impact to highway safety.
- 9.5 The site is located within Flood zones 1, 2 and 3, where the applicant has submitted a flood risk assessment. From this information it is considered that there would be no objections to the application passing the Sequential Test. Furthermore, lighting has been proposed for the development which is considered would not cause a detrimental impact to the character of the Green Belt or to the Listed Building.
- 9.6 With regard to the contributions requested, a S106 agreement has been submitted with the requested amounts and meets the aims of policies M14 and IM2 of the District Plan.
- 9.7 In addition the proposal would not have a detrimental impact on waste management, archaeology, landscaping, residential amenity, chalk mining, and would adequately seek to be energy efficient. In addition, subject to the proposed mitigation strategy, it is unlikely that an EPS offence will occur.

10 Recommendation

- 10.1 It is recommended that this planning application is approved subject to the referral of the scheme to the First Secretary of State as a departure from the development plan and the Secretary of State remitting the planning application to the Council for a decision, subject to the conditions outlined below:
1. C.2.1: Time limit for commencement of development
REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)
 2. The development/works shall not be started and completed other than in accordance with Drawing Nos. BUS-SP-E01 Rev A & BUS-SP-BF01 Rev 0 & BUS-SP-HF01 Rev A & BUS-SP-HD01 Rev 0 & BUS-SP-E03 Rev A & BUS-BH-E01 Rev 0 & BUS-BH-E02 Rev 0 & BUS-BH-E04 Rev 0 & BUS-BH-P01 Rev 0 & BUS-BH-P02 Rev 0 & BUS-BH-P04 Rev 0 & BUS-BH-GF01 Rev 0 & BUS-BH-FF01 Rev 0 & BUS-BH-SF02 Rev 0 & BUS-BH-ERP Rev 0 & BUS-BH-GF02 Rev 0 & BUS-BH-FF02 Rev 0 & BUS-BH-SF02 Rev 0 &

BUS-BH-PRP Rev 0 & BUS-BH-GF02 Rev 0 & BUS-BH-FF032 Rev 0 & BUS-BH-SF02 Rev 0 & BUS-BH-GF04 Rev 0 & BUS-BH-FF04 Rev 0 & BUS-BH-SF04 Rev 0 & BUS-CH-E01 Rev 0 & BUS-CH-GF01 Rev 0 & BUS-CH-FF01 Rev 0 & BUS-CH-E04 Rev 0 & BUS-CH-ERP Rev 0 & BUS-CH-GF02 Rev 0 & BUS-CH-FF02 Rev 0 & BUS-CH-PRP Rev 0 & BUS-CH-GF03 Rev 0 & BUS-CH-FF03 Rev 0 & BUS-CH-GF04 Rev 0 & BUS-CH-GF01 Rev 0 & BUS-CH-FF04 Rev 0 & BUS-CH-P01 Rev 0 & BUS-CH-P02 Rev 0 & BUS-GW-E01 Rev 0 & BUS-GW-GF01 Rev 0 & BUS-GW-ERP Rev 0 & BUS-GW-GF01 Rev 0 & BUS-GW-PRP Rev 0 & BUS-GW-P01 Rev 0 & BUS-GW-P04 Rev 0 & BUS-NB-GF02 Rev 0 & BUS-NB-FF02 Rev 0 & BUS-NB-P01 Rev 0 & BUS-NB-P02 Rev 0 & BUS-NB-P03 Rev 0 & BUS-NB-P04 Rev 0 & BUS-NB-P05 Rev 0 & BUS-NB-P06 Rev 0 & BUS-NB-PRP Rev 0 & BUS-B-FL01 Rev 0 & BUS-B-P01 Rev 0 & BUS-B-P02 Rev 0 & BUS-B-PRP Rev 0 & BUS-S-E01 Rev 0 & BUS-S-GF01 Rev 0 & BUS-S-E04 Rev 0 & BUS-S-ERP Rev 0 & BUS-S-GF02 Rev 0 & BUS-S-P01 Rev 0 & BUS-S-P02 Rev 0 & BUS-S-P03 Rev 0 & BUS-S-PRP Rev 0 & BUS-S-GF02 Rev 0 & BUS-S-GF04 Rev 0 received and dated March 2011; &

BUS-LS-BP01 Rev D received and dated 26 August 2011; &

BUS-LS-MP01 Rev E & BUS-LS-BP02 Rev D & BUS-LS-TS01 Rev A & BUS-SP-E02 Rev A & BUS-SP-RB01 Rev A & BUS-SP-E03 Rev A & BUS-SP-P01 Rev C & BUS-SP-LS01 Rev B & BUS-LS-TP01 Rev B received and dated 23 September 2011.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

Pre Development

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces, together with a full and detailed precise specification of all proposed materials (e.g. type and origin/ manufacturer and mix of lime and sand/ aggregate for mortars or plasterwork/ render, wood lath, brick, stone, tile, slate, thatch, timber or wood); method statement, clearly explaining the sequence of the proposed works and how the approach accords with usual conservation good practice; and an itemised schedule of works (describing fully all repairs, re-instatements and replacement works) and agreed making good, have been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and so that the architectural or historic interest of Bush Hall is properly reserved in accordance with PPS1, PPS5 and Policies, D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. In addition to the approved landscaping plan, no development shall take place until full details on a suitable scaled plan of both hard and soft landscaped works for the North Barn courtyard, the Walled Garden, Area to the front of Bush Hall, Stable Building courtyard, plant compound and Mill Barn 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 unless otherwise agreed in writing by the Local Planning Authority. The landscaping details to be submitted shall include:-.

- i. Hard surfacing, other hard landscape features and materials;
- ii. Planting plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing.

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 Policy D8 of the Welwyn Hatfield District plan 2008.

5. No development shall take place on the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme methodology of site investigation and recording as suggested by the archaeological evaluation;
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Subsequently the development shall not take place shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with PPS5 and Policy R29 of the Welwyn Hatfield District Plan 2005.

6. C.9.16 – Lighting Details
7. No development shall commence until details of existing and proposed ground levels, finished floor levels of the buildings, driveway, pathways and parking areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed thereafter in accordance with the approved details.

REASON: To ensure that the special architectural and historic interest, character and appearance of the building are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
8. No development shall commence until detailed drawings (elevations and cross sections) of the new bridge across the tributary of the River Lea have been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in

accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the special architectural and historic interest, character and appearance of the building are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

9. No development shall commence until detailed drawings of the frame for the pleached lime trees has been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: : To ensure that the special architectural and historic interest, character and appearance of the building and site are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
10. No development shall commence until detailed drawings and elevations of the refuse bin area and recycling materials storage area have been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: To provide satisfactory facilities for refuse and recycling storage and to ensure that the special architectural and historic interest, character and appearance of the building and site are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
11. C.8.5 – Secure cycle Storage
12. No development shall commence until detailed drawings and elevations of the kitchen entrance and yard and gate adjacent to the North Barn and Bush Hall have been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that the special architectural and historic interest, character and appearance of the building and site are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
13. No development shall commence until detailed drawings and elevations of the compound for mechanical plant have been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure a satisfactory standard of development in the interest of visual amenity in accordance with PPS1, PPS3, PPS5 and policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.
14. No development shall commence until a habitat management plan has been submitted to and approved by the Local Planning Authority prior to the

occupation of the development. The habitat management plan shall specifically refer to;

- I. the proposed meadow areas which shall be re-seeded with native meadowland species and shall include details of the native flowers and grass mix to be sown, the management of these areas and the annual monitoring of the establishment;
- II. the mowing regimes of the mown grass areas and maintenance in the long term,
- III. the future management of the proposed fruit trees;
- IV. the management of Woodhall Farm Meadow Wildlife Site including its monitoring; and

The plan shall include:

- I. Description and evaluation of the ecological features to be managed;
- II. Constraints on the site that may influence management;
- III. Aims and objectives of management;
- IV. Appropriate management options for achieving aims and objectives;
- V. Prescriptions for management actions;
- VI. Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- VII. Personnel responsible for implementation of the plan;
- VIII. Monitoring and remedial / contingencies measures triggered by monitoring.

The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 the Wildlife and Countryside Act and Habitats regulations, Policy ENV3 of the East of England Plan 2008 and Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.

15. No development shall commence until a scheme for the provision and management of a buffer zone/strip alongside the River Lea have been submitted to and agreed in writing by the Local Planning Authority. The buffer zone/strip shall be 8 metres wide and planted with native marginal shrubs and grasses. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:
 - I. plans showing the extent and layout of the buffer zone
 - II. details of the planting scheme (using only native species)
 - III. details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
 - IV. details of any footpaths, fencing, lighting etc.

Reason: To protect the land alongside watercourses and its ecological value in accordance with PPS1, PPS9, and the UK Biodiversity Action Plan Article 10 of the Habitats Directive and policies R6 and R11 of the Welwyn Hatfield District Plan 2005.

16. The development hereby permitted shall not be implemented other than in accordance with the scheme of mitigation/ enhancement, which is set out in the Ecological Survey Report, Appendix 2: Mitigation Strategy. Any variation

thereto shall be agreed in writing by the Local Planning Authority before such change is made.

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with Policy ENV3 of the East of England Plan 2008 and policy R11 and R16 of the Welwyn Hatfield District Plan 2005.

17. C.11.3 – If protected species discovered during works
18. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i.the parking of vehicles of site operatives and visitors
 - ii.loading and unloading of plant and materials
 - iii.storage of plant and materials used in constructing the development
 - iv.the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v.wheel washing facilities
 - vi.measures to control the emission of dust and dirt during construction
 - vii.a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii) Details of code of construction outlining the ecological interest of the site and its surrounding habitat and the neighbouring wildlife site.REASON: To ensure satisfactory provision to protect Ecology and Wildlife of the site and highway safety in accordance with PPS9, PPG13 and Policies D1, R11 and R15 of the Welwyn Hatfield District Plan 2005.
19. No development shall commence until further bat surveys/assessments of the buildings have been resurveyed for bats and these surveys have been submitted to and approved by the Local Planning Authority in writing.
REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with Policy ENV3 of the East of England Plan 2008 and policy R11 and R16 of the Welwyn Hatfield District Plan 2005.
20. The development hereby permitted shall not be carried out other than in accordance with the tree protection measures which are described within the Landscape Statement and Tree Protection Plan BBUS-LS-TP01 Rev B unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the existing trees in the interest of visual amenity in accordance with Policies R17 and D8 of the Welwyn Hatfield District Plan 2005.
21. The development hereby permitted shall not be carried out other than in accordance with the submitted Flood Risk Assessment and supplementary technical notes and the following mitigation measures detailed within the Flood Risk Assessment;
Finished floor levels are set no lower than 61.84m above ordnance datum;
Limiting the surface a water run-off generated by 1 in 100 year storm event taking into account the effects of climate changes, to 3.81l/s though the provision of no less than 130 cubic metres of storage on site. Sustainable drainage Systems should be used.

REASON: To reduce the risk of flooding to the proposed development, to ensure the satisfactory storage of/disposal of surface water from the site and to protect the natural river environment in accordance with PPS9 and PPS25.

22. Following the carrying out or completion of the building operations or alterations for which permission is hereby granted, all making good of the existing buildings shall be carried out in materials and finishes which closely match, like-for-like, those historic materials and finishing details used in the existing building or structure which shall accord with usual conservation good practice and to the satisfaction of the Local Planning Authority. If there is any doubt regarding the approach to any proposed making good, or any alternative materials are proposed, a precise specification of the materials and finishes should be submitted to and agreed in writing by the Local Planning Authority before works commence on site.

REASON: To ensure that the special architectural and historic interest, character and appearance of the building are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

23. C.12.1: Low Risk Chalk Mining Sites

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

REASON: To ensure that the special architectural and historic interest, character and appearance of the building are properly maintained, in accordance with PPS1 and PPS 5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

25. No trees shall be felled, lopped, topped, damaged or otherwise destroyed, other than those shown on Drawing No. BUS-LS-MPO1 Rev A & BUS-LS-TS01 Rev D, without the prior consent in writing of the Local Planning Authority.

REASON: The existing trees represent an important visual amenity which the Local Planning Authority consider should be maintained 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 Policy D8 of the Welwyn Hatfield District plan 2008.

26. No development shall commence until full details of the materials of the driveways, parking areas including the delineation of the car parking spaces, and pathways in the site have been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in accordance with the approved detailed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid any potential for light pollution, in the interests of visual amenity and to ensure that the special architectural and historic interest, character and appearance of the building are properly maintained, in accordance with PPS1 and PPS 5 and Policies R20, D1 and D2 of the Welwyn Hatfield District Plan 2005.

27. No development shall commence on site until details of any pruning requirements to the existing trees on site have been submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved detailed unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the existing trees in the interest of visual amenity in accordance with Policies R17 and D8 of the Welwyn Hatfield District Plan 2005.
28. No development shall commence until details of the species mix and size of the planting materials as shown on the landscape drawings have been submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved detailed unless otherwise agreed in writing by the Local Planning Authority.
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 Policy D8 of the Welwyn Hatfield District plan 2008.
29. No development shall commence until details of the foundations of the North Barn have been submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved detailed unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the existing trees in the interest of visual amenity in accordance with Policies R17 and D8 of the Welwyn Hatfield District Plan 2005.

Pre-Occupation

30. C.8.9 – No occupation until spaces laid out
31. Two months prior to the first occupation of the development the applicant shall implement a “Green Travel Plan” with the object of reducing the staff and visitors travelling to the development by private car which shall be first submitted to and approved by the Local Planning Authority.
REASON: To promote sustainable transport measures to the development and in accordance with Policy M3 of the Welwyn Hatfield District Plan 2005.
32. Before the development hereby permitted is occupied, the combined heat and power for the development which shall generate 10% of the predicted energy requirement of the development shall not be implemented other than in accordance with the Energy Statement submitted as part of this application. The approved scheme shall remain operational for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that the development contributes towards Sustainable Development and Energy Efficiency in accordance with Policy SS1 of the East of England Plan 2008 and Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005
33. The development hereby permitted shall not be occupied until the works to Bush Hall, its Coach House and the Stable Building have been completed

which shall not be carried out other than in accordance with the approved drawings, Conservation Plan, the Condition Survey which describes the necessary repairs, reinstatement and alterations and the Cost Plan which includes the schedule of repair costs on the condition survey report.

REASON: To ensure a high quality of development in the interest the protection of the Grade II Listed principle building and its curtilage buildings in accordance with PPS1, PPG2, PPS5 and policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

34. The development shall not be occupied until the archaeological investigation and post investigation assessment has been completed in accordance with the programmes set out in the Archaeological Written Scheme of Investigation approved under condition 6 and the provision made for analysis.

REASON: To enable the inspection of the site by qualified proposal for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with PPS5 and Policy R29 of the Welwyn Hatfield District Plan 2005.

Post Development

35. All planting seeding or turfing and soil preparation comprised in the approved details of landscaping in connection with conditions 4, 28 and the approved plans in the planning application, shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

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

36. All rainwater goods shall be cast iron.

REASON: To ensure that the special architectural and historic interest, character, appearance and integrity of the listed building and site are properly maintained and to accord with PPS1, PPS5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

37. All windows and doors shall be timber painted.

REASON: To ensure that the special architectural and historic interest, character, appearance and integrity of the listed building and site are properly maintained and to accord with PPS1, PPS5 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

Informatives

1. As from 6th April 2008 a site waste management plan is required by law for all construction projects that are worth more than £300,000. This aim is to reduce the

amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken. Projects over £500,000 may require further information. However a good practice template can be found at www.smartwaste.co.uk or www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html. For further information on this, please contact Hertfordshire County Council on 01992 556254.

2. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of ground water. Were the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The ca be contact on 0845 850 2777.
3. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater permit enquiries should be directed to Thames Water Risk Management Team who can be contacted on 020 8507 4890. Application forms should be completed o line via www.thameswater.co.uk/wastewaterquality.
4. Development work should proceed with caution. In the event of bats being found, work must stop immediately and Natural England informed; telephone 010206 796666
5. INF 12 Pre-commencement conditions
6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development 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.
7. INF1 – Other legislation
8. INF3 – Food Hygiene and Safety Standards
9. INF8 – Chalk mining Very low risk sites
10. INF9 – Chalk mining
- 11 INF11 – Damage to grass verges
12. All bat survey shall be sent to Hertfordshire Biological Records Centre as detailed in the Ecological Report.
13. Under the terms of the Water Resources Act 1991 and the Land Drainage byelaws, the prior written consent of the Environment Agency s required for any proposed works or structures in, under, over or within 8 metres of the bank of the River Lee main river.
14. The buffer zone, as requested in condition 16, needs to be 8 metres wide measured from and top for the whole extent of the site. Bank top is defined as the

point at which the bank meets the normal land levels. This zone should only include the structures shown in the Landscape Master plan and not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character and planted with locally native shrubs and grasses of UK genetic provenance/left to colonise and regenerate naturally/left as a natural wildlife area for wildlife.

15. The Environment Agency has been given a lead by Defra for implementation the Water Framework Directive 2002. This EU directive inscribed into national legislation in 2006 aims to get all water bodies into good condition by 2015 (there are a number of loop holes which mean that some water bodies have until 2027 to reach good condition). In essence good condition means that all biological and water quality elements meet their expected natural levels, one of these biological elements is Fish. One of the majority reasons for fish not meeting good condition nationally and within the River Lee catchment is that barriers such as weirs prevent fish from migrating upstream to their natural spawning areas, thereby creating fragmented populations which are at risk of collapse.

The weir within the application site boundary is one such structure which prevents fish from migrating upstream thereby creating these fragmented populations, if possible the owners should look to install a simple fish pass on this structure to help fish to migrate up and down stream to create a stronger more healthy population. If you wish to do this please contact John Bryden on (01707) 632514 who will be able to advise on how this can be undertaken.

16. Please be aware that any works to Bush Hall Hotel, the Coach House and the Stable Building can only be legally carried out once an European Protection Species licence application has been submitted to and approved by Natural England.

Summary of reasons for grant of permission

The proposal has been considered against PPS1, PPG2, PPS4, PPS5, PPS7, PPS9, PPS10, PPG13, PPG14, PPS22, PPG24 and PPS25 and the East of England Plan SS1, SS2, ENV6, ENV5, ENV7, T2, T3, T8, T9, T14, T15, ENV2, ENV3, ENV6, ENV7, ENG1, WAT4, WM1, WM6, and policies SD1, GBSP1, R1, R2, R3, R4, R5, R6, R7, R11, R15, R17, R19, R20, R24, R29, M1, M2, M3, M4, M5, M6, M8, M14, IM2, D1, D2, D3, D4, D5, D6, D7, D8, D9, D11, D12, CLT16, RA10, RA21 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

Sarah Smith, Senior Planning Officer (Strategy and Development)
Date: 20 October 2011



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Bush Hall, Mill Green		Scale: DNS
	Project: PCC Meeting		Date: 3 November 2011
	Drawing Number: N6/2011/0434/MA		Drawn: Andrew Windscheffel
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