

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02246/FP	Erection of detached building to provide dining, kitchen, shower and other ancillary facilities in association with the existing rabbinical school following demolition of the existing swimming pool.	Hitchin Yeshiva Wellbury House Offley Hitchin Hertfordshire SG5 3BP

Submitted Plan Nos

PO1 PO2 PO3 PO4 Wellbury House - Proposed Habitat Map - A2 - 1-200 - Whole Site. Wellbury House
- Baseline Habitat Map - A2 - 1-200 - Whole Site

1.0 **Policies**

SP5	Countryside and Green Belt
CGB1	Rural Areas beyond the Green Belt.
CGB4	Exist buildings in the RA Beyond GB
D1	Sustainable design
D3	Protecting living conditions
NE3	The Chilterns AONB
SECN12	Achieving well-designed places

2.0 **Site History**

2.1 Extensive planning history between 1981 and 2003, none relevant to this application.

3.0 **Representations**

3.1 **Neighbour Representations** – None received.

3.2 **Offley Parish Council** – None received.

3.3 **Natural England** – None received.

3.4 **North Herts Ecologist** – No objection subject to mandatory BNG condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is Hitchin Yeshiva, which is an existing rabbinical school, located in an isolated position in Offley between the B655 and A505. The school occupies various buildings on the site including Wellbury House, much of which has largely fallen into disrepair and has been made unsafe for use, and a number of associated residential and school building located within the grounds. A large extension was added to Wellbury House in the late 1990's. The site is within the Rural Area beyond the Green Belt, The Chilterns Area of Outstanding Natural Beauty (AONB) and a Local Wildlife Site.

4.2 **Proposal**

- 4.2.1 Planning Permission is sought for the erection of a detached building to provide dining, kitchen, shower and other ancillary facilities in association with the existing rabbinical school, following demolition of the existing swimming pool.
- 4.2.2 The submitted Planning Statement sets out that the existing swimming pool structure is situated immediately to the south of the main house. It is no longer in use and is thus proposed to be demolished and replaced with the proposed detached building. The proposed building would be a brick-built structure with a concrete tiled roof. It would measure approximately 20m in depth, 37m in length, 4.7m to eaves height and 7.3m to ridge height. It has been designed to meet the very specific requirements of the yeshiva and thus provides dining facilities for approximately 120 students, a separate kitchen and milk kitchen, mikvah, changing and shower facilities and plant room. A statement of need for this building has also been submitted.

4.3 **Key Issues**

- 4.3.1 **Principle:** The site is within the Rural Area beyond the Green Belt, such that Policies SP5, CGB1 and CGB4 of the Local Plan are relevant. In this case, given that the proposed building is seeking to replace an existing building, it is considered that CGB4 is most appropriate in this case. This states:

Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.*

Parts c) and d) apply in this case. The existing concrete pool structure which comprises the walls which surround it would be demolished and replaced with a detached new building, largely on the same footprint as the existing pool structure but marginally bigger in footprint and comprising a 7.3m tall roof, compared to the existing structure which does not have a roof. The building would be sited to the immediate south-west of the main building, which is a very substantial house, such that the proposed building would be set and read against the host building and would appear subordinate to it. Moreover,

owing to the incredibly isolated position of this site and the dense landscaping that exists across it, as viewed from the site visit, the building will not be wholly visible from any wider viewpoints such that it will result in any significant impact in general in terms of openness. Lastly, the submitted Statement of Need makes a convincing case of justification for this building which is a material consideration. Overall, it is considered that the proposed development would accord with Policy CGB4 of the Local Plan, as the building will not have a materially greater impact on openness or general policy aims of the Rural Area beyond the Green Belt compared to the original building, and given its position close to the main building and its size, it would be visually subordinate in this case.

- 4.3.2 **Area of Outstanding Natural Beauty:** The site is within the Chilterns AONB, such that Policy NE3 of the Local Plan is relevant which states that development in the AONB will be granted subject to meeting certain criteria. The building would be positioned to the south-west side of Wellbury House and be set amongst the other existing building on site. In this case, the proposed development would be set against the character of existing development which, alongside dense landscaping that exists on site, would limit any clear views to the proposed outbuilding from within the surrounding landscape and from any publicly viewable areas. The building has been designed to be simple and functional which would align with the existing buildings on this site. For these reasons, it is considered that the proposal is appropriate and reasonable in scale, form and appearance, such that it will not result in any significant harm to the Chilterns AONB in line with Policy NE3 of the Local Plan.
- 4.3.3 **Design:** The proposal is for a detached outbuilding, which would be a brick-built structure with a concrete tiled roof. It would measure approximately 20m in depth, 37m in length, 4.7m to eaves height and 7.3m to ridge height. The building would largely align with the prevailing form and character of buildings on this site, such that it is considered acceptable in design terms and would respond to the sites context, as required by Policies SP9 and D1 of the Local Plan.
- 4.3.4 **Impact on neighbours:** The site is very isolated from any neighbouring properties and is screened by dense landscaping and other existing buildings, such that there would be no material impact on the amenities of neighbouring dwellings. The proposal complies with Policy D3 of the Local Plan.
- 4.3.5 **BNG:** As confirmed by the Council's Ecologist, the proposal is subject to the mandatory BNG condition. Whilst the site is within a Local Wildlife Site, this is due to the presence of bats in the main house which is not proposed to be developed under this proposal. The application is accompanied by a Preliminary Ecological Assessment (PEA) which concluded that the development of the site would not have any impact on UK or European protected species.
- 4.3.6 **Access/Parking:** The site has an existing access and ample space for parking, although it is understood that students live on site during term times.

4.4 **Conclusion**

- 4.4.1 The development would be in accordance with the relevant local and national planning policies.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The building hereby permitted shall only be finished in the materials as stated on the application form and thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the building is in-keeping with the host property and to protect the visual amenities of the locality and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 23 December 2025	