

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/0235/FP
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NOTATION:

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

DESCRIPTION OF SITE:

The site is located to the south of the recently constructed St Audrey's Coach car park and comprises a hollow in the ground, both surrounded by and containing trees and other shrubby landscaping. Beyond to the south of the hollow are fields associated with the wider holdings of Gascoyne Cecil Estates.

DESCRIPTION OF PROPOSAL:

The application seeks full planning permission for the provision of play equipment for children. This will include tree houses, zip wires, slope/access from the higher ground to the lower hollow, a new 'Hatfield House' and also some land raising. To the perimeter of the hollow, fencing would be provided (1200mm high). Additionally a path would be provided running along the edge of the field boundary immediately to the east of the site.

PLANNING HISTORY:

None

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV2: Landscape Conservation

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

R11: Biodiversity

D1: Quality of design

D2: Character and context

D8: Landscaping

RA10: Landscape Regions and Character Areas

RA21: Leisure and Tourism in the Countryside

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

HBRC – suggest that a search for hedgehogs is undertaken

TOWN/PARISH COUNCIL COMMENTS

None received

REPRESENTATIONS

The application was advertised by site and press notice. No representations have been received. Period expired 6th April 2010

DISCUSSION:

The main issues are:

- 1. Impact on the Green Belt**
- 2. Design of the Proposal**
- 3. Landscape Character and Biodiversity**
- 4. Other Material Planning Considerations**

1. The site is located within the Green Belt wherein Planning Policy Guidance Note 2: Green Belts defines the types of development that are appropriate development within the Green Belt. There is a presumption against inappropriate development within them. Parking areas do not fall within the types of development that are defined as appropriate development and therefore, in accordance with paragraph 3.1, 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” (PPG2, 3.2).

The applicant has submitted a supporting statement regarding whether the proposal complies with the criteria within PPG2 of being “...small scale essential facilities for sport and recreation...”. They advise that they consider the development involves small scale, light weight play equipment located in a natural hollow and therefore there would be no affect on the openness.. However, they have also advanced very special circumstances in case it is considered that the development is inappropriate.

One of the key words in respect to this proposal of the PPG2 definition is ‘essential’. Play equipment, in this instance, is not considered to be essential and therefore the proposal falls within the definition of inappropriate development.

The case advanced includes (refer para 8.8 of Design & Access statement):

- assist in long term preservation of the Hatfield Park Estate for the benefit of the public;
- Fundamental that the Estate attracts tourists;
- Add diversity to the visitor experience;
- Provide an opportunity for outdoor sport and recreation for children living near Old Hatfield;

- Assist urban regeneration by the re-use of existing land
- Create local employment opportunities
- Improves and retains the landscape and enhances it for the benefit of local population and visitors

No weight is being attached to 'urban regeneration' as if this argument was accepted it could potentially provide all applicant's a case for developing their land. It is accepted that young visitor's to Hatfield House, once they have viewed the House have little to retain their interest and the play area would enable the Estate to provide facilities to encourage visitor's to stay longer, and thus, hopefully, spend more money within the Estate but also within the Old Town. There are play areas within relatively close proximity of this site, however, they are mostly located on the other side of the A1000 and thus more difficult to access.

The location of the proposed area has been carefully chosen, with other areas across the Estate which would have been more prominent having been disregarded due to the potential of the equipment having longer distance views to it. On balance, the accumulation of the very special circumstances is considered to outweigh the harm to the Green Belt, subject to the overall visual impact of the development being acceptable.

Sectional drawings show that the land to the east of hollow is at a much higher level than the west, and also higher to the north than the south. Within the site currently are a number of trees, the majority of which would be retained, and also utilised as part of the play area. The trees are mature and between an approximate height of 14 and 18 metres. The tallest piece of equipment on the site would be the Tree House which would have the upper most part of it located approximately 6.5 metres above ground. 'Hatfield House' would be approximately 4 metres tall. The tree house would be located approximately 2.5 metres above the highest part of the hollow and contained just below the lower crown of the existing trees. From the western elevation, where views would be more 'open' the height of the tree house would sit virtually below the highest part of the ridge to the east. This would therefore be likely to provide a backdrop such that the development within the hollow would not harm the openness.

On balance it is therefore considered that the applicant has submitted very special circumstances to outweigh the harm and the proposal is acceptable.

The fencing would be likely to be the most prominent part of the development. However, at 1200 mm high, this would be permitted development and could therefore be implemented without the need for a formal planning application and, as such, is acceptable.

2. The proposal has been designed so that access into the Bloody Hollow is ramped so that relatively easy access can be provided. However, the equipment has also been designed to provide interest and adventure for children. The equipment, fencing and overall landscaping are all designed such that they would be appropriate for the area and thus the proposal complies with policies D1 and D2 of the local plan.

3. The applicant has submitted a biodiversity survey which recommends that nesting birds are not disturbed, a hand search for hedgehogs should be undertaken, however no further species surveys are required.

This has been assessed by Herts Biological Records Centre, who agree with the hedgehog search and recommend a condition for these, birds and reptiles. The proposal would therefore comply with national, regional and local plan policies.

The location of the development is such that it would not have any significant impact upon the landscape character area and is therefore acceptable.

4. The applicant has undertaken, in accordance with the Statement of Community Involvement, consultation with the local community. Two letters of support have been received from De Havilland Primary School and Old Hatfield Community Forum.

Sustainability – many of the issues are neutral for this proposal. However, where it is possible, such as with biodiversity, using local timber etc, this has been undertaken. The proposal therefore complies with policies.

CONCLUSION:

The applicant has provided very special circumstances to justify the proposal that outweighs the harm to the Green Belt. The design of the play area is appropriate and landscaping would be retained which would mean the character of the area is largely retained. The proposal therefore complies with national, regional and local plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Time Limit

2.C.13.1: Development in accordance with approved plans/details 818-001A & Hatfield House & Ariel Runway (including swings & stringies) & Group Tree Swing (including Tree House) & Entry Area/ Towers received and dated 17 February 2010 & 818-DET-001 received and dated 8th April 2010

3. Prior to any works starting, including site and ground clearance, a hand search should be conducted for

- (a) Hedgehogs by a qualified ecologist.
- (b) reptiles by a qualified ecologist.

If animals are found, they will be relocated to a safe area.

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations, to protect species of conservation concern in accordance with policy ENV3 of the East of England Plan 2008, policy R11 and R16 of the Welwyn Hatfield District Plan and PPS9: Biodiversity and Geological Conservation.

4. Site clearance, scrub and tree removal will be conducted during the months of November-January inclusive, to minimise any potential impact on breeding birds.

REASON: To protect breeding birds in accordance with the Wildlife and Countryside Act 1981 (as amended) and PPS9.

5. Details of the surface material for the pathways shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. 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: In the interests of the amenity and character of the area in accordance with policy D2 of the Welwyn Hatfield District Plan and PPG2: Green Belts.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of FP/LB/CA/DT/ (**Approvals only**):

The proposal has been considered against Planning Policy Statement/Guidance PPS1: Delivering sustainable development & PPG2: Green Belts, East of England Plan 2008 SS1: Achieving Sustainable Development & ENV2: Landscape Conservation and development plan policies SD1: Sustainable Development, GBSP1: Definition of Green Belt, R11: Biodiversity, D1: Quality of design, D2: Character and context, D8: Landscaping, RA10: Landscape Regions and Character Areas, RA21: Leisure and Tourism in the Countryside 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).

Signature of author..... Date.....