

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/0743/FP
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NOTATION:

The site lies within Metropolitan Green Belt, the Northaw Common Parkland Landscape Character Area and the majority of the school falls within a Major Developed Site in the Green Belt (MDS) as outlined in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The site is located on the southern side of Shepherds Way and is within Queenswood girls' school. The wider site (MDS) is large and contains several buildings and associated structures. The application site is currently a lawn area that is adjacent to an art block building and an area of mature trees and vegetation which separate one of the car parks. The site and surroundings are well landscaped with mature trees and vegetation.

DESCRIPTION OF PROPOSAL:

The proposed development would comprise a single storey, three classroom, temporary modular block. The proposal would approximately measure 28.6m wide by 9.8m in depth with a flat roof to a maximum height of approximately 3.4m.

The proposed development would be sited over the footprint of an existing single storey flat roofed addition. The proposed building would have a modern, pre-fabricated and temporary appearance. The proposal's appearance would be similar to a porter cabin which is not permanently fixed to the ground.

PLANNING HISTORY:

The Queenswood School site has an extensive planning history, the most recent and relevant applications have been noted below:

- S6/2010/1638/FP Minor Alterations to External Appearance – Approved
- S6/2010/0658/FP Erection of a services enclosure attached to the existing swimming pool building – Approved
- S6/2009/0481/MA Demolition of existing tennis building and demountable classrooms and construction of new multi-purpose sports hall with ancillary accommodation – Approved
- S6/2007/0405/FP Variation of condition 1 of application no. S6/2000/1119/FP to allow separate entrance and exit to car park – Approved
- S6/2006/470/FP Demolition of existing residential properties and erection of 3 no. 3 bed residential units for staff accommodation – Approved
- S6/2005/0863/FP Erection of new tennis centre and sports hall following demolition of existing buildings – Approved

S6/2004/446	Alterations and extensions to the existing Great Hall to form a performing arts centre – Approved
S6/2003/319	Erection of indoor swimming pool building – Approved
S6/2002/37	Erection of glazed entrance to library – Approved
S6/2000/1119	Formation of new vehicular access and gates to serve existing car park, and closure of existing access – Approved
S6/1990/1011	New building to provide replacement changing facilities, with first floor gym facilities and single storey extension to existing gymnasium & provision of 5 car parking spaces – Approved

SUMMARY OF DEVELOPMENT PLAN POLICIES:

PPS 1: Delivering Sustainable Development
 PPG 2: Green Belts
 PPS 9: Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development
 SS2: Overall Spatial Strategy
 ENV2: Landscape Conservation
 ENV3: Biodiversity and Earth Heritage
 ENV5 Woodlands
 ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005

SD1: Sustainable Development
 GBSP1: Definition of the Green Belt
 R3: Energy Efficiency
 R11: Biodiversity and Development
 R17: Trees, Woodland and Hedgerows
 D1: Quality of Design
 D2: Character and Context
 D8: Landscaping
 D9: Access and Design for People with Disabilities
 CLT7: Community Use of Educational Facilities
 RA5: Major Developed Sites in the Green Belt (Limited Infilling)
 RA6: Major Developed Sites in the Green Belt (Redevelopment)
 RA10: Landscape Regions and Character Areas

CONSULTATIONS

Welwyn Hatfield Council (Trees and Landscape) – No objection subject to the development being carried out in accordance with the arboricultural report submitted with the application.

Welwyn Hatfield Access Group – Comment were made querying where the nearest disabled toilets were are and what the difference in levels would be.

NORTH MYMMS PARISH COUNCIL COMMENTS

The Parish Council comment that the proposed building would be beyond the boundary of the Major Developed Site in the Green Belt. It is noted that planning consent for a period of five years is being sought but there should be a condition requiring removal of these buildings as soon as work on the sports hall development is completed within the five years.

REPRESENTATIONS

None. Period expired 2 July 2011.

DISCUSSION:

The main issues are:

- 1. The proposed development's impact upon the character and appearance of the locality**
- 2. The proposed development's impact upon the openness of the Metropolitan Green Belt and compliance with Green Belt policy**
- 3. Other Material Planning Considerations**

1. The application site is within a partly enclosed area within the wider school site, the site is screened to the north east by existing tall dense shrubs and trees. The whole school site is also well screened on the boundaries with the surrounding areas by tall dense mature vegetation. Due to the existing surrounding boundary screening the proposal would not be viewed from the surrounding public areas and would not have an adverse impact upon the character and appearance of the streetscene and wider landscape.

The proposal would be a single storey building with a flat roof. Although relatively large in footprint, when compared to the size of the neighbouring structures forming the complex of school buildings, the proposal would not appear too large or overly prominent. The proposal would not appear too cramped or out of place when viewed from the surroundings.

The proposal would have the appearance of a temporary building. Although this design would not be acceptable for a permanent building, the proposal is intended to be a temporary building which can be quickly and easily installed and removed. The proposal would also allow the removal of existing modular buildings which are sited more prominently and do not have an attractive appearance. The proposal would therefore improve that character and appearance of the complex of buildings within the school site.

Due to the proposal not being sited within a prominent location and it only being considered as a temporary addition, this appearance is considered to be appropriate and would assist the site achieving the objectives of the master plan, which involve alterations to improve the appearance of the site. The proposal is therefore acceptable when considered against Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005.

The proposal would not be viewed within the wider landscape and would not have an adverse impact upon the visual amenity of the surrounding landscape character area. The proposal would therefore not conflict with the requirements of Policy RA10 of the Welwyn Hatfield District Plan 2005.

2. The school site accommodates a large complex of various buildings within a spacious and well landscaped setting. Although overall the site has been well maintained and the majority of the buildings are in a good state of repair, some parts of the site are coming to the end of their useable life. In order to allow the repair and restoration of these areas and allow the site to continue operating effectively, it is necessary for the students to be able to decant into other buildings or areas of the site whilst works are carried out and areas are out of use.

The proposal's site has been chosen after an assessment of the site and attempts to locate the development within the MDS boundary. Although to comply with the infilling policy RA5 of the Welwyn Hatfield District Plan 2005 the new development should be located within the MDS boundary, the proposal is not a permanent fixture and is required to facilitate the redevelopment and continued maintenance of the site. As the proposal would not be sited within the MDS boundary it would not meet the requirements of Policy RA5, therefore, in principle the proposal would be inappropriate development. The application has put forward very special circumstance which the applicant considers outweigh the development's harm and inappropriateness.

The siting of the proposal has been determined by using a sequential approach to assess different possible location that range from within the MDS boundary and within an existing building, to, outside of the MDS boundary and not well screened. The proposal would be mostly outside of the MDS boundary, but the planning statement describes the site as being on the edge of the MDS and well screened.

The proposal would be similar to temporary accommodation, storage containers or a site office which would be associated with the development. Therefore, subject to the proposal only being used for this temporary purpose if can be viewed differently to a permanent development. Although inappropriate development when considered against PPG2 and Policy RA5 the proposal would not cause permanent harm by it inappropriateness.

The proposed development would assist the wider school site in bringing forward proposals within the site's master plan and developments that have been previously approved in accordance with the master plan. The site has existing temporary buildings which are used for design and technology, art, speech and drama and physical education. These buildings are in a poor state of repair and are thermally inefficient, so have been scheduled for replacement within the site's master plan.

Although the design technology department, art and speech and drama departments could physically be accommodated within the existing old swimming pool building, this space is currently required for assemblies and major public examinations. The proposal will allow the old swimming pool building to continue to be used for these functions that require a large capacity, whilst an approved multi-purpose hall is being constructed. Once this building is constructed, the old swimming pool building will be redeveloped to house the Design and Technology, Art and Speech and Drama Departments. Therefore, the proposed temporary buildings would no longer be required and can be removed.

The proposed development has been sited within an area that has easy access to allow cranes and equipment to easily access the site and prevent the need for tree works and /or heavy plant to travel over root protection areas. The school site is heavily wooded and a large area is covered by a blanket tree preservation order. In

terms of access and construction without impacting on the surrounding trees, the development would be appropriately sited.

In summary, when considering the overall long term development and benefits to the site which are set out within the master plan, to allow a temporary building which would facilitate the redevelopment of dilapidated buildings within the site would have a benefit to the visual amenity of the site and operation of the school. Furthermore, the proposals siting is appropriate for easy access, construction and to allow it to be dismantled and removed. The proposal is considered to be inappropriate development, however, the reasons for the proposal and the long term benefits form very special circumstances that would outweigh any harm and inappropriateness.

3. The application has been assessed by the Council's tree officer. The proposed building would be sited close to some mature trees to the north east, which form an area of planting that separates the parking area from the area of the art block. The Council's Tree Officer has assessed the proposal has not raised objection subject to the development being carried out in accordance with the arboricultural report that was been submitted with the application. Due to the proposal being a temporary building which does not need a permanent foundation and would not have an adverse impact upon the protection areas of these trees.

It has been noted that a side elevation of the proposed building would site adjacent to the existing trees and tall shrubs (mostly rhododendron). Although these would partly screen the building two of the three rooms would be dual aspect and have glazing to the sides. Although the Design and Technology room would to the centre of the building and would face onto the vegetation, the use of the building would only be temporary and as a class room it would not have a constant or long-term habitable use. Therefore, if this room is shaded by the existing shrubs there would not be sufficient reason to reduce or remove the adjacent trees and vegetation on this basis.

To ensure that the adjacent vegetation is retained and restored, any approval should ensure that the existing landscaping is restored after the temporary building is removed.

Parking Provision: The proposal would involve a temporary facility to accommodate students who use existing buildings within the school. The proposal therefore would not extend the capacity of the school and it is not necessary to reassess the parking provision within the school.

Energy Efficiency and Sustainability: The application has been submitted with a sustainability checklist and design and access statement. These note that the development would be prefabricated and the nature modular buildings means there is less energy required for their production. The proposal would allow the replacement of existing buildings that are not energy efficient. The proposal would also require fewer vehicle movements to deliver the materials to the site. These provisions are considered to be a reasonable effort to meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

Protected Species: 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. 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."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: 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.

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

Whilst 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 currently 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.

CONCLUSION:

The proposed development would not have an adverse impact upon the character and appearance of the locality. The proposed changes to landscaping would not affect the character of the areas and subject to appropriate conditions would not harm the existing surrounding trees. The proposed development when considered cumulatively with existing development within the MDS would not have an adverse impact upon the character and openness of the Metropolitan Green Belt. The proposed development would therefore meet the requirements of Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Standard Time Limit (3 Years)
2. This permission is for a limited period only expiring on 8th June 2016 and the building hereby permitted shall be removed and the land restored to its former condition on or before that date unless permission is granted on an application made to the Local Planning Authority.

REASON: The proposed development is required as a temporary building to enable approved developments within the site to take place. Once the approved works have been carried out the site should be restored to prevent a

permanent impact upon the Green Belt and allow the site to meet the objectives of the sites Master Plan and the requirements of Policy RA5 of the Welwyn Hatfield District Plan 2005.

3. C.13.1: Development in accordance with approved plans/details A-16-001 & A-05-001 & A-01-001 & A-00-010 received and dated 13 April 2011.
4. The brickwork, bond, mortar, detailing, guttering, soffits and other external decorations of the approved extension/alterations shall match the details illustrated within the application forms and plans hereby approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. Retention and protection of trees and shrubs for the duration of development
 - (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - (c) The development and the erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with Arboricultural Report (22nd March 2011) submitted with this application to comply with the recommendation of British Standard 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the buildings removal in accordance with condition 2.

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

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of Full Planning:

The proposal has been considered against Planning Policy Statement/Guidance PPS 1, PPG 2, PPS 9, East of England Plan 2008 policies SS1, SS2, ENV2, ENV3, ENV5, ENV7 and development plan policies SD1, GBSP1, R3, R11, R17, D1, D2, D8, D9, CLT7, RA5, RA6, RA10 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision 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).

INFORMATIVES: None.

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