

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2011/0952/FP
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NOTATION:

The site lies within Urban Open Land as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site comprises of the Hertfordshire Constabulary HQ and located to the south of Welwyn Garden City. The existing bullet proof range is located to the south east of the site. The sand trap measures 9.43m wide and 2.75m in height above range floor. The backstop screen measures 22.16m wide and 7m in height above range floor.

DESCRIPTION OF PROPOSAL:

The proposal is replace the existing bullet proof catcher measuring 16.5m wide and 2.75m high above range floor. The single replacement backstop wall measures 28.56m wide and 9.m in height above range floor.

PLANNING HISTORY:

N6/1977/0250/CC – Open Firearms Range – 27th June 1977

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

OS1: Urban Open Land

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

Herts Biological Records Centre comment that they do not have any ecological data for this site. The proposed range is located on a 'sports field' with close-mown grassland, which is unfavourable 'habitat' for reptiles. If any scrub clearance is required as part of the works, then this clearance work should only be carried out from September onwards, to protect breeding birds, their nests, eggs and young.

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

This application has been advertised by site notice and 0 representations have been received. Period expired 8th July 2011.

DISCUSSION:

The main issues are:

- 1. The impact of the proposal on the character of the surrounding area**
- 2. The impact of the proposal on the land designation of urban open land**
- 3. Other material planning considerations**

1. The impact of the proposal on the character of the surrounding area

Policy D1 requires the standard of design in all new development to be of a high quality. Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.

The existing bullet proof firing range is set below ground level screened by significant earth moundings and trees and shrublands which form the southern boundary. The viewpoint of the existing bullet proof catcher from Stanborough Park to the south is therefore limited. The design and access statement stipulates that the application does not seek to alter the nature or extent of activities and the hours of operation will remain unchanged.

The proposal involves increasing the width and height of the backstop screen of the existing bullet proof catcher. However, the increase is not considered substantial to cause a detrimental impact on the character of the area to warrant refusal. The existing landscaping features will remain to act as screening and whilst landscaping does not make any development acceptable, it minimises the whole visual impact. The alterations to the existing bullet proof catcher and backstop structure is therefore considered to comply with policy D1 and D2 of the Welwyn Hatfield District Plan, 2005.

2. The impact of the proposal on the land designation of urban open land

The application site is located within an area of Urban Open Land. Policy OS1 specifically relates to Urban Open Land and states that, *'Planning permission for development within these areas will not be granted unless it would:*

(i) Assist in the maintenance or reinforcement of their function as essential open areas;

- (ii) Be of a scale which did not compromise the value of the Urban Open Land or use of the open space as defined in terms of its criteria; and*
- (iii) Not result in the loss or reduction in size of any playing pitches, if the open land is used for formal recreation purposes, subject to the consideration set out in Policy OS2.*

The Council's Open Space Survey defines this site, UOL127, as part of the green edge to Welwyn Garden City, helping to soften the urban edge at its boundary with the Green Belt. The site is not open or accessible to members of the public for security reasons so the designation has limited value in terms of creating or preserving recreation space and amenity areas for the public. Therefore, the Council's primary planning consideration in this case is the visual impact of the proposed replacement bullet proof catcher and backstop structure on the surrounding area and its designation as an important open area on the edge of Welwyn Garden City. As discussed above, the proposal is not considered to substantially increase to cause a detrimental impact on the character of the area to warrant a refusal taking into consideration the substantial screening which exists to the south of the site. The proposal is therefore not considered to compromise the value of the Urban Open Land in compliance with policy OS1 of the Welwyn Hatfield District Plan, 2005.

3. Other material planning considerations

Sustainable Development: Policy R3 states that the council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The development does not propose any specific measures however the applicant has submitted a sustainability checklist in accordance with policy 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.

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).

Following consultation with Herts Biological Records Centre, the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

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

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, 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.

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.

CONCLUSION:

The proposed replacement bullet proof catcher and backstop structure is of a size and scale not to detrimentally impact on the character of the area or compromise the value of the Urban Open Land. The proposal therefore complies with the policies listed above.

RECOMMENDATION: APPROVAL WITH CONDITIONS

Application N6/2011/0952/FP should be **APPROVED** subject to the following conditions:

1. C.2.1 – Time Limit
2. C.13.1 – Development in accordance with the approved plans and details

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

AL(2)P01 Rev. B & AL(2)P04 Rev. B & AL(2)P05 Rev.B received and dated 6th June 2011

unless otherwise agreed in writing by the Local Planning Authority:

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.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of FP:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP2, R3, D1, D2, OS1 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:

- 1. If any scrub clearance is required as part of the works, then this clearance work should only be carried out from September onwards, to protect breeding birds, their nests, eggs and young.

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