

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2012/0854/MA</b>
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**NOTATION:**

The site lies within the settlement of Welwyn Garden City and on Urban Open Land as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site is located to the rear of the Police Station Headquarters located on Stanborough Road to the south east of the town centre of Welwyn Garden City. The site consists of a large piece of open land with an existing firearms training range located along the southern boundary of the site. The site is bordered by the railway to the east and Stanborough Road is to the south.

**DESCRIPTION OF PROPOSAL:**

The application seeks planning permission for the erection of a new firearms training range, replacement bullet catcher and backstop structure. In addition a detached structure is proposed which would be sited within the firing range. In addition, a vehicular access route is proposed to the fire arms.

Associated landscaping is proposed together with a bund along the eastern boundary of the site and along the northern edge of the proposed range.

**PLANNING HISTORY:**

N6/2011/0952/FP: Replacement bullet proof catcher and backstop structure. Approved.

N6/2003/0949/FP: Phased redevelopment of existing police authority headquarters involving partial demolition and construction of up to a total of 20,000 square metres of b1 office floorspace, creation of new emergency access, extension and reconfiguration of existing car parking, relocation of existing telecommunications mast and aerials and comprehensive landscaping. Approved.

N6/2000/0561/FP: Alterations to elevations. Approved.

N6/1994/0724/FP: Change of use of 3 No. hostel blocks to offices for police use, and an additional 57 No. car parking spaces. Approved.

N6/1998/0066/FP: Insertion of 5 No. windows in north east elevation of stores building. Approved.

N6/1998/0065/FP: Erection of 2.1 metre high weld mesh fence around site perimeter. Approved.

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

## **SUMMARY OF POLICIES:**

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

R11: Biodiversity and Development

R17: Trees, Woodland and Hedgerows

M14: Parking Standards for New Developments

D1: Quality of Design

D2: Character and Context

D5: Design for Movement

D7: Safety by Design

D8: Landscaping

OS1: Urban Open Land

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

## **CONSULTATIONS:**

**HCC Transportation Planning and Policy department** – Considers that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways.

**Environmental Health** – No adverse comments

**Environment Agency** – Whilst the site is over 1 ha in Flood zone 1, we have no concerns that cannot be addressed by your use of out Flood Risk Standing Advice.

**Network Rail** – No objection in principle to the development but requirements must be met especially with the close proximity to the development of an electrified railway. It is advised that in particular the method statements, landscaping and lighting should be the subject of conditions. For the other matters we would be pleased if an informative could be attached to the decision notice.

Consideration should be given to the physical proximity of the backstop structures in relation to the railway and must consider the possibility of the structure falling across the permanent way. To alleviate this issue the structure should be located as a

minimum of its own height away from the railway boundary. This would guarantee that the railway would be safe from any potential danger through falling equipment.

**Herts Biological Records Centre** – The proposals have the potential to benefit local biodiversity. Any landscaping should use native species of trees and shrubs and a suitable grassland seed mix that suits local soil conditions should be used on the created embankments.

**Sport England** - I am satisfied that there will be no harm to sports provision if the development was permitted. Consequently, no objection is made to the planning application.

**Thames Water** – No comments to make

**HCC Archaeology** – The proposed development is unlikely to have an impact on significant archaeological deposits, structures or features. Therefore no comments.

**Hertfordshire Constabulary** – No concerns or recommendations regarding security.

**Landscaping** - The proposal should not have a detrimental effect on the trees and landscape in the area and therefore no objections.

**Rights of Way Officer** – No comments received and consultation expired.

**Herts & Middlesex Wildlife Trust** - No comments received and consultation expired.

**Herts Fire & Rescue Service** – No observations.

**Council's Client Services** - No comments received and consultation expired.

#### **TOWN/PARISH COUNCIL COMMENTS:**

None

#### **REPRESENTATIONS:**

This application has been advertised and no representations have been received.

#### **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. **Residential Amenity;**
4. **Parking and highway safety;**
5. **Sustainable Development;**
6. **Landscaping;**
7. **Protected Species; and**
8. **Other material planning considerations**

1. Policy GBSP2 of the District Plan is relevant and requires that proposals within the specified settlements will be limited to that which is compatible with the maintenance and enhancement their character and their maintenance of their Green Belt boundaries. 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 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 proposal involves repositioning the range approximately 13m North West, further away from the Stanborough Park boundary and extending it to become 100m long. The lengthening of the range is accompanied by a small increase in width to satisfy range safety requirements, a new briefing hut and improved vehicles access to link back to the main facility. In addition, a further earth mound is proposed along the eastern boundary of the site.

The proposed bullet range would be located within an area of ground which is proposed to be sunken by approximately 2.7m below ground level. The proposed building would be located within the sunken area. Given its overall height and scale, this would not be visible above the proposed earth mounds and would have no undue detrimental impact on the character and appearance of the area. In addition, the materials it would be constructed from have not been stated, however this could be conditioned in the event of an approval.

In addition, the proposed bullet catcher would be located within the excavated area and whilst it would have a height of approximately 15m, approximately only 8m of this would be visible above the ground. Given the site's location within the Police HQ where there are a number of large buildings in close proximity to the proposed development, it is considered that the proposed bullet catcher would not cause a substantial detrimental impact on the character of the area to warrant the refusal of the application. With regard to its materials it would be constructed from steel with a colour to be agreed with the local planning authority, which could be conditioned. In addition, whilst landscaping does not make any development acceptable, the existing vegetation around the boundaries of the site, together with the proposed landscaping, would minimise the whole visual impact.

The proposed vehicular access would provide a suitable route to the firing range. This will enable all vehicles to access the range thus enabling enhanced vehicle related training opportunities, improved utilisations and impacted vehicle access safety. Whilst the access vehicular road would be sited partly on grass, where it could be argued to help urbanise the landscape, it is considered that the siting of this road would be close to the existing Police HQ buildings and as a result that it would not be visible from the public realm. It is considered on balance that it would not unduly urbanise this part of the landscape to warrant the refusal of the application.

The proposed earth mounds would be alongside the eastern boundary of the site and the northern edge of the proposed range cutting which are intended to strengthen the existing screening of the site to further reduce the acoustic and visual impact of the facility on the locality. These mounds would have a height of approximately 2m to 3.5m above the existing ground level. The existing trees and vegetation around the site would screen a large proportion of the proposed mounds from the adjoining sites. Therefore, they would mainly be visible only from within the application site. However, given that they would be grassed, where the existing trees would be visible over the tops they are not considered to detract unduly from the area to warrant the refusal of the application. In addition, the existing mound to the south of the bullet range would be relocated in the existing sunken shooting range. In this instance, given the site's location, which is not visible from outside the site, it is considered that it would not unduly impact on the character of the area and therefore, no objections are raised in this regard.

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 alterations to the existing bullet proof catcher and backstop structure together with the proposed development is therefore considered to comply with policy D1 and D2 of the Welwyn Hatfield District Plan, 2005.

2. The application site is located within an area of Urban Open Land where policy OS1 applies. This Policy 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. It would be sited alongside the southern boundary, where although an additional building is proposed, it would retain the land as open and

would not be of a scale that compromised the values of the open land and where it would maintain its function as an essential open areas.

In addition, whilst the land is shown on the plans as an existing sports field, it is laid out informally with a couple of goal posts and used only by the Police HQ. It is not a formal sports fields and is used for the walking of police dogs. In addition, whilst the area would reduce in size the majority of this area would remain. Therefore the proposed development would maintain the existing sports field.

Notwithstanding the above and that no objections are raised, the applicant has submitted a supporting statement which refers to the development providing a facility for Police firearms training. It outlines the requirement for upgrading the existing range at the Police HQ to enhance their training capability in order to meet current recommendations for firearms training and deliver effective policing that responded to both current and future needs. It continues to say that the application site provides vital firearms training in a key location within the borough which is used by Hertfordshire Constabulary and Bedfordshire Policies for the delivery of crucial firearms training. Limited use is also granted to other associated agencies on an occasional basis. The statement outlines that the shooting range and its location align with and support government objectives and policy on gun related crime. Providing a regular training venue for the Firearms Operations Unit and Armoury on the site is an essential part of the Police ability to continue to deliver first class firearms response services to the City and Borough. The statement submitted by the applicant outlines the requirements from the Government about a duty on the police to respond to and investigate reports of gun crime to maintain public safety and ensure that officers are trained to the highest standards to provide this service. In addition, it is outlined that there has been an increase by 17.5% of gun related crime over the previous year. When this is taken into account, it is imperative that Police authorities maintain appropriate levels of suitably trained armed officers.

Recent findings from the National Police Improvement Agency require that the bullet catcher and back stop structures are replaced. An application was approved in 2011 for this, however this has not taken place and the police authority now seek to take the opportunity of enlarging the range in order to keep pace with critical fire arms training procedures.

Notwithstanding that the proposal is not considered to compromise the value of the Urban Open lane, it is considered that the submitted justification outlines that the proposal is necessary and justified within this urban open land. Therefore, no objections are raised on this basis.

3. With regard to neighbour impact the main concerns with regard to noise. The proposed development is sited away from neighbouring properties and therefore any noise or disturbance raised from the proposed fire range, is not considered to unduly impact on their residential amenity. In addition, the site is already used as a fire range where noise already occurs. However, the proposed development would be sited below ground where bunding is proposed helping to reduce any noise.

The proposed mounds around the boundaries of the site, are not considered to impinge on the amenity of neighbouring properties. However, network Rail have

required that a method statement is submitted with any development within 10m of their land. In this instance, the grass mounds would be within close proximity to the boundary with the railway line and it is considered appropriate to attaché such a condition to this effect, in accordance with policy D1.

4. The proposed development would not impact on any existing parking. The proposal will involve people visiting the site to use the fire range, however this happens currently. The site has parking and there are parking restrictions along Stanborough Road, therefore if more people visit the site as a result of the proposed development, it is not considered to unduly impact on highway safety.

5. 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.

6. 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.

7. The range is set into the ground and the extension will require a significant amount of excavation. There are some trees along the southern boundary which form a screen from Stanborough Lakes. However these trees are a sufficient distance from the excavation works and should not be harmed during this process.

Some small and medium trees will need to be removed within the site to facilitate the development but these are of low amenity value as they cannot be seen from outside the site.

The proposals should not therefore have a detrimental effect on the trees and landscape in the area, and would comply with policies D8 and R17 of the District Plan.

8. 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 Act. 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.

Representations: A representation has been received from Network Rail. They request that the backstop structure should be located as a minimum of its own height away from the railway boundary to guarantee that the railway would be safe from potential danger through falling equipment. In this instance the bullet catcher has a height of approximately 15m and would be sited about 70m from the railway line.

In addition, Network Rail request that conditions are placed on any permission given with regard to a method statement, landscaping and lighting. In this instance, the proposed development proposes no lighting and no landscaping is proposed, except for the proposed grassed banks which have been on the plans viewed by Network Rail. Therefore, these conditions are not considered relevant to the application. The method statement can be placed on as a condition to the permission as the proposed grassed bank is only approximately 10m from the boundary with the railway which will ensure that the land is not impacted on as a result of the proposed development.

Right of Way: There is a public right of way which extends across the railway bridge only. The proposed development is therefore not considered to impact unduly on this existing right of way.

## **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. In addition, no concerns are raised with regard to the impact on neighbouring properties, highway safety and parking provision. The development will also meet the aims of Policy R3 of the District Plan. Finally, there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur



## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **CONDITIONS:**

1. C.2.1 Time limit for commencement of development
2. C.13.1 The development/works shall not be started and completed other than in accordance with the approved plans and details: Drawing Nos. AL(2)P01 B & AL(2)P03 C & AL(2)P04 B AL(2)P04 C received and dated 5 May 2012 & Drawing Nos. AL(2)PO7 (Existing Site Plan indicating field as existing) & AL(2)P08 (Proposed Site Plan indicating field as Proposed) received and dated 25 July 2012 & Drawing Nos. AL(2)PO7 (Proposed Sections E&D) & AL(2)P08 (Briefing Hut Elevations) received and dated 2 August 2012 unless otherwise agreed in writing by the local planning authority.

### **Pre Development**

3. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building and colour of the steel structure hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of 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.
4. No development shall commence until a Method Statement for the grass mounds has 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 that the railway line is protected in accordance with the National Planning Policy Framework and Policy D1 of the Welwyn Hatfield District Plan 2005.

### **Post development**

5. The mounds shall be covered with Emorsgate Wild Seeds Meadow mix unless agreed otherwise in writing by the local Planning Authority.  
REASON: To help enhance biodiversity in accordance with the National Planning Policy Framework and Policy R11 of the Welwyn Hatfield District Plan 2005.

### **SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP2, R3, R11, R17, 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. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.
  
2. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
  
3. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.
  
4. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
  
5. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

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