

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

APPLICATION No:	S6/2012/1591/FP
APPLICATION SITE:	Northaw School

NOTATION:

The site lies wholly within the Metropolitan Green Belt, Landscape Character Area 53 (Northaw Common Parkland) as defined in the Welwyn Hatfield District Plan.

DESCRIPTION OF SITE:

The application site accommodates a primary school which has had many additions and extensions that are both freestanding and attached to the original building. The front boundary of the site is enclosed by a hedge, railings and a gate. The land level of the site falls to the rear. Beyond the boundary to the east is a residential plot. To the north and west of the site is open Green Belt land.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for erection of mobile classroom unit. It is proposed to demolish an existing portacabin classroom and replace it with a new permanent building of modular construction. The existing building is in a dilapidated condition and, due to water damage, has been unusable since May 2012 for health and safety reasons.

The new building would comprise of a classroom measuring approximately 66sqm, a lobby, toilet and disabled toilet. The building would have a flat roof and would be finished in painted render above a brick plinth. Fenestration and bricks would match existing school buildings.

Northaw C of E Primary School is a 'half form entry' Primary School. The existing portacabin classroom is an unsuitable shape and in extremely poor condition. Being a half form entry school, two year groups are taught together in a classroom in the mornings and then it is necessary to split the group into two for the afternoon session. The portacabin was used to teach one year group as the accommodation in the main part of the school is not suitable for two year groups to be taught separately. The proposed classroom would be sufficient size to teach two year groups and would feature a sliding partition two divide the area into two separate teaching areas for the afternoon sessions.

PLANNING HISTORY:

S6/2008/0360/FP – Erection of single storey front extension (Granted 18/04/2008)

S6/2007/1107/FP – Erection of single storey front extension (Refused 17/09/2007)

S6/2002/1459/FP – Proposed early years classroom and re-location of playground (Granted 28/04/2003)

S6/1995/0184/FP – Extension of school library (Granted 01/05/1995)

S6/1994/0706/FP – Proposed formation of 8 No. additional car parking spaces
(Granted 21/11/1994)

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy Framework, March 2012

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV3: Biodiversity & Earth Heritage

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005

GBSP1: Definition of Green Belt

SD1: Sustainable Development

R3: Energy Efficiency

R11: Biodiversity and Development

R17: Trees, Woodland and Hedgerows

RA10: Landscape Regions and Character Areas

D1: Quality of Design

D2: Character and Context

D8: Landscaping

D5: Design for movement

D9: Access and Design for people with disabilities

CLT8: New and Extended Educational Facilities

M14: Parking standards for new developments

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS

Welwyn Hatfield Borough Council Landscape Department – There are several trees within the grounds, the most notable one close to the proposed block is a weeping willow. The tree should be of sufficient distance from the new block to remain unaffected.

TOWN/PARISH COUNCIL COMMENTS

Northaw and Cuffley Parish Council – No objection

REPRESENTATIONS

The application was advertised by site notice and neighbour notification letters. No representations were received from neighbouring occupiers. Welwyn Hatfield Access Group responded by letter dated 28 August 2012, addressed to the Applicant's Agent and copied to the Council. The letter requested confirmation of details but did not state any objection to the proposal. No further correspondence was received and The Welwyn Hatfield Access Group did not submit any representation directly to the Council.

DISCUSSION:

The main issues are:

1. The appropriateness of the proposed development
2. Whether the proposal is appropriate development in the Green Belt and the impact on the visual amenity and openness of the Green Belt
3. Impact on visual amenity and the character of the area

4. Impact on the residential amenity of neighbouring properties
5. Parking provision and impact on the highway
6. Other material considerations

1. The appropriateness of the proposed development

The proposed extension would form a small addition to the existing school, which would help it function more efficiently rather than increase its capacity. The proposal is therefore considered to be acceptable when assessed against Policy CLT8 of the Welwyn Hatfield District Plan 2005.

2. Whether the proposal is appropriate development in the Green Belt and the impact on the visual amenity and openness of the Green Belt

The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. As with previous Green Belt policy, the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF accepts that within the Green Belt the construction of new buildings should be regarded as inappropriate development. Exceptions to this include buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The proposed erection of a new classroom building does not accord with any of the exceptions set out in the NPPF and therefore would be inappropriate development in the Green Belt.

In terms of the effect of the proposal on the openness of the Green Belt, the NPPF identifies in paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF does not qualify what is said about openness by any reference to whether or not buildings would be readily visible or cause any harm to the appearance of the Green Belt.

The effect on openness of the Green Belt is a matter of its physical presence rather than its visual qualities. Although the new building would not encroach outside the existing school grounds and would be partially concealed from view from the highway by existing school buildings and boundary planting, the presence of a building of this size would inevitably reduce the openness of the Green Belt by reason of its three dimensional bulk.

In terms of visual amenity, the siting of building within the school grounds set back approximately 22m from the highway and behind a hedge would reduce its impact from outside of the site as it would be largely screened from view. Although the proposed building has a functional design, it would be finished in materials to match the existing school buildings. The flat roof would keep the height of the building to a minimum. For these reasons it would not result in harm to the visual amenity of the Green Belt. However, this matter does not add weight in favour of the development; it merely reduces the amount of 'other harm' against it. The absence of harm in one

respect cannot outweigh harm in another. Such factors are essentially neutral in the final balance.

To the substantial harm by reason of inappropriateness must be added the inevitable loss of Green Belt openness locally that addition of the proposed building would occasion. It is accepted that because the building would not be prominent when viewed outside of the site, the loss might not be readily apparent but it would none the less be tangible. Taking account of the aim of the NPPF to protect Green Belts from development it is considered that the presence of a building of this size would detract from the openness of the Green Belt and thereby conflict with one of its essential characteristics.

Having determined that the development is inappropriate in the Green Belt it is necessary to consider whether any very special circumstances exist which on the opinion of the Local Planning Authority could amount to very special circumstances required to outweigh the harm caused by reason of inappropriateness and other identified harm.

The applicant has advanced a number of arguments that can reasonably be taken into account as being material considerations. Those put forward in this case are, are summarised below:

1. Currently Northaw can meet the needs of a physically disabled child for Nursery and Reception (EYFS age group) but the old unit (known as Acorns) was purpose built for 3-5 year olds (EYFS) and, as such, would not be appropriate for older children. The rest of the school housing Key Stage 1 and Key Stage 2 is built around the original Victorian Schoolroom and operates on multiple levels involving steps and stairs to all classrooms, toilets and the dining facilities. Full access for a physically disabled pupil, parent or member of staff is impossible. The proposed replacement classroom allows for level access to a unit designed to accommodate all age groups. As a result Northaw School would be able to offer educational provision for children from the age of 3 - 11. Thus, the new classroom would allow Northaw School to achieve greater compliance with the Disabilities Act.
2. The educational needs of local children should be met locally. In the first round of primary place allocations in 2012 over 800 children in Hertfordshire were left without a primary school place of any description - local or not. The replacement classroom is needed to allow for the full delivery of the Key Stage 1 Curriculum and the future sustainability of the school by meeting the Ofsted criteria required to be an 'outstanding' school - something we at Northaw believe should be the aim for all providers of education. If Northaw School were forced to close for any reason over 100 children would be left without school places and this requirement is unlikely to be met locally.
3. The new classroom will enhance the look of the area and will allow for 'eco projects' within our school. Water butts are planned for the drainpipes. These will provide a sustainable water supply for the Gardening Club - which is situated in close proximity to the new classroom - and will allow staff to teach pupils about the importance of water conservation, how easy it is to harness rainwater to irrigate the garden/greenhouse etc.
4. The size of the building is determined by a legal formula for the square meterage per capita of children housed within the classroom. Class sizes are

dictated by the published admission numbers which is set by Hertfordshire County Council at 15 in each year group which effectively determines the required size of the building.

5. The proposals are essential in order to sustain a highly valued and important village school. The application is in the interest of the sustainability of the local community. It meets the specific needs of the local community (teaching its children).

Taking each item in turn,

1. Limited weight is attached to this as no evidence has been submitted to show that the existing school buildings cannot be adapted to provide improved disabled access.
2. Significant weight is attached to providing suitable space to meet educational needs in an appropriate manner which cannot currently be met within the existing school building without combining two year groups.
3. The fact that the proposal would not harm to the visual amenity of the Green Belt does not add weight in favour of the development; it merely reduces the amount of 'other harm' against it. The absence of harm in one respect cannot outweigh harm in another. Such factors are essentially neutral in the final balance. Minimal weight is attached to the proposed 'eco projects' as these could be undertaken using the existing school buildings.
4. Significant weight is attached to providing suitable space to meet educational needs in an appropriate manner which cannot currently be met within the existing school building without combining two year groups.
5. Significant weight is attached to the community benefits of sustaining the village school and meeting the specific needs of the local community.

Cumulatively, when the weight is added together for all these points, it is considered that they represent very special circumstances which clearly outweigh the harm by virtue of the developments inappropriateness. The development therefore complies with the National Planning Policy Framework.

3. Impact on visual amenity and the character of the area

The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG).

In terms of visual amenity, the siting of the building within the school grounds and behind a hedge would reduce its impact from outside of the site as it would be largely screened from view. Although the proposed building has a functional design, it would be finished in materials to match the existing school buildings. The flat roof would keep the height of the building to a minimum. A planning condition requiring the approval of materials would be appropriate to ensure that the detailed design of the proposed building can be properly assessed and agreed. Overall, it is considered that the quality of design of the replacement dwelling is sufficient to comply with the NPPF and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

4. Impact upon the residential amenity of the adjoining occupiers

No objections have been received from neighbours or the Parish Council. The application site adjoins a residential plot to the east. The proposed development would be single storey in height with a flat roof and is unlikely to have an impact in terms of loss of light, overbearing impact, or overlooking to nearby residential properties. Given the proximity of the school and associated play areas to nearby residential dwellings, there may already be some noise intrusion as a result of existing outdoor activities as well as students arriving at and leaving the school site. The proposal would not increase in the number of students and is unlikely to contribute to further to any existing negative impact.

5. Parking provision and impact on the highway

The applicant has submitted supporting information which states that the proposed extensions to the school would not increase the number of students or staff and therefore there would be no effect on journeys to the school, modes of transport or parking. No changes are proposed to the existing car park or access arrangements. The proposed extension would be of a modest scale to accommodate only existing pupils and staff, therefore, in this instance the proposed level of parking that would be retained is acceptable.

6. Other material considerations

Landscape Regions and Character Areas: Policy RA10 states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located. The application site is located with the Northaw Common Parkland. The objectives for this landscape character area are to conserve and strengthen. The proposal is not considered to be detrimental to these objectives and therefore complies with policy RA10 of the Welwyn Hatfield District Plan, 2005.

Landscaping: There are several trees within the grounds, the most notable one close to the proposed block is a weeping willow. The tree should be of sufficient distance from the new block to remain unaffected.

Protected Species: The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, 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 a EPS offence be likely to occur.

Sustainable Development: The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

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 policy(ies) 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 development when assessed against Green Belt constitute inappropriate development. Notwithstanding this, the applicant has advanced sufficient evidence to demonstrate that very special circumstances exist. As such the proposal complies with the National Planning Policy Framework.

In design terms, the proposal would not have an adverse impact upon the character and appearance of the street scene or the residential amenity of the neighbouring occupiers, subject to appropriate planning conditions in regards to materials.

The proposal would also not harm the visual amenity of the Green Belt or the Landscape Character.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Time Limit
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 8644/04 & 8644/05 received and dated 10 August 2012

PRE DEVELOPMENT

3. C.5.1 – Samples of Materials to be Submitted and Agreed

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, ENV3, ENV7 and development plan policies GBSP1, SD1, R1, R11, R17, RA10, D1, D2, D5, D8, D9, CLT8, M14 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).

INFORMATIVES

1. INF1 – Other Legislation
2. INF10 – Wheel Washing
3. INF11 – Damage to Grass Verges

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