

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/2549/FP
APPLICATION Site:	Oshwal Centre, Coppers Lane Road

NOTATION:

The site is located within the Green Belt and Landscape Region and Character Area as designated by the Welwyn Hatfield District Plan 2005. The application building is Grade II Listed.

DESCRIPTION OF SITE:

The Oshwal Centre is a community and religious centre used by the Jain Community. The application site is situated on an extensive irregular shaped plot on the northern side of Coopers Lane Road in Northaw, which is entirely situated within the Metropolitan Green Belt.

The site consists of Hook House (also identified as Oshwal House), the existing reception venue, associated car parking, various outbuildings including a Buddhist temple, which is situated on the southern section of the site.

Hook House is a Grade II Listed Building, which dates from the c.1839 and is an Asymmetrical Tuscan-style villa of 2-3 stories with attics. It appears that it has been extended to the side in its history with a later three storey extension.

To the rear of the building is a paved terraced area with open lawns beyond.

DESCRIPTION OF PROPOSAL:

The application proposes the erection of a single storey rear extension following demolition of existing ground floor extension and enlarged terrace area.

This proposed extension will require the removal an existing single storey extension and the addition of a new ground floor structure to provide an enlarged dining hall with an increased floor area from 51 sqm to 104 sqm which (according to the application drawings) will increase the seating from 28 to 80.

To facilitate this it is proposing to extend the existing flat roof and to create a central lantern to allow daylight into the centre of the new seating area.

The proposed external wall finishes are to match the existing and the arched glazed doorways and will mirror those which already exist in this part of the building. The existing terraced, are where the extension is proposed, will be extended further out.

PLANNING HISTORY:

S6/1979/689 – Change of use from residential to spiritual, cultural and leisure activities of a religious body – granted.

S6/1980/46 – Extension and conversion of outbuildings to community buildings – granted.

S6/1980/126 – New temple – granted.

S6/1984/352 – Single storey extensions and alterations- granted.

S6/1984/353 – Demolition of first floor extension, erection of single-storey extension and alterations – granted.

S6/1985/398 – Site for new temple (revised siting to previous scheme) – granted.

S6/1986/234 – Demolition of existing outbuildings and replacement with new community building in association with use of Hook House – granted.

S6/1988/861/FP - Erection of temple –granted 22 November 1988

S6/1989/534 – Revised internal road and car park surfacing, new paved surface adjacent to Oshwal House and additional landscaping – granted.

S6/1990/629 – Erection of canopy – granted.

S6/1992/681 – Erection of temple (application made under Section 73 of the 1990 Town and Country Planning Act) – granted.

S6/1994/751/FP - Erection of ornamental temple (2.1m high) and paved garden in grounds - granted 12 December 1994

S6/1995/226 – Erection of temple (renewal of consent S6/1992/0681) – granted.

S6/1995/227 – Erection of non-illuminated sign – granted.

S6/1996/0503/FP - Extension to Assembly Hall to provide toilets at first floor and foyer to ground floor – granted 2 August 1996

S6/1996/388 – Erection of ornamental temple (2.1m high) and paved garden in grounds – granted.

S6/1997/985 – Erection of scale model of temple (in position approved under S6/1996/0388) – granted.

S6/1998/662 – Erection of temple (revision to planning permission S6/1995/0226) to incorporate 11.5m² of additional floor area and revised elevations – granted.

S6/2001/1202/FP - Erection of extension to assembly hall to provide toilets at first floor and foyer to ground floor. (renewal of planning consent S6/0503/96) – granted 18/01/2002

S6/2003/1587/FP - Erection of temple (revision to previous planning permission S6/1998/662/FP) together with ancillary building and new car parking – granted 9 February 2004

S6/2005/201 – Stone garden features around the temple – granted.

S6/2006/0003/LB - Blocking up of existing internal doorway and formation of new door opening. - granted

S6/2006/1254/LB - Single storey rear extension and associated internal alterations – refused 05/12/2006

S6/2007/1950/LU - Certificate of lawfulness for proposed resurfacing and reconfiguration of existing car parking layout and landscaping (existing car spaces 235, proposed car spaces 235) A(G) 18/02/2008.

SUMMARY OF POLICIES:

National Planning Policy Framework

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Hertfordshire Structure Plan Review 1991 – 2011:

None

SD1: Sustainable Development

GBSP1: Definition of Green Belt

D1: Quality of Design

D2: Character and Context

D9: Access and Design for People with Disabilities

R3: Energy Efficiency

M14: Parking Standards for New Developments

RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS:

Hertfordshire Biological Records Centre – advise ‘there are no known ecological constraints regarding the proposed development. Therefore, the application can be determined accordingly’.

TOWN/PARISH COUNCIL COMMENTS:

Norhaw and Cuffley Parish Council advice: ‘The PC have no objection’

REPRESENTATIONS:

None, period expired 10/01/13

DISCUSSION:

The main issues are:

- 1. Green Belt Policy**
- 2. Quality of design and the impact on the character of the surrounding area.**
- 3. Other Material Planning Considerations**

1. Green Belt Policy.

- i) Whether the development proposed would be inappropriate development in the Green Belt.

Protecting Green Belts is a core planning principle of current national policy in the National Planning Policy Framework. National Policy confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 of the in the National Planning Policy Framework (NPPF) states that amongst over things, an extension or alteration to a building in the Green Belt that would constitute a disproportionate additions over and above the size of the original building would be inappropriate development. As Local Plan Policy RA1 is not saved, the can be no conflict with the local development plan in this regard.

Guidance is provided in the NPPF over the definition of ‘original building’ as ‘a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.’

With respect to this application, the proposed extension is to ‘Hook House’ which is a Listed Building on the site and is probably the oldest remaining structure within this curtilage.

This listed building appears to have only been extended once with a small ground floor rear extension (application S6/352/84) in a location which is also the subject of

this application. The earlier larger extensions to this former country house appear to pre-date 1st July 1948. If the proposal was to be considered in isolation of the other developments which have taken place on this site, then the proposed extension through a simple visual analysis would be of a size that would be modest compared to that of the 'original building'.

However, in the absence of specific national guidance on this provision in the NPPF to extend extensions to buildings in the Green Belt, (where formerly it was limited only to dwelling houses in PPG2), there is a requirement for the decision maker to consider the relevance of other developments which have taken place on the application site since 1st July 1948.

For example, the inclusion of outbuildings which have been added through either planning permission or through permitted development rights has been previously included in the assessment of whether the proposed development would be disproportionate to the 'original dwelling' in previous Green Belt Policy assessments by this authority. This is because the overall cumulative impact of such development on a site, even in the form of outbuildings since 1st July 1948, has an impact on the openness of the Green Belt which is fundamental aim of Green Belt Policy.

Paragraph 79 of the NPPF still reflects this where it states:

'The Government attaches great importance to Green Belts. 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.'

As such with these intentions of the NPPF made clear, it would not be unreasonable for the decision maker in this application to go through the same reasoning in considering the development on the whole of the application site since the 1st July 1948 as part of assessing whether the development would be 'disproportionate'.

On this application site, there have been a number of developments since the site was granted planning permission for a change of use to a spiritual, cultural and leisure use for a religious body in the late 1970's (application S6/1979/689).

Of these developments, there are three main developments which have significantly impacted on the openness of the Green Belt:

- 1) – New Community Hall (application S6/1986/234)
- 2) – New Temple (S6/2003/1587/FP)
- 3) – New Parking (S6/2003/1587/FP)

In regards to the first application (S6/1986/234), there is evidence that this new community hall was granted planning permission following demolition of existing outbuildings which appear to be original to this site. In these circumstances, it would be reasonable to include these original outbuildings in this Green Belt Policy assessment as the removal of these would have improved the openness of the site. Notwithstanding this, the scale of the new community hall, whilst similar in regards to

the overall footprint of the outbuildings (now demolished), is significantly larger in internal floorspace, bulk and mass.

In regards to the second and third application for the temple and new parking, there is no evidence in the planning history that these developments replaced any original structures on the site. All of these developments on the site have therefore reduced the openness of the Green Belt, and this has only been mitigated *in part* by the removal of the original outbuildings.

A simple visual analysis of these previous three development shows that even without Hook House being previously extended, any further new development on this site, when added to the existing cumulative impact of earlier implemented planning permissions, would result in the additions proposed in this application being disproportionate to the original buildings on this site.

Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 continues by stating that substantial weight should be given to any harm to the Green Belt.

ii) Effect of the development proposed on the openness and character of the Green Belt

Paragraph 79 of the NPPF confirms that the fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and note that the essential characteristics of Green Belts are their openness and permanence.

Green Belt openness results from the absence of development and this is evident in the open character of this application site. Furthermore, any loss of openness can occur even if the development can be seen either within the application site or from more distant public view points.

1. The size of the proposed new development would result to some extent in the further erosion of the openness of the Green Belt. The location of the proposed extension is however to the rear of the building and is only single storey. It is also on part of the site where view points are limited from both within and outside of the site's curtilage. The openness of this part of the site is also constrained to some extent by the neighbouring residential buildings to the north.

Given the particular location of the proposed extension and the immediate context of the proposed extension, along its single storey height, the scale of the development would in these circumstances not significantly detract from the openness of the Green Belt as to be harmful to it. No additional harm to the openness of the Green Belt is therefore added to that already identified by reason of the development being defined as being inappropriate.

iii) Other Considerations

In accordance with paragraph 87 of the NPPF, as with previous Green Belt policy, where development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, this will amount to the very special circumstances necessary to justify the development.

In the Design and Access Statement (D&A) submitted with the application, it is noted that reference is made to Local Plan Policy RA1. This is not a 'saved' policy however and so no reliance can be made on this as part of the assessment of this application.

As policy RA1 is not 'saved' there is not conflict between the NPPF and the local plan on Green Belt policy for this type of development in the Green Belt. As such weight is given to the NPPF Green Belt Policy for extensions to buildings in the Green Belt in the assessment of this application.

The D&A states in paragraph 3.2 that the development is *'not inappropriate development in the Green Belt as detailed in the NPPF given the planning history of the site and the use of the existing building, as well as the modest and proportionate scale'*.

In regards to use, it is accepted that there is no change of use being requested as part of this application and so this does not conflict with the requirements of paragraph 89 of the NPPF. The main issue here remains in regards to whether the extensions are disproportionate. It appears that the D&A has assessed the proposed extensions in regards to the scale of Hook House and has not taken into account other extensions which have taken place in the wider application site. There are therefore two differing approaches being taken in terms of the interpretation of the NPPF in regards to what is considered to be appropriate development in the Green Belt for extensions to buildings by the applicant and the local planning authority.

This matter was brought to the attention of the applicant, and an opportunity was provided for any special circumstances to be taken into account if the proposal was considered by the local planning authority to be inappropriate development in the Green Belt.

A letter dated 21st January 2013 was submitted by the applicant in response to this request which has listed the following very special circumstances to be taken into account in accordance with paragraph 87 which states:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

1. Oshwal House receives a large number of visitors and has an existing small canteen facility (includes weekly visits by groups of elderly persons for cultural, social and devotional purposes and parties of school children on organised coach parties and other one-off visits are not uncommon by religious, research and educational groups).
2. The existing facilities can only provide very light refreshments to a limited number of people.

3. The use of the Community Hall is impractical as they are in frequent use.
4. The Community Hall is a separate building which is not currently accessible to elderly and infirm visitors.
5. There is no protective route from inclement weather conditions from Hook House to the Community Hall.
6. Heating the Hall is impractical due to its size for smaller groups.
7. The only practical solution to meet the obligations of hospitality is to enlarge the current canteen to create a dining area capable of serving meals as well as simply tea and biscuits.
8. The proposal would not conflict with any of the five purposes of Green Belt Policy set out in paragraph 80 of the NPPF.
9. There is no harm to the openness of the site.
10. There is no harm to the setting of the Listed Building.
11. There is no harm to the wider Estate including the temple.
12. The extension is to the rear of the building and so not in common view of the main public areas of the site.
13. The extension is modest in scale compared to the floor area of Oshwal House and is not near any of the site boundaries.
14. The development will not cause a significant increase in visitors.
15. The needs of the site are greater now than previously.
16. Other developments have been granted in this Green Belt location for the site.
17. There is no alternative location.

Further considerations advanced by the applicant include that the site has been in operation since 1980 and that it is a non-profit organisation and Charitable Foundation. The site is major centre of religious devotion and is recognised by a number of religions. The site is the Headquarters and as such has significant cultural value to the Oshwal people as a centre for community and learning.

Each of these points will be considered in turn:

1. The size of the current canteen which is shown on the drawings as 51 sqm is not large for this site and appears to be more likely to have been originally orientated towards meeting the staff needs at the site. It is not unreasonable to expect that a site in this type of use will be visited by various age groups on a regular basis and that provision needs to be made for hospitality. Weight is attached to this requirement.
2. From the site visit it was noted that the current facilities, including the kitchen area are basic and that providing more than light refreshments is not likely to be possible. Weight is attached to this requirement.
3. The main administration building (and Headquarters for this organisation) is located in the historic building of Hook House. It is not unreasonable to expect that this building which is probably an attraction in itself, should provide facilities for visiting groups. Although the Community Hall does have some kitchen/dining facilities it is primarily for those using the Hall and so not available at all times. Weight is attached to this requirement.
4. It is also accepted that the Community Hall is not easily accessible to elderly visitors due to the number of steps and is set some distance apart from Hook House. Weight is attached to this requirement.

5. Furthermore, it is accepted that there is no protective route in poor weather for visitors between Hook House and the Community Hall. Weight is attached to this requirement.
6. The size of the Community Hall means that it is impractical to heat up for small groups. In terms of energy efficiency, the use of this building is not practical for small groups. Weight is attached to this requirement.
7. The most practical route is to enlarge the current canteen. Weight is attached to this requirement.
8. The only purpose which may conflict with this proposal is safeguarding the countryside from encroachment. The extension will enlarge the current footprint into open space and so in a limited way there will be some modest encroachment into the countryside. Limited weight is therefore attached to this consideration.
9. There is likewise some harm to the openness of the Green Belt due to the physical presence of a new building in a space where currently none exists. Limited weight is therefore attached to this consideration.
10. The proposed extension will have an impact on the setting of the Listed Building as it will further change its original design. It is however accepted that there will be no harm to its setting as the design and location of this extension is considered to be acceptable. Limited weight is therefore attached to this consideration.
11. It is accepted that the character of the wider estate will not be harmed from the proposed development. Some limited weight is therefore attached to this consideration.
12. The location of the extension is not in the immediate public view as it is located to the rear so the visual amenity of the countryside is not harmed. Weight is attached to this requirement.
13. The size of the extension is modest when compared to Hook House and so the visual impact when seen against the back drop of the current building is reduced. Weight is attached to this requirement.
14. The proposal is unlikely to result in a significant intensification of use of the site. Weight is attached to this requirement.
15. It is accepted that as the site is now well established for this use that there is a greater likelihood of groups wanting to visit the site and so there is additional need for essential facilities. Weight is attached to this requirement.
16. Although other developments have been granted, each proposal must be considered on its own merits and against the prevailing planning policies at that time. No weight is attached to this.
17. It is accepted that to meet the needs for the users of Hook House that this is probably the most appropriate location and will use at least some of the existing dining room space. Weight is attached to this requirement.

Finally with regards to the use of the site and its history, some weight is attached to the fact it is well established and a successful organisation and that it is there headquarters and so the need is likely to be long term. Weight is attached to this requirement.

Overall, and with just one exception, varying weight has been attached to all the points listed above, albeit to varying degrees. Weight is also attached to the fact that the harm to the Green Belt is solely limited to that due to the developments

inappropriateness and that no additional harm is from the developments impact on the character and appearance of the Green Belt.

Taking all these factors into account, individually none of these other considerations would be of sufficient weight on their own to clearly outweigh the harm the inappropriateness of the development. If, however, when these are considered as a whole, sufficient weight does exist to demonstrate very special circumstances.

2. Quality of design and the impact on the character of the surrounding area.

Local Plan Policy D1, D2 and RA10 are relevant along with the Supplementary Design Guidance.

The design of the new extension will require the removal of an existing rear wall which currently has two arched opening where full height glazed patio doors exist. There is also a requirement to remove a small flat roofed extension and to increase the opening size of an existing window.

There is evidence in the planning history to show that the wall to be demolished is a much more recent addition granted by application S6/352/84 and so is not part of the original fabric of the building. The loss of these features is therefore not considered to be an issue to this heritage asset. Furthermore, the proposed design will also replicate the features of the glazed windows which will be removed as part of this development.

In regards to the relationship between the new extension and the current building, the extension is to be located to the rear of the building where an outside terrace is currently located. The existing building has mainly pitched roofs, but there are existing examples of flat roofs, including the original bay windows. As such the use of a flat roof of this scale which also has a glazed lantern in its centre is not considered to be harmful to the overall character of the building.

The use of matching materials would be the most appropriate approach in this development as indicated by the application drawings.

Overall the design is considered to be of a high quality which will respect the existing character of the area and its wider context and so will comply with local plan policy D1 and D2 along with the Supplementary Design Guidance. Furthermore, taking into account the location and size of the proposed rear extension and that it is single storey, the impact on the surrounding landscape would not be significant and so the proposal complies with local plan policy RA10.

3. Other Material Planning Considerations

Parking: The proposed extension is not considered to generate any material increase in the number of vehicles visiting the site. In addition there also is a large parking area on the site which is likely to meet the requirements of visitors to the site which will use the enlarged dining area. As such the proposal is considered to comply with local plan policy M14.

Energy Efficiency: Local Plan Policy R3 is relevant. The Sustainability Checklist advises that suitable energy saving measures will be incorporated, but this will be restricted due to the limitations of working with a listed building. This is considered to be a reasonable approach and so complies with Local Plan Policy R3.

Disabled Access: Local Plan Policy D9 is relevant. The proposed development will be on the ground floor and the applicant has confirmed to the Welwyn Hatfield Access Group that there is level access from the main entrance to the new dining area. Taking into account that one of the reasons for the application is that the facilities in the Community Hall are not at the moment ideal for disabled access, this proposal will go some way of improving disabled facilities on the site. As such the proposal is considered to comply with Local Plan Policy D9.

Protected Species The presence of protected species is a material consideration, in accordance with the National Planning Policy, 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).

Hertfordshire Biological Records Centre advises that there are no known ecological constraints regarding the proposed development. 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 and amended 2012 Regulations further.

CONCLUSION:

In respect to Green Belt Policy the proposed extensions are not considered to accord with the requirements of the NPPF for exceptions to new buildings in the Green Belt and so by definition the proposed is inappropriate development.

Notwithstanding this it is necessary to consider if there are very special circumstances which would clearly outweigh the harm by reason of the developments inappropriateness. The applicant has submitted other considerations for assessment and the Council has also taken into account any other evidence which may be supportive. Although none of these points if taken in isolation would carry sufficient weight, if taken together they do provide sufficient evidence to demonstrate that very special circumstances do exist to justify a new building.

In addition, no harm to the visual amenity of the Green Belt would result.

With regard to design, it is considered that the proposed development would be of a good quality which would meet the design requirements of Local Plan D1 and D2 and the accompanying Supplementary Design standards subject to a planning condition requiring the use of matching materials. Although this is a listed building,

the more detailed requirements of materials can be subject to a planning condition for this accompanying listed building consent application to ensure that the development also meets the objectives of the NPPF for heritage assets.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details 6842/03/P0 & 6842/04/P0 & 6842/08/P0 received and dated 12 December 2012 & 6842/02/P1 received and dated 19 December 2012

Post Development

3. C5.1 Samples of materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, and Development Plan and local plan policies SD1, GBSP1, D1, D2, D9, R3, M14 & 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. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and 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. Listed Building Consent granted under application S6/2012/2622/LB requires the submission of additional construction details and material samples for approval prior to the commencement of development works. A further application for the discharge of planning condition is therefore required for application S6/2012/2622/LB. The requirements of these conditions must be discharged in writing by the Local Planning Authority before any development works granted by this application can commence.

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