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For and on behalf of  
**Oshwal Association of the UK (OAUK)**

**PLANNING STATEMENT**

**REPLACEMENT BUILDING FOR THE PURPOSES OF PROVIDING  
AND RATIONALISING OPERATIONAL STORAGE**

Oshwal House  
Coopers Lane Road

Prepared by  
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London

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H191/5 – Oshwal Centre Operational Storage  
June 2017  
Planning Statement - OAUk

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Appendix 1 – Site Photographs

## 1.0 INTRODUCTION

- 1.1 This Statement is submitted in conjunction with a Planning Application for the construction of a replacement building for the purposes of providing storage space in connection with the operation of the adjoining Community Halls and the management and maintenance of the Oshwal Centre, its temple and grounds. It is located on the site of an existing building presently used for storage and will allow the removal of a number of unsightly shipping containers which are presently also used for operational storage.
  
- 1.2 The purpose of this Statement is to provide the context in which this application should be considered, in relation to the programme of works intended by OAUk which have been subject to various planning permissions issued by Welwyn-Hatfield Council and to the preparation of the Oshwal Strategy, which was submitted to the Council and has been subject to formal discussion and public consultation.

## 2.0 BACKGROUND AND CONTEXT

- 2.1 The Oshwal Association of the UK (OAUk) represents some 20,000 Oshwals residents in Britain, more than half of whom are active members of the Association. The Oshwal Centre at Coopers Lane Road is both the headquarters of the Association and also its spiritual centre. The *Derasar*, or temple, at the Oshwal Centre is the focus for all those who practice Jainism, and the OAUk welcomes visitors from all religious, ethnic or cultural backgrounds.
- 2.2 The OAUk was founded in 1968 as a need was seen to create an organisation which would mirror sister organisations in India and Kenya and which would establish its own identity in step with the intellectual, cultural and religious ethos of the people it represents. OAUk became a charitable foundation in 1972. Its Vision is:

*“To form a more perfect community, for the advancement of the Jain religion, the relief of poverty, the advancement of education and the protection of health for Oshwal Members.”*

- 2.3 The ethos of the Community is defined by its cultural heritage and is one of self-support amongst its members, tolerance and inclusion which extends to all races and religions, hospitality, and care and welfare for all living creatures.
- 2.4 The OAUk is wholly dependent on its Members. It is a thriving organisation, enjoying an influx of new younger Oshwals volunteering for the many activities it undertakes. In the last three years nearly 1 in 10 of all members have volunteered their time and energies through becoming involved with a range of events and activities which bring benefit to the community at large.

### Activities

- 2.5 The activities (discussed in detail further below) organised by the Association include:
- **Education;**
  - **Young Persons Activities;**
  - **Health Care;**
  - **Women’s Health and Wellbeing;**
  - **Sports, Social and Community Activities; and**
  - **Religious and Cultural.**

- 2.6 All the OAUk's activities, its properties and its plans are funded by subscription and donations from its members; from the fees it is able to charge for events using its facilities and from other fund raising activities such as lotteries and raffles.
- 2.7 The association has four centres. The Oshwal centre at Coopers Lane Road near Potters Bar is the headquarters of the organisation and the hub of its activities. It is supported by three other local centres: the Oshwal Mahajanwadi in south London, the Oshwal Ekta centre in Kingsbury, north west London and the Oshwal Shakti centre in Hounslow. Whilst allowing greater access for many to weeknight activities, none supplant the importance of the Oshwal centre to the whole community.

### **Oshwal House**

- 2.8 One of the main objectives of the OAUk is the advancement of Jainism by the provision of a place of worship.
- 2.9 It was with this objective in mind that the elders of the community purchased the property known as Hook House in Coopers Lane Road, Potters Bar (Northaw) in 1980. Renamed Oshwal House, it is a Tuscan Style villa dating from 1839 and Grade II listed (listed in 1952), set in some 80 acres (about 32 hectares), around which OAUk has subsequently constructed the Derasar, Community Halls and associated car parking, and ancillary uses such as a children's play area.
- 2.10 Following its original acquisition, initial renovation of Oshwal House took place to provide office accommodation, meeting and seminar rooms and a small restaurant for staff and visitors, as hospitality is at the core of the Oshwal tradition. It also contains a flat, occupied by the resident priest.
- 2.11 In recent years OAUk's priority has been the renovation of the Community Halls and permission was granted for a small extension and other alterations in 2013 (ref S6/2013/0916/FP).
- 2.12 These schemes were completed and the renovated Community Halls were officially opened by HRH Prince Charles in January 2015.

- 2.13 Following this OAUk has been able to refocus its attentions on renovations to Oshwal House which is subject to planning and listed building applications.
- 2.14 The final element in the core of the complex is to address the issue of storage. This comprises a range of items, ranging from the chairs and tables that are used for certain events in the Community Halls, surplus catering equipment required only when large scale events take place, educational materials to the equipment and materials used for the maintenance of the grounds and the buildings – everything from grass cutting equipment to ladders to paint and sundry items. To date these have been stored in a poor quality building which pre-dates the first occupation of the estate by the Association and was a remnant of the former equestrian business.
- 2.15 As the need for storage has grown over the years, this building was supplemented by a pair of double height shipping containers located between the building and the boundary to the north west and two further single height containers, initially installed adjoining the building to provide temporary additional space but which have now been in place since work on constructing the Derasar started in the early 1990s.
- 2.16 A plan showing the respective location of the storage building and containers is submitted with the application but can be seen clearly in the photograph below taken from the rear façade of Oshwal House, with the double height storage to the immediate rear of the Community Halls.



- 2.17 In addition to the enclosed storage the photograph also shows that some items – mainly associated with outdoor activities at Oshwal centre - are stored in the open given the lack of internal space.
- 2.18 Neither the original building, nor the additional container storage, is fit for purpose. Storage of items outside these structures is unsightly and undesirable. The opportunity now arises to replace the existing storage volume with a purpose built building, appropriate to the future needs of the OAUk and complementary to its location and setting.



### **3.0 THE OSHWAL DEVELOPMENT STRATEGY**

- 3.1 The OAUk has carefully considered how it should respond to the social and cultural challenges that it may face over the coming years. It has recognised that it must make the best of the physical infrastructure that it has. It has begun to put that programme into place with the refurbishment of the Community Halls and extension to the Derasar and works they are now proposing to carry out to Oshwal House.
- 3.2 As part of this strategy OAUk has put together a Strategic Vision which has been discussed with Senior Officers of Welwyn Hatfield Borough Council and was formally presented to a Development Forum held in Welwyn in November 2015. The presentation included the proposals for the renovation of Oshwal House and for the replacement and rationalisation of operational storage which is now the subject of this application.

## 4.0 RECENT PLANNING HISTORY

- 4.1 The wider Oshwal site has been subject to a number of planning applications over recent years. These include the grant of permission by the Council in May 1986 for the demolition of existing outbuildings and replacement with new community building in association with the use of the Hook House (ref: S6/2013/0916/FP). In addition, an application was approved in June 2013 for the erection of a two storey side extension to Hook House (ref: S6/1986/0234/FP).
- 4.2 Earlier this year, a full application (ref: 6/2017/0351/FULL) was permitted in March 2017 for the erection of single storey front extension to the temple (Derasar) which includes 8 new columns and 3 domes.
- 4.3 More recently, an application was refused (ref: 6/2016/1067/FULL) for the erection of a storage building following the demolition of existing structures. There was one reason for refusal attached to the decision notice which is set out below:

*“By virtue of the shipping containers not representing a building or structure for the purposes of the Town and Country Planning Act 1990 (as amended) the proposed building would be materially larger than buildings it would replace. As such, the new building should be regarded as inappropriate development within the Green Belt. The ‘very special circumstances’ advanced in this case are considered to fall short of clearly outweighing the substantial weight given to any harm to the Green Belt by reason of inappropriateness as well as harm to openness. Accordingly, it is considered that the proposal fails to accord with paragraphs 79-92 of the National Planning Policy Framework 2012.”*

- 4.4 This Statement accompanies a re-submission application in support of the refused application mentioned above. The above reason for refusal is addressed in the following chapters.

## 5.0 THE PROPOSED DEVELOPMENT

### Proposed size of the development

- 5.1 This application proposes the erection of a storage building of approximately 210m<sup>2</sup> gross. The total footprint of the existing storage is 172.94m<sup>2</sup> gross on a footprint of 185m<sup>2</sup> which has regard to the unusable space between the containers and the brick building. Accordingly, the proposed gross footprint is considered to be appropriate and meets the future needs of the OAUk as it provides significantly more usable internal space within the same overall area.
- 5.2 It is noted that upon refusing the previous application (ref: 6/2016/1067/FULL) for the new storage building, the Council's reason for refusal set out that the shipping containers do not represent a building or structure and should not be considered as part of the existing footprint. On that basis the Council considered the new development to be materially larger than the buildings it would replace.
- 5.3 However, our client is of the opinion that the containers should be classed as operational development due to their use as fixed structures for the storage. The containers have been fixed in situ for well over a period of 10 years and used for the purposes of storage only as shown in the photos attached at **Appendix 1**. This therefore demonstrates that the containers have been in position for a sufficient amount of time to now be considered permanent and established in the planning context.
- 5.4 The storage containers must therefore be considered to be permanent structures and as a result, the size of the new storage building must be assessed against the footprint of the existing storage structures. On this basis, the new storage building will only be approximately just over 10% larger than the existing storage footprint. This increase in scale is marginal and must be considered against its benefits in amalgamating a number of unsightly structures into one high quality building. This would subsequently mitigate the impact on the openness of the Green Belt as set out in the Officers Report.

### Appearance

- 5.5 The existing building and containers lie to the rear of the Community Halls and are local in a small salient of land effectively surrounded on three sides by the estate

boundary. They are approached by a tarmacked access road which runs along the south western façade of the halls, providing access to the lower level and service access for the kitchens. Due to the change in ground levels, the existing storage building sits well below the prevailing land level – as illustrated by the accompanying cross section drawings - and therefore appears subservient to the principal buildings to which it is related. In contrast the double height container can be seen above the roof height of the permanent building albeit that for the most part they are screened by the Community Halls and the existing boundary planting.

- 5.6 The estate boundary gives onto the neighbouring residential development at Firs Wood Close from which it is separated by mature trees and hedge which form a robust permanent visual screen. This mature hedge continues south eastwards forming the boundary to a number of residential gardens and therefore also provides screening for the various shipping containers which are located to the south east of the permanent building.
- 5.7 The storage building, and in particular the additional shipping containers, whilst operationally well located in relation to the Community Halls, are visible from them and also from Oshwal House, which is a listed building. Their location and appearance detract from the setting of both buildings given the high levels of use that arise from members of the OAUK and also their visitors and guests.
- 5.8 This view was echoed by the Case Officer within their Report for the previous application (ref: 6/2016/1067/FULL) which set out that:

*“By virtue of the green roof proposed, alongside the topography of the area and proposed landscaping, the building has been designed to be as inconspicuous as possible. Given the harm that results to the setting of the listed building as a result of the existing site, it is considered that the proposed replacement outbuilding would improve the setting of the heritage asset.”*

- 5.9 The proposal is to replace the existing structures in its present location and to permanently remove all the additional storage containers so that all future storage is fully contained within a high quality new building. This was supported by the Case Officer within their Report as it stated:

*“The proposed building would be of high quality design which has been thoroughly thought through in order to meet the sites constraints and make use of the topography of the area. Additionally, the building would not be an intrusive addition. Which would invade upon the character of the area from public vantage points...there are no concerns in regards to the character of the area.”*

5.10 Although the scheme may result in an approximately just over a 10% increase in the total storage floor space, it is clearly evident that this will not have a detrimental impact on the character of the area but rather improve it.

5.11 The scheme continues to occupy the greater part of the salient of land within the existing hedge boundary and is designed to provide separate internal areas for different sorts of materials – so that for example, the grounds maintenance equipment can be kept completely separate from domestic and catering storage - things such as chairs and tables used indoors. It is therefore provided with a range of openings facing south west, directly onto the access road with only fire doors and no other openings facing the boundary to Firs Wood Close. The impact of the proposed development on the adjacent residents is discussed within the Officers Report where they state that:

*“It is not considered that the proposed additional height would cause significant loss of light, nor would the proposed building appear unduly dominant by virtue of the spacing and intercepting tall soft landscaping... There are no concerns in regards to loss of privacy by virtue of the use of the building proposed”*

5.12 The roofscape has been designed to keep the overall height of the building to a minimum whilst providing sufficient internal height and adequate natural lighting without requirement for glazing in the walls, which might increase the vulnerability of the building to criminal entry. In addition, the height of the roof has been slightly reduced to 4550mm as part of the revised proposals.

5.13 Given the change in levels, the maximum height of the building is only approximately 2m above the ground level of Oshwal House and so the new building will be read as de minimis in the landscape – indeed the setting of the listed building will be significantly improved by the removal of the shipping containers and other extraneous items which have accumulated along the estate boundary – particularly the double height containers which are visible above the roof of the main storage building.

### Use

5.14 With regards to the use of existing storage buildings, the Officer's Report for the refused application sets out that:

“The accumulation of existing ‘buildings’ are not entirely used for storage in association with the plots wider use”. “The structures seem to provide ventilation for the community centre.”

5.15 As set out within Appendix 1, the photos clearly show that the structures are used for storage. In particular, OAUK use the structures to store furniture material for weddings and meetings when they are not required. In addition, the structures are used for the storage of all maintenance tools and equipment which are required for the general upkeep and maintenance of the wider Oshwal site.

5.16 In addition to this, contrary to the comments made by the Case Officer, the structures subject to this application are not used for the purposes of providing ventilation for the community centre. The ventilation units are situated within their own structures adjacent to the existing storage facilities and are not considered for demolition and replacement as part of this application proposal. This is clearly highlighted on the accompanying existing and proposed plans.

### Eliminating Open Storage

5.17 The OAUK invites a condition if the LPA considers it necessary to the effect that subject to the construction of the building, no open storage shall thereafter take place. Accordingly they would be willing to enter into a Planning Obligation to that effect should that be required.

### Conclusion

5.18 Overall, this proposal represents a rationalisation of what is presently on site. It represents a significant improvement in the operational quality of the storage from a functional and a visual perspective. The functional improvement arises from maximising the useable space within a similar footprint whilst the visual improvement is derived from the provision of a suitable building in which all storage needs can be

accommodated thereby eliminating the use of shipping containers and allowing materials presently left outside to be properly housed.

- 5.19 It will also ensure that local amenity is also properly maintained. Whilst there is no history of disturbance to neighbouring residential properties and no history of complaint – and the OAUk seeks at all times to be a good neighbour to all – the construction of a new building as proposed should minimise any risk of disturbance through ensuring that adequate provision is made in a well-designed properly constructed building to accommodate all the Association’s future needs.
- 5.20 As such, in terms of the land use, this remains unaltered and therefore the use should be deemed wholly acceptable in the context of Green Belt policy, having regard to the principle of replacement of an existing building where the use remains the same and does not result in a disproportionate addition over the size of the original, having regard to the rationalisation of all the adjoining structures presently used for storage.
- 5.21 Therefore, the principle of the proposed replacement meets the obligations of national planning policy and is in full accord with the Oshwal Centre Strategy as submitted for consideration by Senior Officers and Members.

## 6.0 VERY SPECIAL CIRCUMSTANCES

### National Planning Policy with Regards to the Green Belt

6.1 National Policy applicable to development in the green belt is set out at paragraph 89 of the National Planning Policy Framework (NPPF) wherein it states, in full, that:

*“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, 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 extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

6.2 Demonstrably therefore, circumstances exist whereby development that meets one of the abovementioned criteria shall be regarded by definition as being appropriate development in a green belt location. Where development is proposed that is not considered to meet one of the specified criteria, paragraph 88 of the NPPF states:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.”*



6.3 The effect of paragraph 88 is such that very special circumstances will exist if the potential harm to the green belt by reasons of inappropriateness (in relation to the five purposes of the designation as set out in paragraph 80) are clearly outweighed by the benefits.

### **The Oshwal Centre**

6.4 The Oshwal Centre lies within the Metropolitan Green Belt. In any consideration of whether an individual proposal for development made by and on behalf of the Oshwal Association of the UK can be considered acceptable in terms of green belt policy it is necessary to determine:

1. whether the development falls to be considered as one of the forms of development that are described in paragraph 89 as not inappropriate in the green belt; and
2. where the development is considered not to fall to be considered as appropriate, whether there are very special circumstances and whether such very special circumstances as may pertain outweigh the harm that is considered to arise to the purposes and function of the land as green belt.

6.5 Before considering any individual proposal against this framework of tests, it is also necessary to consider the context provided by the Oshwal Association and their use of the Oshwal Centre as their Headquarters and the core centre of their activities as this, by its nature, history and function, constitutes a very special circumstance which must be given significant weight in any planning decision.

6.6 OAUk an entirely voluntary organisation, wholly funded by subscriptions raised from its members. Its ethos is defined by its cultural heritage and is one of self-support amongst its members, tolerance and inclusion. This extends to all races and religions, and dictates the obligation to provide hospitality, care and welfare for all living creatures.

6.7 The activities of the OAUk reflected in the use of the Oshwal Centre include:

## **Education**

- 6.8 Oshwals place very significant weight on the importance of education for all ages. OAUk organise Enabling Education Fairs to help promote education and support for all ages through providing the tools and technology, to open education opportunities to all regardless of their abilities, from pre-school to the elderly.
- 6.9 Regarded as an eloquent language, the teaching of Gujarati enables Oshwals to connect to at least three generations within the family. The OAUk addresses concerns that younger generations are not as proficient at the language, and therefore also not fully exposed to their cultural heritage, by providing Saturday Schools for language learning.

## **Young Persons activities**

- 6.10 OAUk organise a wide range of activities from mother & toddler drop-ins, music and dance classes to youth development and networking as well as organised annual events celebrating religious festivals, a Summer Camp and an annual Oshwal Olympics.

## **Health care**

- 6.11 Health and welfare are fundamental to the OAUk which helps promote both physical and mental health through a range of activities including Health Awareness Days, regular health screenings and general education on health issues. This is extended to all members of the Oshwal community regardless of age and now includes raising awareness about disabilities (including physical disability, learning difficulties, visual difficulties etc.) encouraging members to work together to address such matters.

## **Women's Issues**

- 6.12 The promotion of women's health and their participation in the community is important and programmes for women are organised by OAUk ranging from health and education advice and support, women's networking events to music, dance, yoga and fitness classes.

### **Sports and social and community activities**

6.13 OAUK promotes a variety of indoor and outdoor sports opportunities amongst Oshwals and also inter-faith competitions. Activities held in the Community Halls on a weekly basis, are wide ranging and include:

- Health and welfare – education, advice and a drop-in centre with a particular focus on the need of the elderly;
- Fitness Classes;
- Education and learning – including music, drama and elocution as well as classes in computing and mobile telephony;
- Social entertainments – such as bridge, whist and music nights;
- Debates and competitions;
- Networking meetings; and
- Volunteering events - including the organisation of Melas - religious, commercial, cultural or sports events.

### **Religious and cultural**

6.14 The main objective of the Association is the advancement of Jainism by the provision of a place of worship.

The Derasar

6.15 The Derasar or Temple was permitted in 1986 and opened in 2005. It is the first and also the largest traditional Shirharbandhi Derasar in Europe – a Shirharbandhi Derasar being characterised by its dome.

6.16 As such, it is the centrepiece for all practicing Jains as well as for members of the Oshwal Community. The Jain community's participation in interfaith activities, sharing Jain values with other faiths and at the same time aspiring to learn and understand the diverse cultures and faiths found in modern Britain underpins the Derasar which welcomes visitors of all faiths.

6.17 In 2010 the Derasar was visited by His Grace, the Archbishop of Canterbury Dr Rowan Williams and in 2012 by The Most Reverend Archbishop Kevin McDonald Archbishop Emeritus of the Roman Catholic Archdiocese of Southwark, this visit following from visits made by members of the Institute of Jainism to the Vatican in 2011. In 2015 it hosted a visit by HRH Prince Charles.

#### The Oshwal Centre

6.18 The Oshwal Centre comprises about 32 hectares (almost 80 acres). Since the estate was acquired in 1980 Oshwal House (formerly known as Hook House, a Grade II listed Tuscan style villa dating from 1839) has been used as the headquarters of the Association and its administrative nerve centre. Oshwal House provides offices for the Association, meeting and seminar rooms, as well as a small restaurant for staff and visitors. There is also a small flat occupied by the resident priest.

6.19 The Centre also includes the Community Halls, granted permission in 1986 completed in 1989 and extended and extensively refurbished in 2015 together with a number of ancillary buildings, car parking, storage facilities, children's play area and Gatehouse Cottage.

#### **Conclusion**

6.20 The Oshwal Centre is long established and has become a centre of community purpose, and religious importance of national and international value. It is, simply, the most important location in the country for those who practice Jainism and it is recognised as such by all other faiths. The Derasar itself is a wholly exceptional building and the uses and functions which support it are a vital reflection of the cultural significance of Jainism and the Oshwal community.

6.21 This essential importance has been reflected in the decisions taken by previous Councils to grant planning permissions that have enabled the development of the Oshwal Centre, in particular permission granted during the 1980s for the Derasar and Community Halls and for other more recent development works having regard to the nature of the use and to the status of land within the Metropolitan Green Belt prevailing at those times.

### Very Special Circumstances

- 6.22 There is no clear definition as to what might constitute ‘very special circumstances’ that would counterbalance the protection normally accorded to green belts.
- 6.23 The Oshwal Centre with the Derasar at its heart is of unquestionable importance as a centre of religious as well as cultural and educational significance, not simply for Oshwals but to the whole Jain community. Its importance has been reflected in the interdenominational and cultural attention that it has attracted.
- 6.24 It is considered that the religious importance of the site alone is capable of creating the basis of very special circumstances for development that is specifically focused on delivering the social and cultural objectives of OAUk in accordance with the religious ethics and philosophy of Jainism which underpins the community.
- 6.25 The fact that over the past 37 years, Oshwal Centre has become established as the headquarters of OAUk and, with the benefits of planning permissions granted by the Council for development within the green belt which has established its pre-eminent purpose, is also of itself a very special circumstance.
- 6.26 The Oshwal Centre provides facilities that cannot be replicated elsewhere – at any other of the OAUk’s centres. Specifically it is a tranquil location in a rural setting, ideally suited to quiet contemplation which is at the heart of Jain devotion is also a significant factor which makes the location the only realistic option to meet the specific objectives that underpin the charitable objectives of the OAUk.
- 6.27 Where the OAUk is establishing a world class facility that will be an exemplar nationally and internationally for the service and care it provides is also material to consideration that very special circumstances arise specifically with regard to development proposals affecting the Oshwal Centre and enabling it to fulfil that core objective.
- 6.28 The potential positive socio-economic benefits to arise from enabling the expansion of the facilities and therefore of the objectives of the OAUk are also material considerations which are capable of being considered to outweigh demonstrable harm.

6.29 Taken together, it is considered that where any proposals which do not fall within the ambit of paragraph 89 of the NPPF, significant weight needs to be attached to the national and international importance of the Oshwal Centre, its value to the social, cultural and religious well-being of the Oshwal people, to the wider community of Jains and moreover, to the interdenominational and international causes of religious tolerance and understanding. It is against these considerations that any perceived harm to the purposes of green belt must be weighed.

#### Proposed Rationalisation of the Storage Sheds and Containers

6.30 Paragraph 89 of the NPPF states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces are not inappropriate development.

6.31 The proposal for development represents the demolition of existing storage structures and the construction of a new purpose designed replacement. In principle that meets the tests of paragraph 89 of the NPPF.

6.32 The proposed development seeks to incorporate the storage capacity currently provided by a range of shipping containers which have been sited adjacently for a period of in excess of 10 years such as they may be regarded as established. It also seeks to provide sufficient space to enable the internal storage of various items presently stored externally.

6.33 The matter to be considered is whether the incorporation of sufficient space within a new building to replace three present forms of provision – an existing building, container and external storage – constitutes an increase in floor space that is not disproportionate?

6.34 The increase in floor space of the building compared to the existing building and container storage is approximately just over 10%. This is not considered to be disproportionate. The new building is in the same use and whilst the building may be materially larger its function is not significantly increased. In the circumstance where there is a conflict between the material scale of increase of the building and the

- capacity needed to store materials which are already stored, the balance must fall to be considered as whether the new building is intended to allow an increase in storage capacity over what is presently being utilised (in all its forms).
- 6.35 Given that the purpose of the development is not to increase storage but to rationalise and improve conditions, it can only reasonably be concluded that the proposal meets with both criteria and is not inappropriate development.
- 6.36 The site of the new storage shed is the site of the present storage facilities; it is closely related to the Community Halls, served by existing hardstanding access and forms a compact built form in relation to existing buildings both within the Oshwal Centre and also those to the north forming part of Firs Wood Close. The development does not therefore impact on any of the five purposes of the green belt in this location or upon the openness of the green belt in principle. This view was supported by the Café Officer within their report attached to the previous decision (ref: 6/2016/1067/FULL).
- 6.37 Indeed the rationalisation of storage and the inclusion of sufficient capacity to ensure that all storage can be accommodated under cover is a material benefit to the consideration of openness and also to the essential character of the green belt.
- 6.38 It is also a material consideration weighing in favour of the granting of planning permission that the site falls within the setting of a listed building – indeed it is prominent in views from windows in the rear façade of Oshwal House. The removal of storage containers and open storage from the setting of a listed building and their replacement with a well-designed building – the scheme for which has responded to and been agreed with the Council's Conservation Officer – is also a material consideration weighing in favour and mitigating against harm.
- 6.39 In that regard the proposed building is well designed, and is intended to be of an exemplar form incorporating a green roof which goes both to good design and also to the moral and ethical principles of the OAUk and its membership.
- 6.40 Therefore even in the event that it is considered that the proposed development is considered disproportionate to the existing by virtue of being materially larger, there are very special circumstances which pertain in relation to the nature of the Applicant's need for the development and use of the building, to the material benefit to the setting

of a listed building, and to the quality of design in relation to the structures and open storage to be replaced that constitute very special circumstances. Moreover these considerations should be judged in the context of the overall importance of the Oshwal Centre and the activities of the OAUk as outlined above.

- 6.41 Moreover, no demonstrable harm can be identified arising from the proposal. The development does not extend into open countryside but remains a compact built form in relation to existing development, it is not visible in longer distance views from any point with or beyond the boundaries of the Oshwal Centre, it does not impinge upon, and is not visible from adjoining residential development (and the containment of storage within a suitable building will minimise any risk of noise or disturbance in future to neighbouring residents), and there is no question that the proposed development has any adverse impact on a listed building.
- 6.42 Where there is no identifiable harm to which substantial weight can be given, and there are demonstrably very special circumstances that favour the development individually and cumulatively, the development cannot be considered inappropriate as any residual harm by virtue of the principle of development in the green belt is clearly outweighed by the other consideration that have been identified.

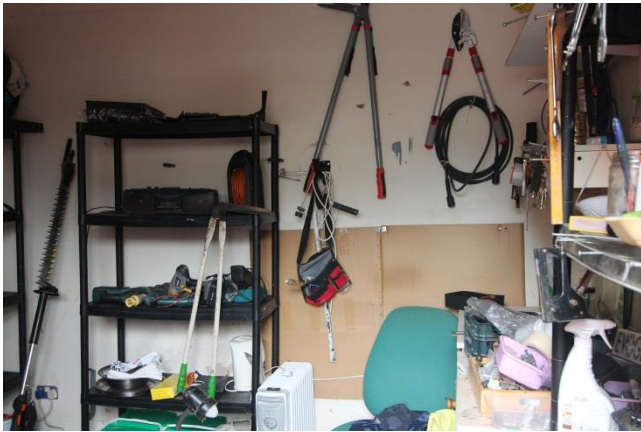


## 7.0 SUMMARY AND CONCLUSIONS

- 7.1 The accompanying planning application seeks to provide for a replacement storage building at Oshwal Centre to enable the removal of extraneous shipping containers and other structures by enabling the rationalisation of the Oshwal Association's storage needs into a single, fit for purpose, building.
- 7.2 The proposed development is not inappropriate development in the Green Belt as detailed in paragraph 89 of the NPPF which allows the replacement of buildings for similar uses providing that the scale of the replacement is not disproportionate to the original. The proposed development is proportionate to the current storage needs of the Association and to the cumulative storage capacity presently available. The principle is therefore acceptable in terms of planning policy, and in particular in Green Belt terms.
- 7.3 Moreover, significant weight needs to be attached to the Very Special Circumstances surrounding the national and international importance of the Oshwal Centre, its value to the social, cultural and religious well-being and to the causes of religious tolerance and understanding.
- 7.4 In addition, the scheme lies within the wider context of the Oshwal Centre Strategy which has been provided to the Council as a means of establishing the wider context of individual proposals and which has been subject to consultation through the means of a Development Forum.
- 7.5 The extension is of design and detailing which is appropriate to its purpose, is subservient to the adjoining Community Halls and Oshwal House, is appropriately and conveniently located in relation to operational needs and its design will have no greater impact on the adjoining residential properties. Indeed, we consider likely that it will reduce any future potential for impact on amenity arising from potential noise intrusion, given the design of the building and the ability it affords to ensure that future storage needs can be accommodated within it.

7.6 In light of the above, it is respectfully considered that planning permission should be granted for the proposed development.

## **Appendix 1 – Site Photographs**



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