

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2017/1268/FULL
Location: Oshwal Centre Coopers Lane Road Northaw Potters Bar EN6 4DG
Proposal: Erection of a storage building following demolition of existing storage structures
Officer: Mr S Dicocco

Recommendation: Granted

Context	
Site and Application description	<p>The site is part of a wider plot containing a grade II listed building (Oshwal House (Formerly Hook House)), a Temple, a children’s play area, car parking, a large community centre and some associated storage buildings. The site outlined in this application is isolated around the community centre and existing storage facilities within the north-west corner of the wider plot ownership.</p> <p>The site’s topography is such that the land slopes down from south to north. This is identifiable by the community centre’s single storey appearance when viewed from the south, and subsequent two storey appearance with a third floor accommodated by roof dormers when viewed from the east. The community centre was approved in 1986, with a subsequent two storey addition to the east facing elevation approved in 2013.</p> <p>The subject of this application is the collection of outbuildings used for storage to the north east of the community centre. The planning statement submitted with the application states that the existing storage building “pre-dates the first occupation of the estate by the Association and was a remnant of the former equestrian business”. The planning statement continues to state that two single height storage containers have supplemented the existing storage building since the early 1990s.</p> <p>The proposal is for the consolidation of the existing storage facilities into a single storage building. The proposed storage building would be of bespoke design, with two curved, lean-to green roofs facing Oshwal House (south) with one, small curved lean-to roof facing north with metal panel material. The outer walls of the proposed storage building would be facing brick. In terms of fenestration, the outer walls where the two lean-to roofs meet will be glazed to let light into the building. The entrances to the building within the south and east facing elevations would be a set of three double doors. There would also be one small door within the north, west and east facing elevations.</p> <p>The application follows the refusal of a similar application referenced 6/2016/1067/FULL. The application was refused on the following grounds –</p> <p><i>“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</i></p>

	<p><i>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."</i></p> <p>The revised plans reduce the size of the outbuilding proposed, and provides additional information to support the view that the storage/shipping containers represent operational development, and thereby can be considered buildings for the purposes of paragraphs 79-92 of the National Planning Policy Framework (NPPF).</p>		
Constraints (as defined within WHDP 2005)	<p>LBC - LISTED BUILDING House 1839 Asymmetrical Tuscan Style villa - Distance: 3.56</p> <p>GB - Greenbelt - Distance: 0</p> <p>LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0</p> <p>PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0</p> <p>Wards - Northaw & Cuffley - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1892677) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2752156) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7664266) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p>		
Relevant planning history	<p>Application Number: S6/1986/0234/FP Decision: Granted Decision Date: 16 May 1986</p> <p>Proposal: Demolition of existing outbuildings and replacement with new community building in association with use of Hook House</p> <p>Application Number: S6/2013/0916/FP Decision: Granted Decision Date: 28 June 2013</p> <p>Proposal: Erection of two storey side extension</p> <p>Application Number: 6/2016/1067/FULL Decision: Refused Decision Date: 12 May 2017</p> <p>Proposal: Erection of storage building following demolition of existing structures</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 4 July 2017</p> <p>Site Notice Expiry Date: 25 July 2017</p> <p>Press Advert Display Date: 28 June 2017</p> <p>Press Advert Expiry Date: 12 July 2017</p>		
Summary of neighbour responses	None		
Consultees and responses	1. Northaw & Cuffley Parish Council - Jason Grocock 11/07/2017 16:22 -		

	<p>No objection</p> <p>2. Welwyn Hatfield Borough Council - Councillor Bernard Sarson – No response</p> <p>3. Welwyn Hatfield Borough Council - Councillor George Michaelides – No response</p> <p>4. WHBC - Conservation - Andrew Robley – No response</p> <p>5. Welwyn Hatfield Borough Council - Councillor Irene Dean – No response</p>
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input type="checkbox"/> M14 Others Supplementary Design Guidance	
Main Issues	
Is the development within the Green Belt?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Would the development represent appropriate development within the Green Belt, or, in the event that the proposal is not appropriate, do very special circumstances exist which outweigh identified harm to the Green Belt?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Comment (if applicable): The fourth exception to inappropriate development within the Green Belt described within paragraph 89 of the National Planning Policy Framework states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces should be considered as excepted from the general presumption that new buildings be regarded as inappropriate within the Green Belt. Provided the relationship between multiple buildings has been judged to be reasonably strong in terms of proximity and use, a building can replace multiple buildings. The purpose of the exception is to preserve openness, and so long as the building is no materially larger than the building, or buildings, which it replaces, the impact on the Green Belt would be deemed acceptable.</p> <p>Whilst the Local Planning Authority hold some evidence contrary to the planning statements information in regards to the length of time the units proposed to be demolished/removed have been in place, there is no evidence available to refute that the units have been in their existing position for the four year period required to be immune from enforcement action as operational development.</p> <p>Over time, the definition of buildings as an erection or structure (section 336(1) of the Town and Country Planning Act 1990) has been refined in law. The three tests of structures are their size, permanence and physical attachment. Permanence is considered as a sufficient length of time to be of significance in the planning context. Another relevant consideration is whether the construction falls within the residual category in section 55(1), namely, “other operations in, on, over or under land”. The judgement as to whether operational development has occurred is on a fact and degree basis.</p> <p>Previous views on whether the shipping containers represent buildings or operational development are set out in the previous officer report. This application has been supported by additional information supporting the view that the shipping containers be operational development and buildings for the purposes of paragraphs 79-92 of the NPPF. The key points, supported by an appeal decision, are that the containers required specialist lifting equipment and skill to manoeuvre them into position and the levelling of the ground, the structures would be anchored by their own weight, and the period of time that they have been in position is significant in the planning context.</p> <p>The appeal decision supplied, referenced APP/W1850/X/11/2164822 was made against a refusal of a certificate of lawful development for the stationing of storage containers. Of course, the context of the site, the extent of the proposal as well as the type of application were different from the existing circumstances of the site. The proposed storage units were up to 20 on the site, each of similar size</p>	

to the 2 currently subject to this assessment. The storage units proposed within the appeal were approximately half the size of those existing on the site subject to this application. The proposed storage units in the appeal were to be stationed for 3 years.

Each case should be considered on its own merits, on a fact and degree basis. Some of the key facts in the appeal, such as the three lines of containers and the precision required for the stationing of the containers, as well as the amount and layout of the containers, are absent in this case. The inspector gives weight to the appearance of the containers when sited side by side, thereby having the appearance of a substantial structure. The combination of the weight given to the appearance of several storage units sited side by side, and the technical skill required in the placement, resulted in relatively modest building or other operations.

The two storage units are placed alongside each other, and the land has been levelled. The two storage containers, sited side by side, are not considered to appear as a substantial structure. Accordingly, the storage containers are not considered to represent anything other than very minor building or other operations, and, are not convincing as buildings in regards to size. The lack of fixings or anchorage to the ground is not in itself conclusive in the definition of buildings or building operations, and by virtue of being fixed to the ground by their own weight, this consideration is given neutral weight. The units have been in place for over 4 years. It is considered that this length of time should be given weight in favour of the units being considered structures, as the length of time is material in planning terms, and has a physical impact of some permanence to the land.

When balancing the factors of physical attachment, size, permanence and building or other operations, the lack of physical attachment, insufficient size and very minor building or other operations required in their positioning is not considered to be outweighed by the permanence of the units. Accordingly, the judgement remains that the units are not considered to represent buildings for the purposes of the interpretation of paragraphs 79-92 of the NPPF.

The existing buildings, including the space between the buildings, not including the storage units, has a foot print, and floor space, of approximately 160 square metres. The resultant building would have a foot print and floor space of 209 square metres. Furthermore, the resultant building would have a greater average height, and increased volume. While the green roof sloping away from the listed building would result in a reduced visual impact of the building and the greater size of the building, the building would still be apparent as materially larger than those which it replaces. As such, the proposal is not considered to represent an appropriate form of development within the Green Belt.

Inappropriate development within the Green Belt is, by definition, harmful, and substantial weight should be given to any harm to the Green Belt.

Openness

The openness of the Green Belt is best defined as the absence of built form. In this case, the building's design will mitigate the impact of the building on the openness of the Green Belt. The sloped roof would host a green roof. Landscaping works around the proposed building attempts to obscure some of the building, although, this is only given very limited weight as the landscaping cannot be guaranteed in perpetuity, and nor does it reduce the amount of built form. The building would be consolidated and appear more uniform and purpose built as opposed to the existing ad-hoc nature of the storage area. Finally, whilst the shipping containers are not buildings for the purposes of the definition of development, they have a negative impact on the openness of the Green Belt by virtue of their presence and enclosed nature. Accordingly, it is considered that, by virtue of the above discussion, the proposed building would not have a significant impact on the openness of the Green Belt.

The purposes of the Green Belt

It is not considered that the proposed replacement building would fail to check the unrestricted sprawl of large built up areas, result in neighbouring towns merging into one another, harm the setting or special characteristic of historic towns or fail to assist in urban regeneration.

Notwithstanding the proposed building being materially larger than those structures to which it would

replace, and the resultant limited impact on the openness of the Green Belt, it is not considered that the development would encroach the open countryside by virtue of falling within a broadly similar footprint within a site which could be considered previously developed.

The visual amenity of the Green Belt

As discussed throughout this recommendation, it is considered that the proposed building would improve the visual amenity of the site, and thereby, the visual amenity of part of the Green Belt.

Very Special Circumstances

'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. There is no other harm identified within this report as a result of the proposed development. Accordingly, the very special circumstances must clearly outweigh the harm by way of inappropriateness, as well as the associated harm to the openness of the Green Belt.

As assessed above, the proposal has been judged not to cause harm to the purposes of the Green Belt, and have a limited impact on the openness of the green belt. This matter results in there being no additional harm to that arising from the inappropriate development. Moderate weight has been attached to this matter in terms of very special circumstances due to the mitigation of the impact of the materially larger replacement building as a result of the removal of the shipping container units.

The site lies within a wider site, which has a strong community use. The building would be used for storage of landscaping equipment as well as the equipment required for the adjoining community centre. The provision of a consolidated storage building would promote the efficient use of the community facility, which provides both economic and social benefits as outlined within the supplementary information provided alongside this application. Furthermore, it is considered that these benefits cannot be easily transferred to any other site where additional built form would be considered more favourably within the planning framework. The benefit of supporting the existing social role and economic benefits of the existing use and promoting these benefits through this development holds moderate weight in favour of the proposed development.

An additional consideration is the setting of the listed building which, following negotiation in relation to the orientation of the building and green roofing, would be improved as a result of the proposed development. The enhancement of the setting of a listed building holds limited weight in terms of very special circumstances as this is simply compliance with another policy requirement.

On balance, it is considered that the combination of circumstances described above in favour of the proposed development clearly outweighs the weight which must be afforded to the harm by reason of inappropriate development and the limited harm to the openness of the Green Belt.

Would the development maintain the setting of the listed building in as much as the setting contributes to the significance of the heritage asset?

Yes No

Comment (if applicable): The site contains the former large country house known as Hook House, Regency Period, begun in 1839 of white painted stucco and generally with low-pitched slate roofs. The North elevation was partly extended in the late C20th with a single storey flat roofed part and a two storey pitched roof element. It is clear, from the architectural quality of the windows and other features, that the house was designed to be seen from all sides, in an open parkland setting.

To the south west of the listed building towards the main entrance is a landscaped area that also contains extensive car parking and to the South East is the new, traditionally built temple, some distance away and of smaller size than the listed building. To the North East and much closer to the listed building is the new Oshwal Centre, a large community building which is at least twice the size of it and quite close to it. To the rear of this is the site for the proposed building, which is to replace the current storage facilities which comprise a small, low brick built building of no particular merit and a couple of shipping containers which are detrimental to the setting of the listed building. The existing facilities are set down on land that falls away from the listed building and are also of relatively low height.

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 subject to conditions requesting further details in regards to the buildings detailing and finished floor levels.

Would the development reflect the character of the area?

Yes No

Comment (if applicable): The site hosts a variety of built forms. The proposed building would add another form of building. 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. In accordance with the above, as well as the fact that the proposed development meets the higher threshold of being designed of sufficient quality so as to preserve the setting of a listed building, there are no concerns in regards to the character of the area.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable): The trees and shrubbery along the boundary of the site and the adjoining residential properties to the north is such that the residential dwellings are not visible from the site. The site plans provided do not indicate that the built forms would encroach closer to the residential buildings than the existing building. The increase in height of the buildings is stated previously within the report, averaging approximately 1m higher than the existing buildings. It is not considered that the proposed additional height would cause significant additional loss of light, nor would the proposed building appear unduly dominant by virtue of the spacing and intercepting tall soft landscaping. By virtue of the existing soft landscaping informing this issue, it would be relevant to include a condition ensuring further details are submitted in this regard. There are no concerns in regards to loss of privacy by virtue of the use of the building proposed.

In terms of noise from construction, this is not a material planning consideration, and thereby is afforded no weight. In regards to noise arising from the use of the building (*metal doors slamming*), the use is existing. Noise resulting from the use of doors and the storage use of the proposed building would be the same as the noise of the use of the doors and storage in the existing building. Accordingly, it is considered that the impact as a result of noise on neighbouring amenity would be neutral in this case.

Any other issues

The proposal indicates the provision of soft landscaping surrounding the building in order to provide some screening when viewed from the nearby Listed Building. It is considered that a condition requiring the submission of further detailing of the landscaping scheme prior to commencement of the development would meet the tests of conditions laid out in paragraph 206 of the NPPF.

Conclusion

The proposed building would, upon completion of both an arithmetic as well as more subjective visual test, be materially larger than the 'buildings' which it would replace. Accordingly, the development fails to fall within one of the exceptions to buildings being considered inappropriate within the Green Belt defined within paragraph 90 of the National Planning Policy Framework. It is considered that the 'very special circumstances' associated with the proposed development clearly outweighs the weight afforded to harm by reason of inappropriateness as well as the limited harm to the openness of the Green Belt. Furthermore, the proposed replacement storage building would be of high quality design which would maintain the character of the area, preserve the significance of the setting of the nearby heritage asset and respect the living conditions of the occupiers of adjoining premises. As such, the development is considered to accord with the purposes and provisions of policies D1, D2 and GBSP1 of the Welwyn Hatfield District Plan 2005, the Supplementary Design

Conditions:

PRIOR TO COMMENCEMENT

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels;
- (b) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (d) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

POST DEVELOPMENT COMMENCING

3. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of xx years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. There shall be no open storage of refuse, goods or materials within the site as indicated by the red line on approved plan numbered 6842-28-P1 received by the Local Planning Authority on 12 June 2017.

REASON: To ensure a satisfactory standard of development and ensure the benefits of the proposed development are maintained within the site in the interests of visual amenity in accordance with Policy D1 and D2 of the Welwyn Hatfield District Plan 2005, as well as the visual amenity of the Green Belt in accordance with paragraph 81 of the National Planning Policy Framework 2012.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
6842-29-P3		Existing/Proposed Plans & Allocations	19 June 2017
6842-30-P3		Existing/Proposed Fronts & Sections	12 June 2017
6842-28-P1		Location Plan	12 June 2017

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

1. POSITIVE AND PROACTIVE STATEMENT

The decision has 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 viewed on the Council's website or inspected at these offices).

Informatives:

1. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.

Determined By:

Mrs L Hughes
14 August 2017