

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

DELEGATED APPLICATION

Application No: 6/2019/1533/FULL
Location: Stanborough School Lemsford Lane Welwyn Garden City AL8 6YR
Proposal: Temporary provision of 3 classroom block; additional car and cycle parking spaces; regularisation of existing parking arrangements
Officer: Ms Louise Sahlke

Recommendation: Granted

6/2019/1533/FULL

Context	
Site and Application description	<p>Stanborough School is located to the southwest of Welwyn Garden City situated near Stanborough Park. The main school site contains school buildings, hard play and an all-weather pitch, with two access points from Lemsford Lane providing pupil and visitor access and limited parking. A third gate from Lemsford Lane gives access to the main staff carpark to the east of the site. The site is surrounded by planting on its perimeter, with extensive playing fields and MUGA sports pitches to the south of the site.</p> <p>The application sites are split to the north west and south east of the school site. The north west site is currently an area of tarmac courts surrounded by fencing. This area is poorly maintained and used for hard informal recreation and overflow car parking. The south east site is partly located on existing hardstanding netball courts and overflow car parking and partly located on general landscaping area (grass).</p> <p>Playing fields are located on the second site to the east, adjacent to the Gosling Sports Park on the other side of Stanborough Road. The school is split over two sites on either side of Stanborough Road, connected by footpaths.</p> <p>The surrounding area consists of recreational grasslands to the west, south and east, with primarily two-storey post-war residential developments to the north on Lemsford Lane. Part of the wider school site is located within the Conservation Area.</p> <p>The proposal seeks planning permission for the temporary provision of three mobile classrooms, car park extension, regularisation of existing car parking arrangements and erection of cycle storage.</p> <p>Planning permission has already been granted for the car park extension under reference 6/2019/0585/FULL. The difference is the removal of an area of cycle parking adjoined to this car parking area and confirmation of materials. The location, size and number of car parking spaces remains the same under this planning application.</p> <p>It should also be noted that the temporary classrooms have been erected on site. Therefore are retrospective development. These works do not fall under</p>

	permitted development.		
Constraints (as defined within WHDP 2005)	CA - Conservation Area: WGC1; - Distance: 42.58 AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS11 - Distance: 0 UOL - Urban Open Land (Proposal map 2) - Distance: 0 Wards - Handside - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0		
Relevant planning history	Application Number: N6/1998/0962/CD Decision: Granted Decision Date: 04 August 1999 Proposal: Proposed new classrooms, sports hall, car park, hardplay area and new vehicular access onto Lemsford Lane Application Number: 6/2018/3254/COND Decision: Granted Decision Date: 14 February 2019 Proposal: Submission of details pursuant to condition 3 (Archaeological Written Scheme of Investigation) on planning permission 6/2017/2972/FULL Application Number: 6/2018/1956/FULL Decision: Granted Decision Date: 04 February 2019 Proposal: Erection of new teaching block, replacement tarmac play areas and additional parking provision Application Number: 6/2017/2972/FULL Decision: Granted Decision Date: 22 February 2018 Proposal: Erection of a single storey music/drama block and subsequent demolition of existing music and drama accommodation		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 29 August 2019 Site Notice Expiry Date: 19 September 2019 Press Advert Display Date: 10 July 2019 Press Advert Expiry Date: 24 July 2019		
Consultees and responses	WHBC - Client Services – No comments received. Hertfordshire County Council - Historic Environment Advisor- No objection subject to prior to pre-commencement condition.		

	<p>Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy – No objection subject to informative.</p> <p>Welwyn Hatfield Borough Council - Community Partnerships Manager – No comments received.</p> <p>Welwyn Hatfield Borough Council - Landscapes Department – No comments received.</p> <p>Welwyn Hatfield Borough Council - Parking Services – No objection.</p> <p>Hertfordshire County Council - Spatial Planning & Economy Team – No comments received.</p> <p>Joint Committee of the National Amenity Societies – No comments received.</p> <p>Hertfordshire County Council - HCC Growth Team - Not be seeking financial contributions at this point in time.</p> <p>Cadent Gas Limited – No objections subject to informatives.</p>
--	---

Relevant Policies

NPPF
 D1 D2 GBSP1 GBSP2 M14
 Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes
 Others

R3 Energy Efficiency
 R10 Water Conservation Measures
 R11 Biodiversity and Development
 R17 Trees, Wood and Hedgerow
 R19 Noise and Vibration
 R29 Archaeology
 M5 Pedestrian Facilities
 M6 Cycle Routes and Facilities
 D7 Safety by Design
 D8 Landscaping
 D9 Access and Design for People with Disabilities
 OS1 Urban Open Land
 CLT8 New and Extended Education Facilities

Draft Local Plan Proposed Submission 2016

SP4 Transport and Travel
 SADM2 Highway Network and Safety
 SP9 Place Making and High Quality Design
 SADM11 Amenity and Layout
 SADM12 Parking, Servicing and Refuse
 SP10 Sustainable Design and Construction
 SADM13 Sustainability Requirements
 SP11 Protection and Enhancement of Critical Environmental Assets
 SADM15 Heritage
 SADM16 Ecology and Landscape
 SADM17 Urban Open Land
 SADM18 Environmental Pollution

Main Issues**Principle of Development**

Proposals for new or extended facilities for schools will be granted planning permission provided that:

- 1) They are situated close to centres of population and passenger transport services;
- 2) They provide opportunities for shared journeys, for example by school bus;
- 3) They provide facilities for the secure storage of bicycles for students and staff;
- 4) The proposal complies with the Council's current car parking standards and there would be no adverse impact on the highway network including highway safety;
- 5) Provision is made for the safety of students whilst being dropped off or picked up;
- 6) There would be no harmful impact on the amenity of nearby residential properties and other uses; and
- 7) There would be no significant impact on the character of the area.

These matters are assessed in the relevant sections below. Subject to the proposal meeting each of these points, the principle of development is considered acceptable in regards to the National Planning Policy Framework 2019, and policy CLT8 of the District Plan 2005.

Urban Open Land

Yes No

Comment (if applicable):

The function of the Urban Open Land would be maintained and reinforced because the development would be built within the existing school site. The only part of the development to be built on Urban Open Land are the temporary classrooms and car park extension.

The temporary classrooms would be located on this area of Urban Open Land for a year. Both the car park extension and temporary classrooms are located on an area of grass which is under-utilised and is unsuitable for formal sports use.

An Open Space Survey has been published by Welwyn Hatfield Borough Council. It sets out the evidence which underpinned the Urban Open Land (UOL) designations in the Welwyn Hatfield District Plan 2005. This document maps each of the UOLs designated in the District Plan 2005 and sets out the description relating to them as assessed by the Council. The regularisation of the existing car parking area and cycle parking are not located within the Urban Open Land however the other aspects of the development are within this area. The Urban Open Land is described as vital to the character of the school's setting on the edge of the Green belt.

As the extension of the parking area has already been found to be acceptable within 6/2019/0585/FULL and the proposals within this application are materially the same it would be reasonable and appropriate to come to the same conclusion within this application. Furthermore the repositioning of the cycle storage from these plans would be uncontentious.

With regards to the use of the former tennis courts as a car park. As the hardstanding already exists and is lawful, it is only necessary to consider whether the use of this space for parking is acceptable. As a consequence of this areas proximity to existing parking provision, as well as it location within the site it is judged that this use would be acceptable.

Moving onto the temporary classrooms, it is considered given their size, bulk and proximity to the other built form that they would not be unacceptable on a temporary basis. As a consequence, it is considered reasonable to include a time limit condition to ensure that the temporary classrooms are removed within one year of the grant of this planning application. The time limit has been suggested

by the agent.

Further to the above, it is considered that proposed the development would not impact on the character of the Urban Open Land and the purposes of this constraint area. Furthermore, it is judged that the proposal maintains a satisfactory distance from the adjacent Green Belt land to the south of the site.

Is the development within a conservation area?

Yes No

Would the significance of the designated heritage asset be preserved or enhanced?

Yes No N/A

Comment (if applicable):

Would the development reflect the character of the area?

Yes No

Comment (if applicable):

Would the development reflect the character of the site?

Yes No N/A

Comment (if applicable):

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

Yes No N/A

Comment (if applicable):

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

This application seeks to regularise the existing car parking on site (former netball courts) which is included as part of the overall car parking provision for the school under planning application reference 6/2019/0585/FULL which did not have planning permission.

Material considerations for access and car parking are the same as those within planning application reference 6/2019/0585/FULL subject to the same conditions being imposed, it is considered reasonable and appropriate to come to the same conclusion within this application.

It is noted that there are cycle spaces shown to the front of the school site on the proposed plan and that other cycle spaces have been removed adjacent to the extended car park. Is considered that the same concerns remain as per the previous approved application reference 6/2019/0585/FULL and therefore it is considered reasonable and appropriate that the same condition is included.

A construction management condition has been included under planning application reference 6/2019/0585/FULL. Due to the size of the development, it is not considered that a construction management condition is required.

Any other issues

Archaeology

The proposed development is located within Area of Archaeological Significance. An Archaeological Written Scheme Investigations ref: HN1456 Rev. A dated November 2018 and subsequent Archaeological Evaluation report ref: 1176 dated July 2019 were submitted. This has been submitted along with submitted drawing 2155/04/0104A and an email from Mr Brown dated 28/8/2019.

Material considerations are the same for the extended car park as those within planning application reference 6/2019/0585/FULL subject to the same condition being imposed, it is considered reasonable and appropriate to come to the same conclusion within this application.

The regularisation of the existing car parking arrangements and cycle parking would not impact the area of archaeological significance.

Concerns have been raised by the Historic Environment Officer in regards to the retrospective development of the temporary classrooms and they have recommended a pre-commencement development condition. As these buildings have already been constructed it is considered that such a condition would be ultra vires, with the result that the Council cannot impose a condition of this nature.

Further to the above, as the development has already occurred it is not considered that the condition proposed by the Historic Environment Officer would meet the tests for planning conditions set out within Paragraph 55 of the NPPF.

Although the condition proposed by the Historic Environment Officer would be inappropriate, it is considered that it would be reasonable to require that prior to the removal of the temporary classrooms the Council should be provide with a Written Scheme of Investigation. This document should set out how the applicant would carry out site investigations of the land beneath the buildings and monitor the removal of the foundation for any evidence of archaeological finds.

Subject to condition, the proposal would be in accordance with the National Planning Policy Framework 2019 and Policy R29 of the Local Plan 2005.

Trees

There is little impact on the existing landscape with much of the proposal on existing building footprints and /or grass or tarmac areas. Because of this there is no objection to the landscape grounds.

However, the Council's Landscape Officer has recommended a condition under planning application reference 6/2019/0585/FULL requiring a Tree Protection Plan to ensure the existing trees on site are protected during the development process. As this proposal includes the car park extension it is considered reasonable to include the same condition.

Contamination

The Council's Public Health and Protection Team undertook discussions with the Case Officer as part of planning application reference 6/2019/0585/FULL and a contamination condition was recommended. Material considerations are the same as those within planning application reference 6/2019/0585/FULL subject to the same condition being imposed, it is considered reasonable and appropriate to come to the same conclusion within this application.

Conclusion

Subject to conditions, the proposal is considered acceptable in regards to National and Local Planning Policies.

Conditions:

POST DEVELOPMENT COMMENCING

1. (A) Development (car park extension) must be undertaken fully in accordance with a project design that includes an annotated site plan, based on the The Heritage Network Archaeological Written Scheme of Investigation ref: HN1456Rev.A dated November 2018 and subsequent Archaeological Evaluation report ref: 1176 dated July 2019.

(B) With reference to the submitted drawing 2155/04/0104A, no development within Section 2 shall commence until additional site investigations have been undertaken in accordance with the recommendations made in the Archaeological Evaluation report above and the results submitted to the Local Planning Authority.

(C) The development shall not be used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scene of Investigation approved under (A) and the provision made for analysis and publication where appropriate.

Reason: to protect the impact on heritage assets with archaeological interest in accordance with the National Planning Policy Framework 2019 and Policy R29 of the Local Plan 2005.

2. (A) Prior to the demolition/removal of the three temporary classrooms, an Archaeological Written Scheme of Investigation for the temporary classrooms must be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(B) The development must only occur in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

Reason: to protect the impact on heritage assets with archaeological interest in accordance with the National Planning Policy Framework 2019 and Policy R29 of the Local Plan 2005.

3. Prior to the first occupation of the development hereby permitted the proposed onsite car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework 2019 and Policy D1 of the District Plan 2005.

4. Prior to the first occupation of the development a revised scheme for the number and parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of the school and in the interests of encouraging the use of sustainable modes of transport in accordance with the National Planning Policy Framework 2019 and Policy D1 of the District Plan 2005.

5. The temporary classrooms hereby approved shall be for limited period being the period of 1 year from the date of this decision. At the end of this period the buildings hereby permitted shall be removed and, all structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the building shall be removed, and the land restored to its condition before the development took place.

Reason: to ensure that the proposal would comply with the National Planning Policy Framework 2019 and Policy OS1 of the District Plan 2005.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account. In accordance with the National Planning Policy Framework 2019 and Policy R19 of the District Plan 2005.

7. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).
- (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details to be approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of [five years] from [the date of the occupation of the building for its permitted use].

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

8. 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
2155 04 0153	A	Temporary block & parking proposed car park plan	24 June 2019
2155 04 0151	B	Site plan	24 June 2019
2155 04 0152	B	Location plan	24 June 2019
2155 04 0154	B	Temporary Block- 3 Classrooms	24 June 2019
2155 04 0150	C	Detailed Location Plan	24 June 2019
U0367/04	A	Foundation drawing	6 September 2019

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 paragraph 38 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. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. Modeshift STARS is the national schools awards scheme that has been established to recognise schools that have demonstrated excellence in supporting cycling, walking and other forms of sustainable travel. The scheme encourages schools across Hertfordshire (and Country) to join in a major effort to increase

levels of sustainable and active travel in order to improve the health and well-being of children and young people. Every school in England (outside of London) can participate in Modeshift STARS for free. On completion of an application for Modeshift STARS, schools will automatically have a brand new national standard School Travel Plan. To register for Modeshift Stars, visit <https://www.modeshiftstars.org/contact>. Support is available to schools in Hertfordshire from Hertfordshire County Council's Active & Safer Travel Team by contacting activeandsafertravel@hertfordshire.gov.uk

9. No floodlights shall be erected on the proposed application sites without the express planning permission of the Local Planning Authority.
10. The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

It is recommended that Cadent Gas and National Grid are contacted prior to development.

11. In respect of Abnormal Loads the applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 Schedule 5 of Schedule 9, part 1 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the website www.gov.uk/government/publications/abnormal-load-movements-application-and-notificationforms or by telephoning 0300 1234047.

Determined By:

Mr William Myers
1 November 2019