

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

**DELEGATED APPLICATION**

**Application No:** 6/2020/0830/FULL  
**Location:** Chancellors School, Pine Grove, Brookmans Park, Hatfield AL9 7BN  
**Proposal:** Formation of earth mounds and elevation of approved hard-play sports pitch  
**Officer:** Mr David Elmore

**Recommendation:** Granted

6/2020/0830/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>Planning permission was recently granted at Chancellors School under application number 6/2019/0085/MAJ for a new sports hall, four hard-play sports pitches and a car parking area, all to the south side of the main school buildings.</p> <p>This application proposes to use spoil derived from the foundations for the sports hall to elevate the approved hard-play sports pitches and create earth mounds around three sides of the hard-play sports pitch and two sides of the sports hall.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt - Distance: 0  LCA - Landscape Character Area (Potters Bar Parkland) - Distance: 0  PAR - PARISH (NORTH MYMMS) - Distance: 0  ROW - FOOTPATH (NORTH MYMMS 068) - Distance: 3.5  Wards - Brookmans Park &amp; Little Heath - Distance: 0  HEN - No known habitats present (high priority for habitat creation) - Distance: 0  SAGB - Sand and Gravel Belt - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2019/0085/MAJ  Decision: Granted  Decision Date: 29 November 2019  Proposal: Erection of building comprising sports hall with associated changing facilities and 7 x classrooms built on existing hard play tennis courts; 4 x hard play sports pitches to be provided to replace existing; provision of 33 x parking spaces; and two mobile classrooms to be provided for the duration of the project</p> <p>Application Number: S6/2004/1882/FP  Decision: Granted  Decision Date: 27 June 2005  Proposal: Erection of new I.C.T building</p> <p>Application Number: E6/1970/0927/  Decision: Granted  Decision Date: 01 December 1970</p>

	Proposal: Additional land.  Application Number: E6/1968/0111/ Decision: Granted Decision Date: 31 July 1969 Proposal: Science block and part of teaching block.  Application Number: E6/1966/1834/ Decision: Granted Decision Date: 07 February 1967 Proposal: Library block  Application Number: E6/1961/1077/ Decision: Granted Decision Date: 21 January 1962 Proposal: Site for secondary school.		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbour letters sent		
<b>Summary of neighbour responses</b>	No representations received		
<b>Consultees and responses</b>	WHBC Public Health and Protection Team – Unexpected contamination condition recommended  Sport England – No objection		
<b>Relevant Policies</b>			
<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 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: Policies R2 and RA10 of the District Plan			
<b>Main Issues</b>			
<b>Would the development reflect the character of the area?</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Comment:</b> Subject to surface of the mounds being grass over.			
<b>Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Any other considerations</b>	<u>Green Belt</u>  Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the Borough as defined on the Proposals Map.  Paragraph 146 of the NPPF outlines that the engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.  <i>Openness</i>  There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness		

	<p>of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The duration of the development, degree of activity, the specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.</p> <p>Chancellors School and its associated playing fields are set on relatively flat terrain. It is proposed to elevate the height of the approved hard-play sports pitch by around 0.3 metres above ground level and to create earth mounds around three sides of the approved hard-play sports pitch and two sides of the approved sports hall. The earth mounds would have a height of between 1.3-1.6 metres at a pitch of around 90 degrees.</p> <p>The elevation of the hard-play sports pitch is very limited and it is considered that this alteration would not result in any perceptible effect on Green Belt openness.</p> <p>The earth mounds would result in a loss of Green Belt openness in spatial terms as a result of their footprint, volume and height.</p> <p>There would only be very limited views of the mounds from outside the site along Golf Club Road. Dense hedging lines the boundary with Golf Club Road and would effectively screen views along a vast majority of the road length. The mound on the western side of the hard-play sports pitch would be visible from the secondary access to the school through and above the palisade gates and fencing. However, its set back distance of around 11.5 metre (at its highest point) and covering with grass would ensure it would not appear overly large or assuming from the viewpoint.</p> <p>Although the quantity of earth to create the mounds would be significant, the mounds would be strategically positioned around and adjacent to the hard-play sports pitch and part of the sport hall and would be read in the context of this approved development rather than as distinct or unrelated landscape features. The mounds would not appear excessive in scale relative to the hard-play sports pitch, sports hall and existing school buildings. While the ground terrain of the school grounds is flat, their inclusion would not be incongruous in the landscape.</p> <p>Having regard to the above, it is concluded that the loss of openness in spatial terms would be offset by its sensitive design in visual terms. Subject to the surface of the mounds being grass over, it is considered that the proposal would preserve Green Belt openness.</p> <p><i>Green Belt purposes</i></p> <p>Paragraph 134 of the NPPF states that the Green Belt serves five purposes:</p> <ul style="list-style-type: none"> <li>a) to check the unrestricted sprawl of large built-up areas;</li> <li>b) to prevent neighbouring towns merging into one another;</li> <li>c) to assist in safeguarding the countryside from encroachment;</li> <li>d) to preserve the setting and special character of historic towns; and</li> <li>e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</li> </ul> <p>The mounds would be created on undeveloped land and extend partially onto the playing fields associated with the school. However, the extent of encroachment would be limited and the development would be read in the context of the developed part of the site. As such, it is considered that the proposal would not conflict with any of the purposes of the including land in the</p>
--	--

	<p>Green Belt.</p> <p><u>Use of playing field land</u></p> <p>The mounds would encroach onto the school's playing field to the south and west of the area proposed for the sports hall and hard-play sport pitches and would impact on an existing rugby pitch.</p> <p>Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> <li>a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</li> <li>b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</li> <li>c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.</li> </ul> <p>Sport England have been consulted for this application and present no objection. In reaching this view it was highlighted that the extent of encroachment would be limited and, as shown on drawing number 2154 SK 0004, playing pitches on the remaining school playing field to the south could be realigned to accommodate all of the existing winter and summer playing pitches without reducing the sizes of the pitches. Furthermore, the areas proposed for the mounds to the east and west of the approved hard-play sports pitch would not be capable of forming a playing pitch or part of one due to inadequate space being available. While not a sports facility, it was also noted that the mounds would provide noise and safeguarding benefits and provide the opportunity for spectating sport and encouraging physical activity.</p> <p>Taking account of Sport England's representations it is considered that there would be no conflict with the NPPF.</p> <p><u>Contamination</u></p> <p>The Council's Public Health &amp; Protection Team have been consulted for this application and outline that the soils/material being reused should be suitable and not result in land contamination. Having regard to Policy R2 of the District Plan and the NPPF, an unexpected finds condition can be imposed with a grant of planning permission.</p>
<b>Conclusion</b>	
Subject to the suggested conditions, the proposed development would accord with all relevant local and national planning policies.	

**Conditions:**

1. The earth mounds hereby approved must be grassed over and the grass surface must be retained permanently thereafter. Artificial grass must not be used.

REASON: In the interest of the visual amenity of the area and to preserve the openness of the Green Belt, in accordance with Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. In the event that contamination is found at any time when carrying out the approved development, 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 remediation measures must be submitted to and approved in writing by the Local Planning Authority. Such measures must prevent the pollution of the water environment, safeguard the health of intended site users, and 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.

Thereafter the development must 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 Policy R2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### DRAWING NUMBERS

3. 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
2154 SK 0001	D	Location Plan & Site Plan	15 July 2020
2154 SK 0002	A	Proposed Elevations	22 May 2020
2154 SK 0003		Existing Elevations	22 May 2020
2154 SK 0004		Existing & Proposed Winter Pitch Plans	15 July 2020

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 or legal interest (easements or wayleaves) which may affect the land.

2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

**Determined By:**

Mr Mark Peacock  
24 July 2020