

## OFFICER REPORT

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**Application No:** S6/2005/0061/OP

**Proposal:** Outline application for residential development comprising 0.68 ha site with means of access details, involving demolition of existing school buildings – Application 1 at the former Hazel Grove JMI School Hazel Grove Hatfield.

**Date Received:** 13.01.05

**Expiry Date:** 10.03.05

**Site Visit:** 25.01.05

**Site Notice:** 25.01.05

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### **Site and surroundings:**

The former Hazelgrove School is located in the southern part of Hatfield, approximately 1.5km to the south west of the town centre. It lies on the south western side of Hazel Grove. The whole school site is 1.62 hectares in extent and is wholly owned by the County Council. The main school buildings are located in the north eastern part of the site and are single storey. Around the buildings are landscaped areas, areas of hard play and a car park.

The application site comprises land to the north eastern end of the school site and is 0.68 hectares in area. The site includes the school buildings and a hard surfaced play area. The boundaries of the site comprise a mix of hedging and fencing, with a number of mature trees located around the boundaries with particular groupings in the north west, north east and south east corners. The trees include Silver Birch, Honey Locust and Lime.

The road of Hazel Grove delineates the north eastern boundary. Three sides of the site are surrounded by residential development comprising mainly two storey terraced dwellings, while the south western boundary abuts the former school playing field. Beyond this boundary is the Redhall Public Open Space.

The school site slopes gently from east to west, with the overall fall across the site being of the order of 3.0m.

### **Proposal:**

Outline permission is sought for the residential development of the site, with the means of access with the highway to be considered at this stage. An indicative layout was submitted with the scheme which showed 33 units of a mixture of 2½ storey flats and 2 storey dwelling houses. The scheme originally sought permission for the layout of the access road into the site, but this was subsequently omitted.

The scheme should be considered in conjunction with S6/2005/0062/OP, which similarly seeks outline permission for residential development over a smaller area of the former school site.

The application (and S6/2005/0062/OP) was accompanied by a detailed Supporting Statement prepared by the applicant's agent, Vincent & Goring.

**Relevant History:**

**S6/2004/1371/CD** Withdrawn outline application for children's home and related works (General Development Procedure Order 1995 (Article 10 Consultation – County Council application))

**Planning Policies:**

**Hertfordshire Structure Plan Review 1991 – 2011**

- Policy 1 – Sustainable Development
- Policy 6 – Settlement Pattern and Urban Concentration
- Policy 10 – Affordable Housing
- Policy 25 – Car Parking

**Welwyn Hatfield District Plan - Adopted, April 2005**

- Policy H2 – Windfall housing sites
- Policy H6 – Densities
- Policy H7 – Affordable Housing
- Policy H8 – Dwelling types and tenure
- Policy OS1 – Urban Open Lane
- Policy OS2 – Playing Pitch Provision
- Policy OS3 – Play Space and Informal open space in new residential development
- Policy D1 – Quality of Design
- Policy D2 – Character and Context
- Policy R1 – Maximising the Use of Previously Developed Land
- Policy R14 – Trees, Woodland and Hedgerows
- Policy R17 – Noise and Vibration Pollution
- Policy M14 – Parking Standards for New Development
- Policy CLT1 – Protection of Existing Leisure Facilities
- Policy CLT9 – Use of Redundant Education Facilities
- Policy CLT13 – Loss of Community Facilities

Supplementary Design Guidance (Statement of Council Policy) February 2005  
Parking Standards (Adopted January 2004)

**Representations:**

The application was publicised by the direct notification of neighbouring properties and the display of a site notice. No third party representations have been received as a result.

Hatfield Town Council – The Committee supported the application for the residential development of the whole of the former school site.

Herts. Highways – no objections to the application subject to a number of conditions and a financial contribution of £23K toward improvements to local highway infrastructure, for traffic calming measures along Bishops Rise and public transport infrastructure in Roehyde Way and Bishops Rise.

Housing Development – considers that affordable housing should be provided at 40% on the basis of the recommendations of the latest Housing Needs Survey. There is justification for a 10% Key Worker housing provision as this is a Herts. County Council site. Due to the size of the site there would not be a requirement to match the percentage mix as set out in the Council Housing Strategy 2004/05 but a mix of general needs affordable housing would be expected comprising 1 & 2 bed. flats and 2 & 3 bed. houses. There should be a mix of rented and shared ownership 25% rented, 5% shared.

Head of Operations – Concurs with the view of the applicant that as the site adjoins an existing area of informal open play space there is no need for on-site provision, but requests a maintenance sum for the nearby Redhall POS of £2,400 based upon an annual maintenance sum of £200 for a 12 year period.

Hertfordshire Property – requires a contribution for libraries at a calculation of £181 per dwelling and for youth and childcare facilities at a calculation of £363 per dwelling, based upon 4Q03 BCIS and indexation payable with Hertfordshire Regional Factor; provision for fire hydrants is also required.

Environmental Health – no adverse comments to make, but would anticipate possible nuisance during the construction phase and provide some guidance on dust and noise.

Tree & Landscape Officer – concerned about the impact of the development on trees. Requires full arboricultural method statement including a survey and specification for protection measures.

Thames Water – no objections

Environment Agency – no objections

Welwyn Hatfield Access Group – Getting Around - Request that the application be considered subject to the criteria outlined in the current District Plan and that planning approval is conditional on compliance with detailed access requirements. Also request that application, where appropriate, be considered subject to the criteria outlined in Building Regulations Part M and the BS8300 Code of Practice.

**Issues:**

The determining issues in this case are whether the proposed development:

- is acceptable in principle having regard to the loss of a school, potential for loss of a local community facility;
- implications for highway and related issues
- affordable housing provision
- tree considerations
- open space considerations
- implications for social infrastructure provision

**Principle of residential development:**

The County Council's Cabinet, in the light of falling school rolls in the Hatfield area, has previously approved the closure of Hazelgrove School. A new two-form entry primary school has been provided on the site of the nearby Five Oaks Primary and Nursery School, known as De Havilland Primary School. This school opened at the start of the school year 2004/05 in September 2004. Following a period of transition the Hazelgrove School was finally vacated in January 2005.

Policy CLT9 of the District Plan states

*'The Council will grant planning permission for the redevelopment or re-use of redundant educational establishments that are surplus to educational requirements, for community, leisure or recreation purposes. Where applicants can demonstrate that the buildings are unsuitable for re-use or there is no local need for community, leisure or recreation facilities, other suitable alternative uses such as housing will be considered.'*

The suitability of the former school buildings for re-use will obviously depend on the nature of the re-use proposed. The applicants agents advises that the County Council's general experience in such instances has been that the size, layout and specialist nature of primary school premises makes them unsuitable/unviable for re-use by anything other than by a school.

The applicants' agent also states:

'...The former Hazelgrove Primary School was built in the late 1950's/early 1960's and, as a result, the buildings have become increasingly costly to maintain. The most recent condition survey of the school premises (undertaken in 2002 for DfES purposes) showed that, whilst the school was generally fit for purpose, there were a number of maintenance works required at an estimated cost of £175,000 (in 2002 prices). Since that survey was carried out, the scale and cost of the works required is likely to have increased considerably.'

From the outset, commercial advice provided to the County Council by its advisors, Messrs Lambert Smith Hampton, has been that the specialist nature and location of the premises, together with the above maintenance liabilities, makes it extremely unlikely that a purchaser or lessee for the existing buildings could be found.

Nevertheless, I acknowledge that Policy CLT 9 places the onus upon the applicant to demonstrate the absence of any local need for community, leisure or recreation facilities. I have therefore carried out an assessment of the local need for community, leisure or recreation facilities, as set out below.

Whilst it is always difficult to prove a negative, I can find no evidence that any such need exists in the instance, for the reasons set out below

1. As you are aware, the nursery school that was located on the Hazelgrove site was relocated to the new De Havilland Primary School.
2. I understand from the former school secretary that Hazelgrove Primary School was not used (on an out-of-hours basis) by any outside bodies prior to its closure.

3. There is currently no out-of-hours community use at the nearby De Havilland Primary School and the current school secretary is unaware of any recent approaches for such use. If any suitable uses were to come forward, they could obviously be accommodated at this school.
4. In terms of the County Council's own service requirements, a comprehensive needs review was carried out prior to the submission of the planning applications. Some 20 internal consultations were carried out, including the County Council's Community Development Officer for Welwyn Hatfield, and bodies such as Connexions Hertfordshire and the Police Service were also canvassed. Two possible requirements were identified, the first for a childrens' home (which has been included in Application 1) and the second for a 6-bed home for adults with learning disabilities (which would be classed as a residential use). A final decision as to whether either or both of these proposals will go forward has yet to be made by the County Council.
5. Turning to the wider picture, it is the County Council's experience that, if a demonstrable local need for community, leisure or recreation facilities exists in an area (e.g. for a doctors' surgery), it is normally revealed during either the school closure consultation or through the planning application consultation process. In this particular instance, I am not aware that any such need has so far been revealed.
6. I understand that no district-wide assessment of the community's leisure or recreation needs, as provided for in PPG 17, has yet been carried out. I have therefore contacted the District Council's Partnerships Team (Mrs Hyatt) and Sue Tiley in the Local Plans Team to see if they are aware of any particular need in this part of Hatfield. Neither was personally aware of any particular requirement at the present time.

I would also emphasise that, in similar situations around the county, where a clearly identified need has been identified, the County Council has demonstrated its willingness to accommodate those uses. For example, proposals are currently being brought forward for the redevelopment of a primary school site in Watford which will include a doctor's surgery and a church.

In both cases, these community needs were revealed during the school closure consultation exercise, with local members involved in the process. Whilst neither the doctor's practice nor the church's governing body were interested in re-using the primary school buildings, both have expressed a firm interest in purchasing a site for new build premises (with shared car parking facilities). Both will benefit from an access road and services to be provided by the residential developer of the balance of the site.

Finally on the subject of the local need for community, leisure and recreation facilities, I would emphasise that the closure of Hazelgrove School has been complemented by a £2.1 million package of improvements at the nearby De Havilland School. The amalgamated and improved school itself represents a significant community benefit for the south Hatfield area. The De Havilland School improvements have been forward funded by the County Council, and exceed the estimated proceeds from the sale of the Hazelgrove site by £0.3 million. The funds that will be realised through the sale of the

Hazelgrove site will in turn be reinvested at other primary schools in the county, providing both educational and wider community benefit.'

On the basis of the information supplied on behalf of the applicant, I am satisfied that all reasonable steps have been taken to address the development plan policies relating to the re-use of redundant education facilities for other community uses, loss of community facilities and so on and I see no conflict with Policies CLT7, CLT9 and CLT13 of the adopted plan.

The site is surrounded by residential development on three sides, so there would be no conflict with surrounding land uses. The proposals would comply with Policy H2 of the adopted plan as the site comprises a previously developed site; the location is accessible to other forms of passenger transport in addition to the car as the site is close to both Bishops Rise and Roehyde Way which are on bus routes; the local infrastructure will be able to absorb such a development; and there are no significant physical constraints to the development of such land.

### **Highways and related issues**

Hertfordshire Highways are satisfied with the scheme, subject to a number of conditions. Some of the conditions that they recommend would not meet the tests for conditions as set out in Circular 11/95 and will need to be modified or omitted in the case of no parking of future residents commercial vehicles on the site, no building operations within the site until the shared surface road has been constructed. The financial contribution toward sustainable transport measures can be secured through the legal agreement.

### **Affordable Housing**

The applicants have indicated that they are willing to provide at least 30% affordable housing. Although the Housing Development Officer is requesting 40% affordable housing of which 10% would be key worker, this represents an aspiration of the Housing Development Unit and is not enshrined in Council Policy neither is it reflected in Policy H7 of the adopted plan. Accordingly, provided the scheme delivers affordable and key worker housing in line with Policy H7, the numbers, mix nomination rights and tenure of which can be secured through Section 106 Agreement.

### **Trees**

Although the Council's arborist wants a full tree survey prior to the determination of the outline application, it is not reasonable to require this at this stage as they layout shown is for illustrative purposes only. It is also not usual to place a Tree Preservation Order on land in the ownership of a local authority. It is important the trees are safeguarded at the point of sale of the site to a subsequent developer or at the time the permission is issued, whichever is the earlier.

### **Open Space**

The site lies outside areas of Urban Open Lane as defined in the adopted plan and shown on the proposals map, so there is no conflict with Policies O1 and OS2 as there would be no loss of Urban Open Land or playing fields. As the site is adjacent to the Council owned Redhall POS a financial contribution to the maintenance of this area is acceptable in accordance with the figures quoted by the Head of Operations and this can be regularised in the S.106 Agreement. The proposal does not conflict with Policy OS3.

## **Social Infrastructure Provision**

Financial contributions are being sought for libraries and youth and childcare provision. Normally, there would be a requirement for an education contribution but in this case the funds from the sale of the site will go into the County Education budget. Fire hydrants are also required.

**Recommendation** – approve subject to the applicant entering into an Agreement under Section 106 of the Town & Country Planning Act 1990– as amended in relation to the Heads of Terms set out below and the following conditions.

## **Section 106 Agreement Heads of Terms**

Affordable Housing provision of not less than 30% of the resultant total number of units to be provided, with an additional allowance for an element of key worker housing and securing type of tenure and nomination rights to be agreed with WHC;

Financial contribution of £2,400 to be paid to WHC for the maintenance of Redhall POS upon occupation of a trigger percentage of general market housing units (say 50%);

Financial contribution to be paid to Herts, County Council for social infrastructure provision based upon the following calculations libraries at a calculation of £181 per dwelling and for youth and childcare facilities at a calculation of £363 per dwelling, based upon 4Q03 BCIS and indexation payable with Hertfordshire Regional Factor and provision of fire hydrants;

Financial contribution to be paid to Herts, County Council for £23,000 for improvements to local highway infrastructure, for traffic calming measures along Bishops Rise and public transport infrastructure in Roehyde Way and Bishops Rise

## **Conditions**

1. SC04 – detailed drawings outline applications, omit 'means of access thereto'.
2. SC05 – Outline applications time limits.
3. SC08 – Landscaping scheme - outline applications.
4. SC19 – Materials.
5. SC25 – Levels.
6. SC26 – Setting Out.
7. Prior to the commencement of the development hereby permitted, details of protective fencing to be placed around all trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be retained in the agreed position until the whole of the development is completed. During this period no materials, plant or machinery shall be stored, fires started or service trenches dug within these enclosed areas without the prior written permission of the Local Planning Authority.

REASON: In the interests of the safeguarding of trees along the frontage and within the site that contribute to the character and appearance of the locality.

8. Visibility splays of not less than 2.4m x 60m shall be provided and thereafter maintained in both directions at the junction of the of the new access with the carriageway. There shall be no obstruction to visibility between a height of 0.6m and 2.0m above the carriageway.  
REASON: In the interests of highway safety.

9. A pedestrian visibility splay of 2.0m x 2.0m is to be maintained in both directions at all access points to the internal road network. Such visibility shall not be obstructed by any fencing or proposed development or landscaping under the control of the applicant, between a height of 0.6 m and 2.0 m above the carriageway.  
REASON: In the interests of highway safety.
10. Construction of the dwelling units shall not commence within the application site until the proposed road network layout is constructed to base course level as per Roads in Hertfordshire - A Guide for New Developments.  
REASON: To ensure that the proposed road network layout is constructed to the current Highway Authority's specification in the interests of Highway safety and efficiency and to demonstrate that the standard can be achieved in terms of Roads in Hertfordshire - A Guide for New Developments.
11. Prior to the commencement of development, details of the method of washing of vehicle wheels exiting the site shall be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority, and the agreed method shall be operated at all times during the period of site works.  
REASON: In the interests of Highway safety and efficiency.
12. Prior to the commencement of the development hereby permitted details of foul and surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall thereafter be carried out, completed and retained in accordance with the approved details prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To ensure the satisfactory drainage of the site.

**Informative:**

1. For the avoidance of doubt, Plan no 4443/003C prepared by Vincent and Gorbing is for illustrative purposes only and does not form part of this permission.

**Reason for decision**

SUM P4

**Plan no's**

Site location plan: 4443/005A, Means of access plan E1618/4/D as prepared by Wormald Burrows Partnership dated 10.03.05.

Signed \_\_\_\_\_  
Senior Area Planner

Date \_\_\_\_\_