

**5d 3/12/1242/FP – New sports/assembly/activity hall and classroom with associated changing rooms, toilets, small kitchen/servery and storage space at Hertingfordbury Cowper JMI School , Birch Green, Herts, SG14 2LR for Alison Richards**

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**Date of Receipt:** 23.07.2012

**Type:** Full – Major

**Parish:** HERTINGFORDBURY

**Ward:** HERTFORD RURAL SOUTH

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year time limit (1T12)
2. Approved plans (2E10): 3037/SD01A, 3037/SD02A, 3037/SD03B, 3037/SD04B, 3037/SD05A and 3037/SD06
3. Samples of materials (2E12)
4. Landscape Design Proposal (4P12)
5. Landscape Works Implementation (4P13)
6. Prior to the first use of the development hereby permitted, details of the arrangements for the building's shared use by the community, including public access at weekends and evenings, shall be submitted to and approved in writing by the Local Planning Authority. The use of the building shall thereafter be carried out in accordance with the approved scheme unless otherwise varied and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the provision of the building responds to the opportunity to provide for shared community use and in accordance with Policy LRC2 of the adopted East Herts Local Plan Second Review April 2007.

**Directive:**

1. Other Legislation (01OL)

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the

### 3/12/1242/FP

Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD1, GBC1, TR7, ENV1, ENV2, LRC1, LRC2, OSV3) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

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#### **1.0 Background:**

- 1.1 The application site forms part of the land associated with Hertingfordbury Cowper JMI School which lies within the village of Birch Green in the Metropolitan Green Belt and is shown on the attached OS extract.
- 1.2 The proposal is for the construction of a single storey building to provide two facilities for the school in one building as a response to the school's recent OFSTED inspection. That report identified a shortfall of sports provision due to the lack of a suitably sized sports building and also identified the cramped nature of some of the existing classroom spaces within the school building. It is therefore proposed to erect a new building to provide a sports hall and a classroom. This would be constructed within an area of existing playground to the south east of the main body of the Grade II listed school building.
- 1.3 It is not proposed to increase pupil numbers at the school - the proposed additional classroom is to relieve the cramped teaching conditions within the small rooms available in the listed school building, originally constructed in 1850.
- 1.4 The proposed classroom with adjacent changing facilities would be single storey, 18.9m x 7.5m, constructed in cladding with a brick plinth and clay plain tiles with metal canopy on the northern elevation, 2.5m to the eaves, with a roof ridge line height of 5.5m.
- 1.5 The sports hall would be 10.0m x 16.2m, constructed in the same materials, providing an internal sports space of 150sqm, with a store area of a further 22sqm on the eastern elevation with an overall roof ridge line height of 7.2m to allow for ball games, wall bars and climbing ropes to be accommodated internally, overall the building has a floorspace of 303.75sqm.
- 1.6 The hall will primarily serve the schools needs but will have provision for other community uses such as after-school clubs. The intention is to

### **3/12/1242/FP**

make the hall and its facilities available to the local surrounding community in Birch Green, for leisure facilities, clubs and Parish Council meetings. Initial enquires have identified interest from Letty Green Scout Group and Birch Green Brownies Pack.

#### **2.0 Site History:**

2.1 It is noted that extensions to the school have been granted from 1979 to 2008 as follows:

3/79/1428/FP Nursery School, Withdrawn

3/79/1690/FP Extension to school, Approved

3/83/1223/FP Single storey front extension to provide garaging for mini-bus garaging for mini-bus, Approved

3/90/1522/FP Enclosure of courtyard in centre of school Approved

3/90/1523/ LB Enclosure of courtyard in centre of school to provide CDT department, closed window and new rooflight Approved

3/08/1091/FP Gazebo, Withdrawn

3/08/1540/FP Extension to nursery block, Approved

3/11/0187/FP Change of use of school house from residential use to part of school facilities Approved

#### **3.0 Consultation Responses:**

3.1 Hertfordshire Biological Records Centre concludes that there are no known ecological constraints regarding the proposed development and the application should be determined accordingly.

3.2 Herts and Middlesex Wildlife Trust has not commented on the application.

3.3 Hertfordshire Highways do not wish to restrict the grant of permission subject to conditions for the surfacing of on site vehicular areas; the provision of a parking and construction storage area; measures to prevent mud or other extraneous materials being deposited on the highway during construction and details of lorry movements and construction access arrangements for the development.

### 3/12/1242/FP

- 3.4 The Council's Landscape Officer recommends consent subject to a condition for details of a landscape design proposal as regards the treatment/ retention of the southern hedge boundary of the site.
- 3.5 The Council's Environmental Health Unit does not wish to restrict the grant of permission.
- 3.6 The Council's Conservation Section has assessed the impact that the proposal would have on the setting of the Grade II heritage asset. In considering the current proposal, it is evident that the application has taken into consideration comments provided at pre-application stage regarding; the location, mass, scale, design, use of materials and orientation. The only difference being, the inclusion of a shallow projection to the east elevation, recessed from the gable ends, an addition which is considered to provide a more interesting footprint, reflective of the principal listed building.

In this context, the Conservation Officer recommends approval subject to the materials being of high quality and this can be dealt with through condition.

- 3.7 The Council's Environmental Services unit do not wish to restrict the grant of permission.
- 3.8 Statutory Consultee Sport England consider that the potential sports development benefits that the proposed school hall would offer would clearly outweigh the detriment caused by the impact on the playing field. It therefore considers that the proposal would meet exception A5 of the playing fields policy. In conclusion, Sport England raises no objection to the proposal, subject to a condition for the provision of a Community Use agreement.

#### **4.0 Parish Council Representations:**

- 4.1 At the time of writing this report, no comments have been received from Hertingfordbury Parish Council.

#### **5.0 Other Representations:**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received from a neighbouring resident which can be summarised as follows:-

### 3/12/1242/FP

- The school has expanded beyond the capability of the parking availability
- Deliveries to the school block the road
- Parked cars damage the Green; parking on the kerb and parking over driveways
  
- The school has limited utility to the village; staff and pupils reside elsewhere
- Development should be dependent on providing a large car park on the school grounds accessed from the Old Coach Road.

#### **6.0 Policy:**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Appropriate Development in the Green Belt
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
LRC1	Sports and recreational Facilities
LRC2	Joint Provision and Dual Use
OSV3	Category 3 Villages

6.2 In terms of Government Guidance Sections 3, 7, 8, 9 and 12 of the National Planning Policy Framework are a material consideration.

#### **7.0 Considerations:**

##### Principle of development in the Green Belt

- 7.1 The site lies within the Metropolitan Green Belt wherein inappropriate development will not be permitted except in very special circumstances. The proposed development constitutes an inappropriate form of development as it involves the construction of a building used for a purpose that does not fall within the categories defined as appropriate development within policy GBC1. The proposal is therefore, by definition, harmful to the Green Belt and, in accordance with local and national planning policy, permission ought not to be granted unless very special circumstances can be demonstrated that clearly outweigh the harm caused by reason of inappropriateness or any other harm.
- 7.2 In considering whether any other harm results from the development the relevant issues in this case relate to the loss of a playing

### 3/12/1242/FP

field/playground; design, conservation, parking, neighbour amenity and landscape.

#### Loss of playing field/playground

- 7.3 The application site forms part of the school's existing playing field/playground area sitting approximately 40m to the south east of the main school building. Paragraph 74 of the NPPF advises that playing fields should not be built upon unless the land in question is surplus to need or the loss of the land makes provision for development that makes better or improved sports and recreational facilities in terms of quality and quantity.
- 7.4 In this case, the loss of the small area of land (310.1sqm) to the south of the playing field would not have an appreciable adverse impact on the remaining provision at the school and, of course, the development would provide for significantly enhanced sports facilities for the school. Very limited harm would therefore result from this element of the proposal.

#### Design

- 7.5 The single storey low level building situated close to the south eastern boundary would be set back from the public highway and site frontage in a subservient position to the main listed school buildings. The design and layout of the proposed building reflects the character of the rural locality. The proposed building is of a modest and sympathetic visual aspect, with the use of natural external finishes (e.g. clay tiles, timber boarding) that would not detract from the rural village setting and surrounding properties or overwhelm/ compete with the setting, character and appearance of the historic listed school buildings.
- 7.6 Given the simple, contemporary design; the use of high quality materials and position of the proposed building, Officers are of the view that little harm would be created by the building, its appearance, scale, design height and siting in terms of its impact on the character of the area or the openness of the Green Belt in this rural setting. The building is therefore considered to be acceptable in terms of the requirements of policy ENV1 of the Local Plan and no additional harm is attributed to the proposal in this respect.

#### Conservation

- 7.7 The Council's Conservation Officer supports the principle of the proposed development and considers that the setting of the listed school buildings would not be adversely affected by the insertion of the

proposed building situated to the south east of the listed building heritage asset. The siting of the classroom /sports hall in relation to the significance of the heritage asset is designed as a simple but modern functional single storey building constructed using natural materials. (The exception being the reference to UPVC bargeboard and fascia which is not considered appropriate but this can be addressed by condition.) The building compliments the rural village setting and the landscaped character and appearance of the site. It is therefore considered that the proposed development would not have an adverse impact upon the setting of, or significance of, the heritage asset and no additional harm is attributed to the proposal in this respect.

### Parking

- 7.8 There are no direct implications for parking as the number of children and staff members at the school is not proposed to be increased. The proposal, nevertheless, makes provision for an additional 4 parking spaces and a single disabled parking space located within the school grounds to the south western boundary of the site close to the existing access, specifically created to facilitate after hours community use.
- 7.9 It is noted that the parking by parents dropping off and collecting pupils from the school is a matter of significant concern to residents within the village. While there may be opportunities for parents and governors to engage with each other to establish a parking protocol during school hours to help relieve the present situation, this is not likely to be exacerbated by the proposal as the pupil numbers are not expected to increase. The County's Highways Officer has not objected on parking grounds.
- 7.10 The after hours use of the proposed facilities for community use would be unlikely to have adverse parking implications as the internal space within the school playground would be utilised as identified and parking on the adjacent public highway would be limited as, being a local community use, alternative modes of transport including walking to the site would be available. No additional harm is therefore attributed to the proposal as a result of parking issues.
- 7.11 Officers note the conditions suggested by the Highways Officer but, in view of the location of the proposed site; the space available for parking within and nearby the site and availability of other legislation to control any obstruction of the highway or traffic routing matters, it is not considered that these conditions are necessary in order to make this development acceptable. As such, they would fail the tests in Circular 11/95 and are not therefore recommended by Officers

Neighbour Amenity

- 7.12 The proposed sports hall element of the proposed building would be sited closest to the established hedge and tree lined south western boundary of the site but would not, in Officers opinion, adversely impact on the neighbouring properties due to the considerable distance of 81.0m to the nearest dwelling to the south. Officers consider that the properties facing the school would be unaffected as they have deep landscaped frontages where it is unlikely that they would be able to view or be affected by the classroom/sports hall building. Officers are therefore of the view that generally there would be no adverse impact on the privacy, amenity or outlook of neighbouring properties.

Landscape

- 7.13 The Council's Landscape officer has no objections to the proposed development. The site benefits from established mature landscaping in the form of Poplar trees to the north, east and southern boundaries with hedgerows. The applicant's have indicated that the southern boundary planting is to be retained and the informal pattern of this landscaped boundary compliments the site's rural setting. Additional modest landscaping is proposed in proximity to the building at the western end of the classroom to integrate the building into the school complex. It is considered that additional landscape opportunities may exist and a condition to this effect is recommended.
- 7.14 Whilst, therefore, this proposal is harmful to the Green Belt by reason of inappropriateness, Officers consider that there is limited other harm in this case. Nevertheless, in accordance with national and local planning policy, planning permission should only be granted if there are other material considerations which clearly outweigh the harm caused by inappropriateness and this other (albeit limited) harm.
- 7.15 Officers consider that considerable weight can be attached to the need for enhanced educational and sport facilities for the school and also to the provision of the dual use sports facility that would enable wider community benefits as set out below.

Education and Dual Use Sports Provision

- 7.16 Policy LRC2 of the Local Plan states that the Council will promote the joint provision and dual use of educational and leisure facilities and in this instance the sports hall and associated facilities are to be made available to the community of Birch Green for leisure, sports and community use, both in the evenings and weekends. The details of this



### **3/12/1242/FP**

can be secured by a planning condition as recommended.

- 7.17 This is considered to be a material consideration of significant weight in favour of the proposal and is supported by Section 8 of the National Planning Policy Framework which states that local authorities should aim to promote provision for community uses and facilities that bring residents within a community together and plan positively to achieve the use of shared space, such as meeting places, sports venues, recreational and community driven facilities.
- 7.18 The proposed building will enable use during the day for the educational and sports needs of the school, addressing the lack of provision identified in the recent OFSTED inspection, whilst also creating a building of modern sustainable design with facilities that will enable dual use and shared provision for a wide range of community needs.
- 7.19 These considerations are felt to be of such weight that they clearly outweigh any harm caused to the Green Belt by reason of inappropriateness and any other identified harm and therefore constitute 'very special circumstances' for permitting the development.

### **8.0 Conclusion:**

- 8.1 The proposal represents inappropriate development in the Green Belt by definition and there is some limited additional harm in terms of impact on openness and the loss of a small part of the schools playground. However, the proposed building would have limited visual impact beyond its immediate locality; would not harm the setting of the listed building; or result in any significant parking/highways problems. Bearing this in mind, Officers consider that the benefits of the proposal in terms of the provision of educational and dual use sports facilities would clearly outweigh any harm identified.
- 8.2 It is considered therefore that there are 'very special circumstances' in this case to justify the development in the Green Belt and it is therefore recommended that planning permission be granted, subject to the conditions as set out at the head of the report.