

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 15 SEPTEMBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/1250/FULL

50 REYNARDS ROAD, WELWYN, AL6 9TP

FORMATION OF NEW PERMEABLE HARDSTANDING SURFACE TO EXISTING
OPEN STORAGE AREA

APPLICANT: Mr J O'Connor

(Welwyn West)

1 Site Description

- 1.1 The application site is a parcel of land located off Reynards Road to the north of Welwyn. The front of the site is an open grassed area beyond which lies a strip of tall trees spanning most of the site width. These trees screen most of the rear of the site from view from the front and Reynards Road. The rear of the site, set well back from Reynards Road, relates to the maintenance and storage of vehicles, machinery and equipment in connection with an existing landscaping and grounds maintenance business. In terms of the planning history for this site, it would appear the use of the land for these purposes (maintenance and storage of plant, machinery and vehicles) has been ongoing since the early 1980s and the use of the land was found to be lawful via a Lawful Development Certificate granted in 2011.
- 1.2 To the north east and the south west of the application site lie residential properties, whilst to the rear of the site is an agricultural field.

2 The Proposal

- 2.1 The application seeks retrospective planning permission for the laying of hardstanding over the front portion (south-eastern end) of the application site, which was previously grassed. The new hardstanding, which is already in place, measures approximately 24 metres wide by a depth of approximately 17m and has a total area of approximately 410m² and has been added to the original area of hardstanding, which surrounds the buildings at the rear, north-western end of the site. The hardstanding is of a permeable 'Road Planings' material and is required in line with the use of the land, so as to make the land more 'usable' for open storage, particularly during winter months when the grass can become water-logged.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Welwyn Parish Council has submitted a major objection.

- 3.2 The application has also been called in to the Development Management Committee by Councillor Kingsbury who raised the following concerns:

“This is on the basis that this could be considered overdevelopment in the green belt and intensification of the site which could lead to increased traffic movements in an otherwise residential area.”

4 Relevant Planning History

Planning

- 4.1 Application Number: N6/1998/0010/OP

Decision: Refused Decision Date: 09 March 1998

Proposal: Outline application for the demolition and removal of existing buildings and hardstanding and erection of 2 No. dwellings

- 4.2 Application Number: N6/1999/0758/FP

Decision: Granted Decision Date: 11 October 1999

Proposal: Extension to existing workshop

- 4.3 Application Number: N6/2010/1788/FP

Decision: Granted Decision Date: 13 October 2010

Proposal: Retention of canopy to storage building and enclosure of open bays

- 4.4 Application Number: N6/2011/1621/LUE

Decision: Granted Decision Date: 13 October 2011

Proposal: Certificate of lawfulness for the continued use of building and three shipping containers for the storage of parts and equipment requisite for the maintenance and repair of the companies vehicles, equipment and plant, and use of uncovered storage area for storage of plant and machinery.

- 4.5 Application Number: N6/2014/0185/FP

Decision: Granted Decision Date: 14 August 2014

Proposal: Erection of grinding room, vehicle servicing, ancillary office and staff facilities following demolition of existing stores building, storage building and removal of portakabins

- 4.6 Application Number: N6/2015/0925/NM

Decision: Decision Date: 09 June 2015

Proposal: Non material amendment following approval of planning permission N6/2014/0185/FP - Internal layout alterations including re-positioning of windows and doors to suit

- 4.7 Application Number: N6/2015/0923/FP

Decision: Granted Decision Date: 06 November 2015

Proposal: Erection of grinding room, vehicle servicing, ancillary office and staff facilities following demolition of existing stores building, storage building and removal of portakabins

Decision included Condition 4 which required the following:

The number of vehicle movements in and out of the site associated with the servicing and maintenance of motor vehicles shall not exceed the average shown in the transport statement submitted with the application at paragraphs 4.6, 4.7, and 4.8 (3 vehicle movements in and 3 vehicle movements out) and a written record of such vehicles shall be maintained. These records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by officers of the Local Planning Authority at any reasonable time.

REASON: To safeguard the residential amenity of adjoining occupiers in accordance with Policy D1 and R19 of the Welwyn Hatfield District Plan 2005.

4.8 Application Number: 6/2015/1527/COND

Decision: Granted Decision Date: 10 November 2015

Proposal: Approval of details reserved by condition 6 (materials) and condition 7 (lighting) on planning permission N6/2014/0185/FP

Appeals

4.9 Application Number: N6/1989/0939/OP

Decision: Decision Date: 27 June 1990

Proposal: Erection of detached dwelling

4.10 Application Number: N6/1998/0010/OP

Decision: Appeal Dismissed Decision Date: 29 September 1998

Proposal: Outline application for the demolition and removal of existing buildings and hardstanding and erection of 2 No. dwellings

5 Planning Policy

5.1 National Planning Policy Framework

5.2 Welwyn Hatfield District Plan 2005

5.3 Supplementary Design Guidance, February 2005

5.4 Supplementary Planning Guidance, Parking Standards, January 2004 and the Councils Interim Parking and Garage Size Standards 2014

6 Site Designation

- 6.1 The site lies within the Metropolitan Green Belt and Danesbury Settled Slopes Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of site notice and neighbour notification letters. Two objections have been received from neighbours, both from residents of The Stables, 54 Reynards Road. Their comments may be summarised as follows:

- Object to the substantial size of the hard standing area
- No justification for the further depletion of green land
- Having 5 rooms and a patio overlooking this area, this change of use seriously threatens the retention of our visual amenity
- The applicant received planning permission previously to increase the size of the buildings on site which was approved on the basis of that the applicants said the new buildings would only increase traffic by 3 vehicles per day
- The grassed area for which planning approval is now sort has already been tarmacked over and represents parking for an additional 50+ vehicles
- Approval of this application will not only further increase the industrialisation of the site but will threaten resident safety.

8 Town / Parish Council Representations

- 8.1 Welwyn Parish Council object for the following reason:

“Welwyn Parish Council at its Planning & Licensing Committee of the 19 July 2016 agreed to submit Major Objection. We feel that the proposal is an unsuitable use of land in the green belt and we also have concerns regarding the potential increase in traffic . N6/2015/0923/FP condition 4 should continue to apply”

9 Analysis

- 9.1 The main planning issues to be considered are:

- 1. Whether the proposal represents appropriate development in the Green Belt (GBSP1, D1, D2, RA10, NPPF paragraphs 6-17, 56, 79, 80,87, 88, 89 and 90)**
- 2. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF);**
- 3. Highway Safety and Parking Provision (M14 & NPPF)**

1. Whether the proposal represents appropriate development in the Green Belt

- 9.2 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances.

- 9.3 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt, the effect on the openness of the Green Belt and, if it is inappropriate development, whether there are any very special circumstances to outweigh the harm to the Green Belt and any other harm.

9.4 Appropriateness

The site lies within the Green Belt, where the national Green Belt policies are set out in the National Planning Policy Framework (henceforth referred to as the Framework) (Section 9: Protecting Green Belt Land). Aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the Framework the most relevant paragraphs to decision making are 89 and 90 together with paragraphs 79 – 81 (as appropriate).

- 9.5 The application seeks retrospective permission for the laying of existing hardstanding in place of a grassed area. Paragraph 90 of the Framework states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.”

- 9.6 One such form of development is:

“Engineering operations”

- 9.7 The development that has taken place comprises groundworks to form and lay hardstanding which is of permeable ‘Road Planing’ (compacted hardcore) and which was already used to store plant, machinery and vehicles in association with a Grounds Maintenance contractor. With these observations in mind, the development is considered to represent an engineering operation. As such, subject to preserving the openness of the Green Belt and not conflicting with purposes of including land within it, the development is considered to be an appropriate form of development within the Green Belt.

- 9.8 It is worth noting at this stage that this application only seeks permission for the laying of the existing hardstanding and is not an application seeking to change the use of the land or to vary any previous planning conditions. The land in question benefits from a certificate of lawful use for open storage of plant, machinery and vehicles. This application is just for the laying of hardstanding over what was previously grass and which was already being used to store plant, machinery and vehicles.

9.9 Openness and impact on visual amenity

With regards to openness this is about the physical permanence of structures and development at the application site and the sense of visual openness in this location. In this instance, it is again important to note that the land in question was already in use for the open storage of plant, machinery and vehicles and benefits from a lawful certificate for this use, granted in 2011. As the hardstanding is at ground level and does not result in any substantial, physical

built form above ground level, albeit the storage of plant machinery and the parking of vehicles which is already lawful, the impact on the openness of the Green Belt is minimal. The site is well enclosed and screened by tall, mature trees, particularly those at the front of the site and by fencing along the south-west side boundary. As such, the hardstanding is not an overly dominant nor visually intrusive feature as it forms part of the existing storage of plant and machinery and it is not visible from public views or from most of the wider surrounding area. Again, the land has been and can already be used for the storage of plant etc, which is more visually intrusive, however the laying of the hardstanding does not alter this existing, lawful situation. As such, the application for the hardstanding would not result in a significant change to the sense of visual openness at the site.

9.10 Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would result in harm to the five purposes of including land in the Green Belt. Paragraph 80 of The Framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.11 The site is located on the edge of a sprawling cluster of ribbon development and so would not result in an unrestricted sprawl of large built-up areas, would not result in towns merging into one another and would not affect the setting of historic towns. An area of hardstanding of this size (approximately 410m²) would usually be considered to represent harmful encroachment into the Green Belt, contrary to the third of the purposes of the Green Belt as listed above. However, in this particular instance, as noted above, the land is and can already be used for the open storage of plant etc and so the laying of hardstanding at ground level is not considered to represent or result in any additional encroachment, into the countryside, than what already exists. Lastly, it is understood that this use of the land, relating to the maintenance of vehicles in association with a ground maintenance business, has been established at this site for a number of years and has been demonstrated to be a lawful use. As such, with regard to the final purpose of the Green Belt, it is considered that the laying of hardstanding at this site would not fundamentally fail to encourage the recycling of derelict and other urban land.

9.12 Conclusion on Green Belt

Taking the above into account, the proposal would not significantly harm the openness of the Green Belt and would not contravene the purposes of including land within it. As such, the existing hardstanding is considered appropriate development with regards to Green Belt policy.

2. The potential impact on the residential amenity of adjoining neighbours

- 9.13 Policies D1 and R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 9.14 The hardstanding, which is already in place, is at ground level and so would have no adverse impact on neighbouring residential properties in terms of being overbearing, causing loss of light or causing overlooking of neighbouring properties. Concerns have been raised by the residents at No.54 Reynards Road, which is located approximately 80m to the north-east of the site and which is separated from the site by the plot at No.52, suggesting that the hardstanding has resulted in harm to their visual amenity. However, a view is not necessarily a material planning consideration and even though the hardstanding may be partially visible from parts of No.54, given the distance between the two properties and the partial screening by trees and vegetation between the two properties, it is considered that the hardstanding does not result in any material planning harm to the amenity of No.54.

3. Highway Safety and access

- 9.15 Concerns have been raised as part of neighbour objections and as part of the Councillor call-in that the 'change of use' has/ will result in increased traffic along Reynards Road, which in parts is a narrow country lane. However, as has been discussed above, this application is not for a change of use of the land and the existing use of this land for the storage of plant, machinery and vehicles (in association with the ground Maintenance business) is already lawful and already takes place. Therefore, it is considered that this application, which is just for the hardstanding of the existing storage area, does not have any direct impacts on the highway safety.
- 9.16 Should there be an increase in vehicles and storage on this site and should this result in an increase of traffic movements, it would be for the Council's Planning Enforcement Team to investigate this and to determine whether or not there had been a material change of use or an intensification of the use of the land.
- 9.17 Welwyn Parish Council also refer to Condition 4 which was included as part of planning permission reference N6/2015/0923/FP and which was for the 'erection of grinding room, vehicle servicing, ancillary office and staff facilities following demolition of existing stores building, storage building and removal of port-a-kabins'. Condition 4 requires that:
- "The number of vehicle movements in and out of the site associated with the servicing and maintenance of motor vehicles shall not exceed the average shown in the transport statement submitted with the application at paragraphs 4.6, 4.7, and 4.8 (3 vehicle movements in and 3 vehicle movements out) and a written record of such vehicles shall be maintained. These records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by officers of the Local Planning Authority at any reasonable time."*
- 9.18 Indeed, the site is subject to this condition and traffic movements to and from the site are restricted. However, again, this application is for the hardstanding of the existing open storage area (storage of plant, machinery and vehicles) and is not an application of a change of use of the land and is not an application seeking to

vary this condition. Again, if this condition is breached, this would be for the Planning Enforcement Team to investigate and pursue.

Conditions

- 9.19 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.
- 9.20 In this particular instance, however, the application is retrospective and the hardstanding in question is already in place. In addition, it is considered that the existing hardstanding does not result in any planning harm and so therefore, it is considered that there are not any conditions which are necessary in this instance.

10 Conclusion

- 10.1 The development does not cause significant harm to the Green Belt in terms of its openness and the purposes of including land within it. As such, it is considered to represent appropriate development within the Green Belt.
- 10.2 The impacts of the development have been considered on the visual amenity of the site and surrounding area and it has been concluded that owing to the position of the hardstanding at ground level and the substantial screening of the site, the development has limited impact on the character, appearance and visual amenity of the site and surrounding area and that it would not have any significantly adverse impacts on the residential amenity of neighbouring dwellings. In addition, the development for which permission is sought, does not result in any harmful impacts on matters of access and highway safety. As a result, the proposal is in accordance with Policies GBSP1, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance and with the National Planning Policy Framework.

11 Recommendation

- 11.1 It is recommended that planning permission be approved subject to the following conditions:
1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

11006-06 Rev.A received and dated 28 June 2016 & 11006-LP Rev.A received and dated 22 August 2016.

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

2. The hardstanding hereby approved shall only be used in conjunction with the lawful use of the land, as an uncovered storage area for storage of plant and machinery as approved under Certificate reference N6/2011/1621/LUE, approved on 13 October 2011. Should the lawful use of the land cease, the hardstanding hereby permitted shall be dug up and removed from the site and the land shall be returned to grass.

REASON: In the interests of protecting the openness of the Green Belt in accordance with the National Planning Policy Framework and Policy GBSP1 of the Welwyn Hatfield District Plan 2005.

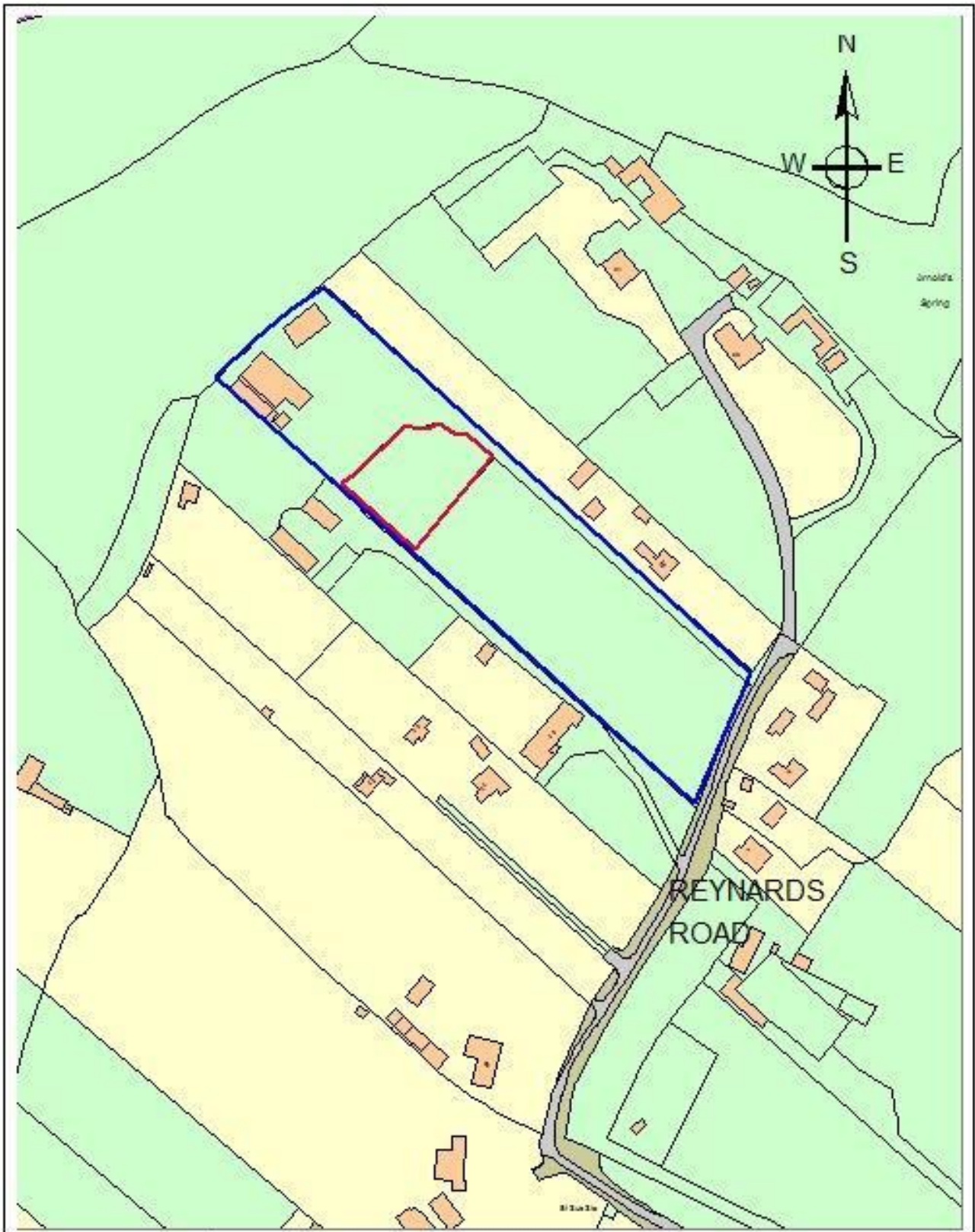
Summary of reasons for grant of permission


The decision has also 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 inspected at these offices).

Tom Allington, (Strategy and Development)

Date: 16th August 2016

Expiry Date: 16 September 2016



 <p>WELWYN HATFIELD</p> <p><small>Council Offices, The Campus, Welwyn Garden City, Herts. AL9 6QB</small></p>	Title: 50 Reynards Road, Welwyn		Scale: DNS
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