

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 4 January 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

S6/2017/1204/FULL

50 REYNARDS ROAD, WELWYN, AL6 9TP

INSTALLATION OF VEHICLE WASH-DOWN WATER TREATMENT AND
RECYCLING SYSTEM

APPLICANT: Mr J O'Connor

AGENT: Barker Parry Town Planning Ltd

(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.
- 1.2 In terms of the planning history for this site, the Council's records illustrate the use of the land in association with the owner's ground maintenance business has been ongoing since the early 1980s and the use of the land for this purpose was found to be lawful via a Lawful Development Certificate granted in 2011. This Certificate established that the use of the site for the maintenance and storage of machinery was lawful. In addition, the drawings approved as part of this application demonstrate that the vehicle washing bay was in use at this time and that this use was considered as being lawful as part of this Certificate.

2 The Proposal

- 2.1 The proposed development is for the installation of a water recycling tank beneath the ground nearby to the existing wash bay area. This application does not seek permission for the use of the wash bay because this has an established lawful use.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Cllr Kingsbury has objected on the grounds that this proposal could be considered overdevelopment in the green belt and intensification of the site. He additionally asked for it to be called-in so that the neighbours' concerns relating to noise can be fully considered.

4 Relevant Planning History

- 4.1 Application Number: 6/2016/1250/FULL Decision: Refused Decision Date: 16 September 2016

Proposal: Formation of new permeable hardstanding surface to open storage area

- 4.2 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

- 4.3 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

- 4.4 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 company's vehicles, equipment and plant, and use of uncovered storage area for storage of plant and machinery.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016
- 5.4 Supplementary Design Guidance 2005 (Statement of Council Policy) (SDG)

6 Site Designation

- 6.1 The site lies within the Green Belt and Landscape Character Area 26 (Danesbury Settled Slopes) as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters and a site notice. Council received three objections from neighbours. To summarise, these objections related to the current industrial processes on the site, the noise levels emanating from the site being in breach of a previous planning condition, the current use of the wash bay area is unacceptable and the proposed development is inappropriate within the Green Belt.

8 Consultations Received

- 8.1 **Councillor Tony Kingsbury** - I would like to 'call in' this application if officers are minded to approve the application. This is on the basis that this could be considered overdevelopment in the green belt and intensification of the site. Additionally this is to fully consider neighbour concerns regarding noise.
- 8.2 **Lead Local Flood Authority** – No objection
- 8.3 **Welwyn Hatfield Borough Council Public Health and Protection** – Based on the fact that the proposal is to be a fully enclosed underground system, it is unlikely to cause any noise or other pollution problems. Therefore they have no objections to the application for this system.

9 Town / Parish Council Representations

- 9.1 Welwyn Parish Council – objected to the proposal as follows:

“Welwyn Parish Council object to this application on the grounds of the previous conditions laid on this site. We wish to see the previous conditions enforced and see no reason for the previous conditions to be over turned - N6/2014/0186/FP "Works for the maintenance, repair & servicing of vehicles shall only take place within the building.....There shall be no works for the maintenance, repair & servicing of vehicles other than inside the building. ”

10 Analysis

- 10.1 The main planning issues to be considered are:

1. **Principle of development and the impact of the proposal on the openness of the Green Belt (NPPF paras 79-90, Policies GBSP1)**
2. **High quality design that respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the Landscape Character Area, while incorporating water conservation measures (D1, R10 and RA10)**
3. **Impact on residential amenity of nearby and neighbouring residential properties (Policy D1, R19 and SDG 2005)**

1. Principle of development and the impact of the proposal on the openness of the Green Belt (NPPF paras 79-90, Policies GBSP1)

10.2 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.

10.3 Paragraph 90 of the National Planning Policy Framework (NPPF) states that certain forms development which includes engineering operations may not be inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

10.4 The main issues to consider in terms of Green Belt policy, therefore, are:

- a) Whether the development can be considered an engineering operation,
- b) If the development is considered to be an engineering operation whether the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt

a) Whether the development can be considered an engineering operation

10.5 As set out above this application is purely for the installation of a vehicle wash-down water treatment recycling system. This application is not seeking permission for the use of the wash bay area or other operations and activities that currently occur on the site.

10.6 The drawings and information provided as part of this application indicate that the proposal is for the installation of subterranean water treatment equipment which would not be visible. This proposal would therefore not result in the erection of a building or any structure and it would not constitute a material change of use of the land. Given the nature of the works proposed it is considered that the development would constitute an engineering operation as defined by Section 55 of the Town and Country Planning Act 1990, as amended. As a consequence it is considered that the proposed works should be assessed against the criteria and restrictions set out within Paragraph 90 of the NPPF, indent two.

b) If the development is considered to be an engineering operation whether the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt

- 10.7 The Framework indicates that the essential characteristics of the Green Belts are their permanence and openness. It is therefore important that when an authority assesses development within the Green Belt that they have consideration to possible impacts to these essential characteristics. The essential test involves a comparison of the physical situation on the land itself before development takes place with what it will be if the proposed works are undertaken. The documentation that has been submitted as part of this application indicates that the works would be concealed underground and therefore not visible either from within or outside the site. It is therefore considered that the openness of this part of the site would remain, as the engineering operation would not protrude above ground level and would not interrupt any view across the land, whether private or public, in any way.
- 10.8 It is considered that any concern about the land being disturbed by the works to install water treatment equipment could be addressed by a condition requiring the reinstatement of the land to its previous condition. In addition, it is considered that this proposal would not result in an overdevelopment of the site because the development will not intensify the use of the site as the use already occurs lawfully and the physical development will not be visible from inside or outside the site.
- 10.9 Paragraph 80 of the Framework states 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.
- 10.10 The application site is not located within a large built up area and is not within close proximity of a historic town. The nature and location of the development would also ensure that the works would not result in neighbouring towns merging into one another and the development would not fail to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is also considered that the development does not fail to assist in the safeguarding of the countryside from encroachment. As a consequence it is considered that the proposed development does not conflict with the purposes of including land within the Green Belt with the result that it is not inappropriate development within the Green Belt.
- 2. High quality design that respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the Landscape Character Area, while incorporating water conservation measures (D1, R10 and RA10)**
- 10.11 The site is within an area that the Council has designated as a landscape character area because of the landscape qualities that the area possesses.

The character of the surrounding area is essentially rural, albeit with a mix of open mainly agricultural uses and residential properties. In terms of appearance, the area is generally attractive, largely as a consequence of mature deciduous vegetation, especially along field boundaries.

- 10.12 The proposal seeks to install the equipment underground which would facilitate the processing of waste water in a manner that would allow for the effective recycling of this waste water so that it could be reused for further washing of vehicles. In addition, the installation of this equipment will reduce the environmental harm caused by the current practice of not collecting or recycling this waste water. The design proposal would mean the development would not protrude above ground level and would not interrupt any view across the land, whether private or public, in any way. It is considered that this design is of a high quality because it allows for the installation of this plant equipment in a manner that is in keeping with the landscape character that surrounds the site. It is therefore considered that the proposal would have no impact on the character or landscape characteristics of the area.
- 10.13 The effective collection, processing and recycling of the waste water which is being generated by the existing operation of washing down of vehicles is considered to be a beneficial aspect of this proposal. This is because the proposal would allow the applicant to reuse water which is currently being wasted. This process would reduce the demands that the operations on site place on the water resources in the area. In addition, the appropriate collection of this waste water will stop this water permeating into the ground with no effective filtration system to filter out possible pollutants which could get into the ground water.
- 10.14 Further to the above the proposal is considered to be; of a high quality of design which respects the character of the area, maintains the landscape character and incorporates water conservation measure. The proposal therefore accords with Policies D1, R10 and RA10 of the District Plan.

3. Impact on residential amenity of nearby and neighbouring residential properties (Policy D1, R19 and SDG 2005)

- 10.15 Policy D1 and the Supplementary Design Guidance state that developments should not adversely affect the living conditions of neighbouring occupiers. It is noted that a number of objections have been received by neighbouring residents about the noise that is generated from the site. As stated previously this application does not relate to the use of the site but instead to the acceptability, or not, of the proposed engineering works. As a result, these comments can only be considered in relation to proposal and no other matters outside the scope of this application.
- 10.16 Policy R19 states that development will be refused if the development is likely to generate unacceptable noise or vibration. The applicant has stated within the documentation that they have submitted that the proposed development would produce no audible sound and the Council's Environmental Health Department have not raised any objection relating to

proposed equipment. As a consequence, it is considered the proposed development will not have negative impact on neighbouring properties with regards to noise.

- 10.17 As stated above the proposal would be located underground and would not be visible from inside or outside the site. As a consequence, it is considered that the proposed development would not have a negative impact on neighbouring properties and would not adversely affect the living conditions of neighbouring occupiers.
- 10.18 As a result of the above it is considered that the proposed development would be in accordance with Policies D1 and R19 of the District Plan and the Council's Supplementary Design Guidance.

11 Conditions

- 11.1 The National Planning Policy Guidance 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.
- 11.2 It is considered reasonable and necessary to impose conditions over the following: implementation in accordance with the approved plans and details, and the restoration of the land where the development will occur to its previous condition.

12. Conclusion

- 12.1 It is considered that the proposal constitutes a form of development which is not inappropriate within the Green Belt because it meets the requirements set out within Paragraph 90 of the NPPF. This is because it is considered that the proposal would preserve the openness of the Green Belt and it does not conflict with the purposes of including land within the Green Belt.
- 12.2 The proposed development is considered to be well designed because it reduces the impact that the current use of washing of vehicles on site has on the natural environment by recycling waste water which is currently being allowed to drain into the ground without treatment. The development is designed in a manner that limits its impact on the landscape character area that it is located within due to its underground location. In addition, the underground location of this development would limit its impact on

neighbouring properties both in terms of their visual amenity and any possible noise generated by operation of the installed equipment. As a consequence, subject to the suggested conditions set out above, the proposed development would accord with Policies D1, R10, RA10 and R19 of the District Plan and the Supplementary Design Guide.

13. Recommendation

13.1 It is recommended that planning permission be approved subject to the following conditions:

1. Within six months of the completion of the development hereby approved all land disturbed by the works shall be restored to its previous condition before the development was undertaken.

Reason: To minimise the intrusion into the Green Belt further to Policies of the National Planning Policy Framework and Policies GBSP1 of the Welwyn Hatfield District Plan 2005.

2. 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
PL20	A	Proposed Site Plan	1 June 2017
PL21	A	Location Plan	8 June 2017
		Schematic Layout - Illustration	1 June 2017
GA3118		System Drawing	8 June 2017
PL22		Existing Site Plan	8 June 2017

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

Positive and Proactive Statement

The decision has 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 viewed on the Council's website or inspected at these offices).

William Myers (Planning)
Date 12.11.2017



Council Offices, The Campus
Welwyn Garden City, Herts, AL8 6AE

Title: Vehicle Workshop 50 Reynards Road Welwyn		Scale: DNS
Project: DMC Committee		Date: 2018
Drawing Number: 6/2017/1204/FULL		Drawn: Ida Moesner
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2017		