

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2015/2528/OUTLINE
Location: North Mymms Water Treatment Site, Warrengate Road, North Mymms, Hatfield, AL9 7TY
Proposal: Outline planning permission for the enhancement and installation of additional treatment, including the demolition of buildings, with all matters reserved
Officer: Mrs J Pagdin

Recommendation: Granted

6/2015/2528/OUTLINE

Context	
Site and Application description	<p>North Mymms Water Treatment works is located within a fenced compound that is situated approximately 100m from Warrengate Road. The site is reached by an access road, which crosses the Mimms Brook and serves a pair of semi-detached houses on its south side.</p> <p>The application site covers 1.2Ha and contains the site access eight buildings and a row of tanks. Most of the buildings are two storey and finished in red brick at ground level with dark cladding at higher levels. Two buildings near the east boundary are grey. The tanks are near the south boundary, two storeys high and are coloured grey.</p> <p>The land within the site is of varied levels and includes bunded reservoirs/pools.</p> <p>In the far north east corner of the site there is a telecom mast.</p> <p>To the east boundary the site is fenced and treed and, to the north of the access road, abuts an attenuation pool. To the south of the access road it abuts the side boundary of the nearest house (No 71 Warrengate Road).</p> <p>The north boundary is fenced. Beyond the boundary the land level drops down to Ray Brook and Public Footpath North Mymms No 011. The bank contains deciduous trees. The application site is raised up above the level of the brook and footpath. The east boundary is a secure chain link fence abutting an open field across which runs public footpath North Mymms 010. The south boundary is also fenced and treed and abuts open fields which rise slightly to the south.</p> <p>The North Mymms Water Treatment Works provides water for Brookmans Park, Potters Bar and Barnet.</p> <p><u>Proposal</u></p> <p>Outline planning permission is sought for the principle of reorganising the buildings on the site in order to enhance the water treatment process to deal with pesticides from farm surface water run-off. The</p>

	<p>proposals are being developed and are shown indicatively on the submitted plans.</p> <p>The main site access from Warrengate Road would be unaltered but some changes may be made to the internal roads to create a circular route. In such circumstances the reserved matters shall include site accesses both within the site and from Warrengate Road.</p> <p>Reserved Matters also include the appearance of buildings, scale of buildings, layout and landscaping. However, indicative plans have been submitted showing the proposed demolition of four buildings and their replacement with three new ones.</p>		
Constraints (as defined within WHDP 2005)	<p>FLZ2 - Flood Zone 2 (Fluvial Events)</p> <p>FLZ2 - Flood Zone 2 (Fluvial Models and Fluvial Events)</p> <p>FLZ2 - Flood Zone 2 (Fluvial Models)</p> <p>FLZ3 - Flood Zone 3 (Fluvial Models)</p> <p>FD - Defences</p> <p>GB - Greenbelt</p> <p>LCA - Landscape Character Area (Mimmshall Valley)</p> <p>PAR - PARISH (NORTH MYMMS)</p> <p>ROW - FOOTPATH (NORTH MYMMS 011)</p> <p>ROW - FOOTPATH (NORTH MYMMS 010)</p> <p>WARD - WELHAM GREEN</p> <p>WCCF - Watling Chase Community Forest</p>		
Relevant planning history	<p>S6/2001/0841/FP – 25m high Telecom mast. Approved 15.2.2002.</p> <p>S6/2000/1482/FP – New water treatment plant. Approved 12.2.1001.</p> <p>S6/1980/0091 – New site access. Approved 15.4.1980.</p> <p>S6/1979/0469 – New pump-house and chemical treatment building. Approved 9.8.1979.</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 19 January 2016</p> <p>Site Notice Expiry Date: 9 February 2016</p>		
Summary of neighbour responses	None received		
North Mymms Parish Council representations	None received		
Consultees and responses	<ol style="list-style-type: none"> 1. Councillor Les Page – No response received 2. North Mymms Parish Council - Ann Morton - See above. 3. Councillor Keith Pieri – No response received 4. Lead Local Flood Authority - No response received 		

	<ol style="list-style-type: none"> 5. Environmental Health - Requires a noise assessment to be conducted and a report submitted for approval. Concern over concentrations of pesticides and require more information about potential contamination. 6. Environment Agency - initial objection as insufficient information provided about proposed buildings in relation to floodplains. Objection withdrawn on submission of additional information subject to a FRA being submitted with subsequent reserved matters application. 7. Thames Water – No objection from a sewerage infrastructure capacity 8. BT Openreach - No response received 9. Landscapes Department – No arboricultural or landscape comments 10. HCC Rights of Way - Do not consider the works would impact upon the public footpaths.
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Relevant Policies

NPPF
D1 D2 GBSP1 GBSP2 M14
Others
Flood Risk R8
Landscape Regions and Character Areas RA10

Main Issues

Impact on the Green Belt

The NPPF 2012 places great importance upon Green Belt policy in preventing urban sprawl by keeping land permanently open. The construction of new buildings in the Green Belt is considered inappropriate. Exceptions to this are limited.

Paragraph 89 of the NPPF (2012) identifies that these exceptions include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Glossary to the NPPF defines ‘previously developed land’ as land which was occupied by a permanent structure and includes the curtilage of the developed land and any associated fixed surface infrastructure.

The existing buildings and tanks on the application site are permanent structures and the site, therefore, falls within the above definition of previously developed land.

The plans are under development but the applicants have indicated that the proposed development would involve demolition of some of the buildings on the site and replacement with other, probably larger, buildings with a minimal increase in building footprint on the site and an increase in road surface.

As the exact dimensions of the buildings that would be needed have not yet been determined, the scale and layout of buildings shall be treated as a reserved matter.

The degree to which the proposal would have an impact on the

	<p>openness of the Green Belt can be determined at the reserved matters stage when details are submitted of the scale, size and layout of buildings and other structures on the site. It would also depend upon the extent to which trees on the boundary are retained (see below under landscaping issues).</p> <p>The timetabling of demolition and construction has not been determined yet. To prevent the build up of waste materials site and accumulation of vacant buildings on the site, the reserved matters shall include definition of buildings to be removed and those shall be demolished and the materials removed from the site within 1 month of the new ones being brought into use.</p> <p>Any increase in the footprint and height of buildings and the consequent impact on the openness of the Green Belt would need, at the time of Reserved Matters applications, to be weighed against the benefit of enhanced water treatments removing pesticides from the drinking water in the interests of health and safety, which may be considered to be a wider public benefit.</p> <p>In principle the proposed development would be in accordance with Green Belt policies of the NPPF 2012 and Policies GBSP1 and GBSP2 of the Welwyn Hatfield District Plan 2005.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the existing buildings and surrounding area. NPPF paragraph 64 emphasises the importance of good design in its context that improves the character and quality of an area and the way it functions.</p> <p>Given that the site can be seen into from the footpath to the east, the height and appearance of the proposed buildings could have an impact on the openness of the Green Belt.</p> <p>The existing buildings on the eastern edge of the site are two to two and a half storeys high and finished in either red brick or grey render/paint at ground floor and dark metal cladding above. The style of the proposed buildings has not been determined and would need to be considered under Reserved Matters applications relating to appearance and scale.</p>
<p>Impact on neighbours</p>	<p>Policy D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF seeks high quality design and good standards of amenity (living conditions) for all existing and future occupiers of land and buildings.</p> <p>Policy R19 requires new development to not generate unacceptable noise or vibration for other land uses including sensitive uses such as residential.</p> <p>The nearest residential properties are at No's 71 and 73 Warrengate</p>

	<p>Road. The Environmental Health Department has requested that a noise assessment be conducted and a report submitted to assess the noise impact of any additional plant and equipment necessary to the new treatment processes. The assessment would need to show that new plant and/or equipment would be 10dB below background at the nearest residential property (No 71). This noise assessment shall be required by condition to be submitted and any remediation measures be installed prior to first use of the new buildings.</p>
Access, car parking and highway considerations	<p>The main access into the site from Warrengate Road would not be altered. This shall be required to be retained by condition.</p> <p>There are existing roads within the site; one along the northern boundary and one that runs south on the eastern side of the site. The indicative site layout plan shows that the two roads would be linked by a new section to create a loop road around the site. The layout of roads within the site shall be considered under reserved matters</p>
Landscaping Issues	<p>Policy D8 (Landscaping) requires the retention and enhancement of existing key landscape features in the landscaping schemes of all developments.</p> <p>There is a line of mature deciduous trees inside the eastern boundary fence. These currently help to screen the water treatment buildings from views from outside the site. These may be affected by the proposed demolition and construction of new buildings and their contribution to the visual impact of the site in the Green Belt is significant. Therefore, their retention or replacement, where necessary, is considered necessary. A landscaping survey shall be required as a condition on any Outline Planning decision. A tree protection scheme and the details of a landscaping scheme to retain or replace the trees shall be considered at Reserved Matters stage.</p>
Other Material considerations	
Contaminated Land	<p>The Environmental Health Department has requested additional information on the pesticides present in the past and details of contaminated land and the potential impact this would have on the development. This can be required to be provided before commencement of development through a condition on any Outline Planning decision.</p>
Foul Sewage Disposal	<p>Thames Water has not objected to the proposal on a sewerage infrastructure basis. The proposal would be unlikely to increase the amount of foul sewage generated by the site.</p>
Flood Risk	<p>The northern parts of the site are within fluvial Flood Zones 2 and 3. The J-flow diagrams for the site show that the flood risk is restricted to the bed of Ray Brook and do not penetrate into the application site due to the high bank forming the northern boundary of the site and the higher level of land within the site boundary.</p> <p>Surface Water Flood Risk Zones (1 in 100 and 1 in 1000) exist on the road surfaces within the western part of the site. The increase in road surface within the site of around 480sqm has the potential to increase the flood risk from surface water run-off on the site.</p> <p>The Environment Agency requires a Flood Risk Assessment to accompany reserved matters submissions for the layout and scale of buildings. This can be required by condition on the outline planning</p>

decision.

Conclusion

The principle of the proposals for outline planning permission is considered acceptable in Green Belt terms, subject to conditions requiring retention of the main site access from Warrengate Road, tree protection, noise assessment, flood risk assessment, removal of materials from demolished buildings within 1 month of new ones being used and submission of further details under reserved matters (access, appearance, scale, layout and landscaping).

Conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

2. Details identifying the buildings to be demolished, and of the site access, layout of site, appearance and scale of buildings to be built and landscaping hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

4. The existing buildings to be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the replacement building/s hereby permitted.

REASON: The site lies outside of established settlement limits and therefore within an area where permission for new buildings is not normally granted. The Local Planning Authority would not be prepared to permit unlimited buildings in this location in the interests of preserving the character and appearance of the area in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. No above ground development construction shall commence on site until an acoustic report has been submitted to and approved in writing by the Local Planning Authority detailing the noise from plant and equipment to be installed at the premises showing that noise emissions will be 10dB (Laeq) below the

background noise level (LA90) at the nearest residential properties (using the methodology outlined in BS142:2014). The scheme shall be completed in accordance with the approved details before any part of the accommodation hereby approved is occupied and maintained thereafter in accordance with the approved details.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

6. The plans and particulars submitted in accordance with condition 2 above shall include:
- (a) a plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge.
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
 - (c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, equivalent to half the height of that tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development.
 - (f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

In this condition, retained tree or hedge, means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.

REASON: The landscaping of the site is required in order to reduce the visual impact of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

7. No development shall commence on the site until a Flood Risk Assessment of fluvial and surface water run-off relating to the site has been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures required shall be installed, managed and maintained, thereafter, in accordance with the agreed details.

REASON: To protect the surrounding environment from pollution and flood risk by ensuring the satisfactory disposal, storage and drainage of fluvial and surface water from the site in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

8. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must 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.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(e) Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

1. REASON FOR APPROVAL

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).

Informatives:

Determined By:

Mr C Haigh
14 April 2016