

Planning Committee: 24 April 2018

Item Number: 11

Application No: [W 18 / 0356](#)

Town/Parish Council: Blackdown
Case Officer: Dan Charles

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Registration Date: 15/02/18

Expiry Date: 12/04/18

**Moorfields Rugby Football Club, Kenilworth Road, Blackdown,
Leamington Spa CV32 6RG**

Change of use of overflow car park (part only) to hand car wash together with surfacing works (engineering works only) (resubmission of W/17/1167) FOR Mr B Gecaj

This application is being presented to Committee due to the application being recommended for refusal and more than 5 letters of support having been received.

RECOMMENDATION

That planning permission is refused.

DETAILS OF THE DEVELOPMENT

The proposal is for the change of use of an area of land for the use as a hand car wash business.

The proposal includes the creation of new hard surfaced car wash 'bays' with the provision of new drainage to include interceptors for the treatment of run off. The treated water is then proposed to be dispersed on the existing rugby pitches within the site.

The proposed car wash use would utilise the existing highway access serving the rugby club.

THE SITE AND ITS LOCATION

The area of land that is the subject of this application falls within the grounds of the Leamington Rugby Club on an area currently used for overflow parking.

The site contains multiple grass pitches together with two hard surfaced multi use courts and associated gravel parking areas together with a brick built pavilion/club house building.

Adjacent to the area of the proposed application is a small building used in association with the netball courts located on the opposite side of the site to the main clubhouse building.

The site boundaries are defined by mature trees and hedging.

The site lies within the West Midlands Green Belt.

PLANNING HISTORY

W/17/1167 - Change of use of area of hard-standing to hand car wash – Refused 11.10.2017

Various applications for rugby club facilities but none relevant to current application.

RELEVANT POLICIES

- National Planning Policy Framework
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown JPC - Objection;

- Policy EC1 is clear that employment proposals in the Green Belt are to be determined in accordance with WDC's Policies or with national policy. EC1 states: "In the Green Belt proposals will be determined in line with national policy."
- Paragraph 90 of the NPPF identifies various forms of development which are not inappropriate in the Green Belt. The applicants refer to previous statements made by WDC planning officers that a commercial car wash is an engineering activity and is therefore permitted development in the Green Belt in accordance with paragraph 90 of the NPPF. However, this ignores the proviso contained in paragraph 90 which states that "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt."
- Granting of planning permission for a car wash will require a change in the use of the land which conflicts with the purpose of including land in the Green Belt. Paragraph 89 of the NPPF does not include "changes of use of land" as a listed exception for development in the Green Belt.

- Consequently, a commercial car wash is by definition inappropriate development in the Green Belt. Planning permission should therefore be refused unless very special circumstances can be demonstrated. In the opinion of the Joint Parish Council those very special circumstances have not been demonstrated. In addition, the proposed development would also reduce the openness of the Green Belt, bringing parking and other activity to an area reserved for overflow and therefore not in general use. Therefore, the applicant has not applied the appropriate part of Policy EC1.
- In appeal reference APP/G5180/C/14/2211286 Land at Bromley Football Club Car Park, Hayes Lane, Bromley BR2 9EF, October 2014 (Copy attached), the Inspector upheld the Local Authority's decision that the development of a car washing facility in the car park of Bromley Football Club was inappropriate development in the Green Belt.
- In addition, EC1 states: "In all instances applicants will be required to demonstrate that: The proposal would not generate significant traffic movements which would compromise the delivery of wider sustainable transport objectives, including safety, in accordance with TR2." The business of a car wash is to attract cars which in turn must generate significant traffic movements. Therefore, again the application does not comply with policy EC1.

Councillor Gordon Cain - Objection;

- The car wash proposed is no small undertaking.
- The proposal has no apparent local welfare facilities, nor provision for operating undercover.
- The noise and the spray from the proposed operations are likely to cause significant impact to the adjacent sports activities.
- The allocated purpose of this Green Belt land is Rugby, and Netball. NPPF paragraph 90 is clear that any permitted development must not conflict with the purposes of including land in the Green Belt. The commercial light engineering project of this application has no relationship with Rugby, or Netball and as such conflicts with the current approved purpose of the land.
- This application has significant harmful impact to the Green Belt by reason of the proposed infrastructure, the impact of noise and wind blown spray of water and chemicals, and whatever welfare facilities that may be provided.
- I have not seen within the application reference to any 'very special circumstances' which would go towards any mitigation of the significant harm.
- I recommend this application be refused.

WDC Environmental Protection - No objection.

WCC Highways - No objection.

WCC Ecology - Recommend tree protection condition and notes regarding lighting, bats, nesting birds, native planting and protection of watercourse.

Sport England - No objection.

Public Response - A total of 12 letters of support have been received stating that the proposal will provide an essential revenue stream to support and improve the continuing operation of the rugby club for the benefit of the local community.

ASSESSMENT

Principle of development

The proposal is for the creation of a stand-alone hand car wash business on an area of land within the existing Rugby Club.

The proposal must therefore be assessed against the provisions of Policy EC1 of the Warwick District Local Plan 2011-2029. This policy states that within rural areas, employment development will only be permitted where the development promotes sustainable development within a growth village, is for agricultural/ other land-based rural business diversification, is within a major identified site in accordance with Policy MS2, is within an allocated sub-regional employment site or supports the sustainable growth and expansion of existing rural business and enterprise.

The proposed hand car wash does not meet any of the above criteria and as such is considered contrary to Policy EC1 of the Local Plan.

The applicants have put forward a statement that the proposed car wash would provide an additional income stream to support the ongoing operation of the rugby club. This has been supplemented by a number of supporting letters setting out how the club operates and the implications that a lack of increased revenue may result in. In considering this, Officers are not satisfied that this alone would outweigh the in-principle objection to the scheme and there are no other overriding factors that would outweigh the in-principle objection under Policy EC1.

Whether the proposal would constitute appropriate development in the Green Belt and, if not, whether there would be any very special circumstances that would outweigh the harm by reason of inappropriateness and any other harm identified.

As the application site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. The proposal is for a change of use of land. Paragraph 89 of the NPPF does not include changes of use of land as a listed exception for development which is not inappropriate in the Green Belt. As such, the proposal is considered to constitute inappropriate development in the Green Belt, which is harmful by definition.

Impact on the openness of the Green Belt

There are no proposed buildings or canopies proposed as part of the scheme and as such, there is no physical built form proposed as part of the development. However, there would be paraphernalia on site associated with the operations of

the business together with a level of activity associated with the car wash use. The proposal would therefore result in some harm to openness.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of good layout and design in all developments that relates well to the local topography and landscape features of the area.

The proposal is for the use of land only for the car wash use.

The proposed development would introduce a commercial activity onto the area that is currently used as an overflow car parking for the rugby club together with car boot sales etc. There is no built form associated with the use but the proposal has the potential to attract a significant increase in traffic numbers within the site. When assessing this, it is considered that the existing use of the land for car parking would be of a similar impact to the proposed use.

The use as a car wash would require the use of pressure washers and other noise generating equipment. However, in this location with the background of the rugby club and associated activities together with the noise from the A452 road, Officers are satisfied that the potential noise would not be detrimental to the character and amenity of the local area.

Overall, Officers are satisfied that the proposal would not result in any significant demonstrable harm to the character of the area.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The application site lies within the grounds of the rugby club where it is open on three sides. To the south and east of the site lie a small number of residential properties that are set away from the site of the proposed car wash by a fairly significant distance. Due to this distance separation, the Environmental Protection Officer is satisfied that there would be no demonstrable noise harm to neighbouring amenity as a result of the development.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires that all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site retains the use of the existing access to the site serving the rugby club. The access point affords good visibility in either direction that exceeds the required distances for appropriate visibility splays for a 40mph road. The access

point is of a bound material and there is sufficient width for two vehicles to pass within the access ensuring that vehicles do not have to wait within the highway carriageway.

In terms of car parking, the site contains large areas of hardstanding that allows for car parking. The nature of the use is such that there is limited need for car parking as the use is a quick turnover of vehicles and the use would not require any significant long term parking.

The proposal has also been assessed by the County Highways Officer who has raised no objection to the scheme. Officers are therefore satisfied that the use would not be detrimental to highway safety.

Drainage/ Pollution

The proposal states that the use of interceptors is to be used to prevent any potential pollution arising from the car wash use. Whilst no specific details have been submitted as part of the application, this element could be secured by an appropriate pre-commencement condition and thereafter carried out in strict accordance with the approved details.

The proposal indicates that the treated water is to be dispersed within the site onto the existing rugby pitch areas. Officers are satisfied that this could be subject to a detailed drainage scheme and therefore no objection is raised to this element. It is also noted that the proposal would also be subject to separate consent from the Environment Agency.

Ecology/Trees and Hedgerows

The County Ecologist has assessed the proposal raised no objection to the proposal subject to a tree protection condition together with explanatory notes.

Conclusion

The proposed development would introduce an employment use onto a rural site, contrary to Policy EC1 of the Warwick District Local Plan 2011-2029. The proposal would also constitute inappropriate development in the Green Belt harmful by definition and by reason of harm to openness.

The recommendation is therefore refuse planning permission.

REFUSAL REASONS

- 1 Policy EC1 of the Warwick District Local Plan 2011-2029 states that within rural areas, new employment development will only be permitted where the proposal either promotes sustainable development within a growth village, is for agricultural/ other land-based rural business diversification, is located within an identified site in accordance with Policy MS2, is located within an allocated sub-regional employment site or supports the sustainable growth and expansion of existing rural business and enterprise.

The proposed creation of a hand carwash business does not accord with any of the 5 identified forms of development as identified above that are considered acceptable within a rural location. The Local Planning Authority do not consider that there are any mitigating factors that outweigh the in-principle objection to the scheme and there are no other overriding factors that would outweigh the in-principle objection.

The proposal is therefore contrary to Policy EC1 of the Warwick Local Plan 2011-2029.

- 2 Policy DS18 of the Warwick District Local Plan 2011-2029 states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. The proposal is for a change of use of land. Paragraph 89 of the NPPF does not include changes of use of land as a listed exception for development which is not inappropriate in the Green Belt. As such, the proposal is considered to constitute inappropriate development in the Green Belt, which is harmful by definition.

There are no proposed buildings or canopies proposed as part of the scheme and as such, there is no physical built form proposed as part of the development. However, there would be paraphernalia on site associated with the operations of the business together with a level of activity associated with the car wash use. The proposal would therefore result in some harm to openness.
