

10. 19/0618/RSP – Part Retrospective: Creation of an overflow car park including installation of ancillary equipment including erection of access gate, external lighting and of 6.5 metre pole and close boarded timber fencing at LAND AT REAR OF 2-3 STATION ROAD, KINGS LANGLEY, HERTS (DCES)

Parish: Abbots Langley Paris Council
Expiry of Statutory Period: 07.06.2019

Ward: Gade Valley
Case Officer: Scott Volker

Recommendation: That Part Retrospective Planning Permission be Granted subject to conditions.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by the Head of Regulatory Services.

1 Relevant Planning & Enforcement History

- 1.1 18/2408/RSP - Part Retrospective: Extension to existing car park, erection of access gate, external lighting and of 6.5 metre high CCTV pole and close boarded timber fencing – Application Withdrawn.
- 1.2 18/0228/COMP – Enforcement Investigation: Laying of loose aggregate (possible use of land as a car park). Pending consideration.
- 1.3 19/0035/COMP – Breach of Condition 7 (Green Travel Plan) of planning permission 13/0946/FUL

2 Description of Application Site

- 2.1 The application site is located on the western side of Station Road, Kings Langley; opposite Kings Langley Railway Station and measures approximately 3,000sq. metres. Part of the application site formed 2-3 Station Road which is a Class A1 retail premises operating as a florist known as Flowerhouse. Flowerhouse consists of a single storey detached building with an associated and established parking area to the north.
- 2.2 The application site accommodates an established access and is roughly 'L' shaped which wraps around the north and west boundaries of 2-3 Station Road and continues along the rear boundary of the neighbouring site to the south known as Flintstones.
- 2.3 The land levels slope down gradually from Station Road towards a water course (Mill Stream) located at the rear of the site. To the north of the application site is a dedicated overflow car park for staff and visitors associated with Kings House Business Centre. The land to the west and beyond the water course is open fields.
- 2.4 With regards to policy designations, the application site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the creation of an overflow car park including installation of ancillary equipment.
- 3.2 The overflow car park as built measures approximately 37 metres in depth and 31 metres in width (approx. 1150sq. metres) however this application proposes a car park which is of a reduced size.
- 3.3 The proposed overflow car park would measure approximately 37 metres in depth and a width of 17 metres covering an area of approximately 650sq. metres.

- 3.4 A new 1.8 metres close boarded timber fence along the north, east and south boundaries of the application site has been erected separating it from the Flowerhouse. This fence would be painted green. There is an earth bund which marks out the west boundary of the car park.
- 3.5 The retained overflow car park would have a dark hard core surface with new landscaping and planting proposed where the existing car park has been reduced in size. Additional planting is also proposed to the area of land west of the car park.
- 3.6 No works are proposed to the existing vehicle crossover from Station Road to facilitate the use of the new car park.
- 3.7 The ancillary equipment includes the following:
- Installation of a 1.15m high and 4.1 metre wide vehicle barrier and reader/intercom post which will be set back 26 metres from Station Road and set within the new fencing.
 - 3 no. 1.5 metre high external lights.
 - A 6.5m high CCTV Camera/pole painted green located in the north east corner of the car park.
- 3.8 The development would provide an overflow car park containing
- 3.9 30 parking spaces for Concept House, a 30,000sq.ft office building situated on Home Park Mill Link Road, Kings Langley and the five businesses located there.
- 3.10 It should be noted that whilst hard core has been laid the area has not been used as a car park to date.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Initial Comments - No objection]

Members have no objections to this proposal providing that there is no intrusion from external lighting into neighbouring properties.

[Subsequent Comments – Requested Committee Call-In]

Members feel that additional assessments have not been carried out and applicant has overshot procedures. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.

[Further Comments]

In addition to previous comments: Members noted the report and given the applicant's disregard for the planning process, the lack of environmental reports and the complaints of local residents if Three Rivers District Council officers are minded to approve this application the committee request that this retrospective application be referred to the Planning Committee for consideration.

4.1.2 National Grid: [No response]

4.1.3 Highways Officer: [No objection subject to condition]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as

Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Travel Plan - Requested Prior to Use

Prior to commencement of the use hereby permitted, a detailed Travel Plan for the Concept House site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

Comments / Analysis:

The application comprises of the extension to an existing car park at 2-3 Station Road, Kings Langley. Station Road is designated a classified C local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

Vehicle Access & Parking:

There is an existing vehicle access into the site from Station Road (on the opposite side of the road to Kings Langley Railway Station), which is to remain unaltered. The current arrangement and vehicle to vehicle visibility is deemed to be satisfactory and acceptable for the level and type of use and in accordance with *Roads in Hertfordshire: Highway Design Guide*.

The extended car park is to provide additional parking for Concept House, which is approximately 250m away on Home Mill Park Road. There are available pedestrian footways from the car park site to Concept House on Station Road and Home Mill Park Road and therefore pedestrian accessibility is considered to be acceptable.

It is unlikely that the trip generation from the proposed extended car park would have a significant enough effect on the surrounding highway network to recommend refusal from a highways perspective. Three Rivers District Council is the parking authority and would ultimately need to be satisfied with the level of car parking proposed.

Sustainable Travel / Travel Plan

As part of the original planning application for Imagination House (of which the now Concept House is part of), there was a travel plan submitted detailing provisions to promote, encourage and maximise sustainable travel measures. Following consideration of the proposals, HCC as Highway Authority has identified the need for a new travel plan to support the current application and the wider Concept House site.

Developer contributions of £6,000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of the travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplan@hertfordshire.gov.uk

Conclusion:

HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above condition and informative.

Officer Comment:

The suggested condition requiring the submission of a Travel Plan relates to a separate site which is subject to its own enforcement investigation referenced 19/0035/COMP. The case relates to a breach of condition 7 (Green Travel Plan) of planning permission 13/0946/FUL at Imagination Technologies and Concept House which is currently pending consideration. Therefore it is not considered appropriate to attach the condition.

4.1.4 Hertfordshire County Council Local Lead Flood Authority: [Initial Objection, subsequently advised that this could be overcome via condition]

Initial comments:

Thank you for consulting us on the above application for the part retrospective: Creation of an overflow car park including installation of ancillary equipment including erection of access gate, external lighting and of 6.5 metre CCTV pole and close boarded timber fencing at Land at Rear of 2-3 Station Road Kings Langley.

We have reviewed the information submitted by the applicant in support of the planning application and note that no information has been provided regarding flood risk to the site or information on how the applicant intends to manage the surface water runoff from the site.

It is acknowledged that within the Application Form, the applicant states that the car park is permeable; however no information has been provided regarding this.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of a surface water drainage assessment:

- 1) Feasible surface water discharge mechanism
- 2) Provision of an appropriate SuDS management and treatment train

Overcoming our objection

- 1) It is acknowledged that within the Design and Access Statement, there is a photograph of the previous site, which shows how the site was a mixture of tarmacked (impermeable) and hard standing compacted loose tarmac and hardcore. Also within the Design and Access statement, there is a photograph of an earth bund (dated 27 March 2019) shown at 3.5 / 3.6, which shows that the overflow car park has been resurfaced using dark hardcore. No engineering information has been provided on the provision of the earth bund, if its purpose is drainage related or otherwise. No engineering drawings on how the hardcore has been laid, if it is lined and if it is indeed permeable. No information has been provided on the feasibility of infiltration. The

applicant will need to provide infiltration tests to BRE Digest 365 standard. These should be provided at the depth and location of the proposed infiltrating features.

- 2) No information has been provided regarding the management and treatment of surface water run-off. As the use of the site is parking, consideration should be given to the potential pollutants arising from the car parking area. Consideration should also be given to the proximity of the site to the Main River.

For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>

Update: The LLFA have subsequently verbally advised (to be followed up in writing) that their concerns can be overcome via condition and they are currently considering the appropriate wording of such condition.

4.1.5 Environment Agency: [No response]

4.1.6 Landscape Officer: [No response]

4.1.7 Department of Transport: [No response]

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 16

4.2.2 No of responses received: 5 objections, 3 letters of support

4.2.3 Site Notice: Posted 30.04.2019 Expired 22.05.2019

4.2.4 Summary of Objections:

- Loss of Green Belt land.
- Impact on neighbours.
- No 'very special circumstances' to justify the development.
- Parking Standards of other Local Authorities listed within the Transport Statement are not relevant.
- Increase in traffic levels.
- Concept House already has sufficient parking.
- Development undermines the efforts of HCC to encourage people to reduce car use.
- Access directly opposite station will increase congestion.
- Increase in noise, light and air pollution.
- Loss of privacy from CCTV camera.
- If Imagination Technologies and Pure Bricks Ltd complied with condition 7 (Green Travel Plan) of original permission 13/0946/FUL the new car park would not be required.

4.2.5 Summary of Supporting Comments:

- Improve traffic problems and illegal parking on verges
- Low level lighting is an improvement of previous application
- Small piece of Green Belt given up to accommodate car park
- Current application seeks reduction to size of car park compared to withdraw application

- Development would allow for businesses within Concept House can employ those with rare and specialist skills from wider catchment area.
- Potential loss of valuable tech companies from Kings Langley area.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 19 February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2019 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM7, DM8, DM9, DM13 and Appendix 5.

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Overview

7.1.1 Following a report of a breach of planning control in October 2018 an enforcement case was opened under reference 18/0228/COMP concerning the creation of a car park. Subsequent site visits were undertaken where it was ascertained that the application site had been subjected to extensive engineering works in the form of laying of hard-core aggregate enclosed by close boarded timber fencing and a small earth bund to facilitate an extension of an existing and established car park.

7.1.2 The following comments were addressed to the applicant in a letter dated 12 October 2018:

'A site inspection was conducted on 12 October 2018 where it was ascertained that an area of open land has been altered with the laying of hard-core aggregate enclosed by close boarded timber fencing and a small earth bund to facilitate parking of vehicles. Following my visit and consultation with colleagues I have the following comments to make.

It would appear from the use of aerial photographs that the area of concern historically contained stable building(s) and formed part of a field used for grazing; therefore potentially in an agricultural use.

When considering whether the above works required planning permission it is necessary to consider if development has occurred within the meaning of Section 55(1) of the Town and Country Planning Act 1990 (as amended). The definition of development is:

"...a means of carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land."

The significant extent of re-grading the land coupled with the laying of hard-core would, in my opinion, comprise an engineering operation within the definition of Section 55(1) for which planning permission is required as no permitted development rights exist.

In addition, the erection of a CCTV structure by virtue of its size, physical attachment to the ground and degree of permanency would also require planning permission.

In terms of planning acceptability, the entirety of the Land falls within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states under paragraph 146 that certain forms of development are 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. Whilst engineering operations are not classed as inappropriate within the Green Belt, the works have created an area to be used for parking/storage of vehicles which would have a visual impact through the stationing of vehicles on land which was previously open and once in agricultural use. Consequently, the works are considered as inappropriate development within the Green Belt and would conflict with the purpose of including land in the Green Belt through failing to safeguard the countryside from encroachment. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In light of the above comments you are required to undertake the following actions in respect of the Land:

- Remove the hard-surfacing and CCTV structure and return the land back to its condition prior to the unauthorised engineering works.*
- Remove all other materials and objects brought onto the Land in connection with the unauthorised use.'*

- 7.1.3 Following receipt of the enforcement letter the applicant sought informal pre-application engagement during a meeting held on site. A retrospective planning application referenced 18/2408/RSP for the retention of the car park followed however this application was later withdrawn.
- 7.1.4 This current application has been submitted in an attempt to formalise the breach of planning control by utilising Section 73A of the Town and Country Planning Act 1990 (as amended) which enables an application to be made to the Local Planning Authority for development carried out before the date of the application. The application proposes a reduction to the size of the overflow car park currently in situ and provides for additional soft landscaping and planting.
- 7.2 Impact on Metropolitan Green Belt:
- 7.2.1 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.
- 7.2.2 The NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from 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.
- 7.2.3 The requirements of the NPPF are considered to reflect policies of both the Three Rivers District Council Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013). Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt.
- 7.2.4 The principal works which have taken place constituted an engineering operation which is to facilitate a material change of use of part of the application site to a car park (Sui Generis). Whilst Policy DM2 of the Development Management Policies LDD (adopted July 2013) replicates Government guidance contained in the NPPF; it is silent in regards to engineering operations and change of uses. Nevertheless, the NPPF under paragraph 146 states that certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land in Green Belt. Such developments include engineering operations and material changes in the use of land.
- 7.2.5 Whilst material change of uses may be regarded as an appropriate form of development, the extended overflow car park as existing is significant in size measuring 1150sq. metres, of which approximately 500sq. metres encroaches into the Green Belt, and enables a considerable sized overflow car park with the ability to park an excessive number of vehicles within the confines of the site. The material change of use of this open land would therefore fail to preserve the openness of the Green Belt and would also extend further in an open part of the site. Thus as existing the use of the overflow car park would be considered to be inappropriate development which is, by definition, harmful to the openness of the Metropolitan Green Belt.

- 7.2.6 Notwithstanding the above, this part-retrospective planning application proposes to significantly reduce the size of the overflow car park by almost half its current width. In assessment of the impact of the overflow car park, the car park would measure 37 metres in depth and 17 metres in width covering an area of approximately 650sq. metres - a reduction of 550sq. metres. In addition to this, part of the retained overflow car park (approximately 320sq. metres) previously formed the established parking area and land associated with Flowerhouse.
- 7.2.7 Whilst there is an area measuring 330sq. metres of car park which has encroached into open Green Belt land, the location of the application is in a part of Station Road that has more of an urbanised setting with an existing overflow car park to the north and large commercial sites beyond which border the Green Belt. As such it is not considered to encroach the countryside given its immediate setting. The retained overflow car park would extend to a similar depth as the neighbouring overflow car park associated with Kings House Business Centre to the north. Furthermore, part of the area to south of the retained overflow car park (approximately 240sq. metres) which is now proposed to be landscaped with native trees and other planting previously formed part of the storage and refuse area associated with Flowerhouse. The proposed soft landscaping would prevent this area being used for storage and refuse and would enhance this part of the site and Green Belt.
- 7.2.8 In terms of its visual impact on the Green Belt, the proposed overflow car park would only be used on weekdays (Monday to Friday) between 7am-7pm and not at all during the night or on weekends. Therefore the vehicles would not be parked at the site all the time and the impact of the car park on the openness Green Belt would be transient. In addition, further landscaping and planting is proposed to the west of the car park which would also limit the views of the car park from the wider landscape.
- 7.2.9 It is noted that there would be an increase in activity as a result of the use however given that the overflow car park includes land previously forming a car park associated with Flowerhouse and is only limited to use during the daytime, it is not considered that the resultant impact would be harmful to the Green Belt.
- 7.2.10 As such, the proposed creation of the overflow car park as amended would fall within the exceptions listed at paragraph 146 of the NPPF and for the reasons expressed above would preserve the openness of the Green Belt nor would it conflict with the purposes of including land within the Green Belt.
- 7.2.11 The application also seeks to formalise a number of ancillary structures which require planning permission in their own right. Whilst the introduction of low level lights and electronic entrance gate and bollard would increase the presence of the car park, such structures are relatively minor features, set well back from the highway and amongst close boarded fencing and therefore are not considered to impact on the openness of the Green Belt. A condition is suggested to ensure that the lights are not turned on outside the hours of 7pm and 7am Monday to Fridays (inclusive) and not at all on weekends or Bank Holidays to further limit their impact on the Green Belt. In respect of the CCTV pole, this would be situated approximately 26 metres from the front boundary and has a height of 6.5m. The pole is proposed to be coloured in green to mitigate its appearance on the locality as it is currently grey in colour. Whilst the pole has a height of 6.5 metres, its impact would be significantly reduced when finished in the suggested colour and would integrate well with the immediate established tree lined surroundings. As a result, it is not considered that the pole at 6.5 metres in height would have a significant impact on the openness of the Green Belt or appear incongruous when considering its scale and proposed colour. Notwithstanding this, a condition would be attached to any consent requiring further details of the colour to be submitted to and approved in writing by the Local Planning Authority to ensure an appropriate colour is used.
- 7.2.12 The proposed development would therefore not represent inappropriate development within the Green Belt or result in any material harm to the openness of the Green Belt. In this

regard it is not necessary to consider whether 'very special circumstances' are required. The proposed development would therefore be in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

7.3 Highway Safety:

- 7.3.1 Policy CP10 of the Core Strategy (adopted October 2011) states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District and demonstrate that it provides a safe and adequate means of access.
- 7.3.2 The National Planning Policy Framework states that development should not now be refused permission on transport grounds unless residual impacts are severe.
- 7.3.3 The front part of the application site is well established as a car park associated with Flowerhouse and therefore vehicular movements to and from the site are not uncommon. The ancillary equipment including bollards and barrier serving the new car parking area are set back from the highway by approximately 26 metres and therefore cars accessing the new car park would not be waiting on the highway and adjacent footways.
- 7.3.4 Whilst the extended car park would increase the number of comings and goings to the site the Highways Authority were consulted on the application considered it unlikely that the trip generation from the proposed extended car park would have a significant enough effect on the surrounding highway network to recommend refusal from a highways perspective.

7.4 Impact on Streetscene

- 7.4.1 Policy CP12 of the Core Strategy (adopted October 2011) seeks a high standard of design and expects all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.4.2 The proposed extended car park and ancillary equipment would be well set back from Station Road and therefore is not read as part of the streetscene context. Whilst the equipment would be visible from Station Road, given the scale of the barrier, bollards and extent timber fencing there is no significant impact on the visual amenity of the streetscene.
- 7.4.3 The CCTV pole would be set within the north east corner of the site and thus would not have an impact on the streetscene. It is proposed to paint the pole in a green colour and when considering the proposed colour of the structure and the fact it has been installed adjacent to a high vegetated boundary, it would also not appear unduly prominent from public vantage points.

7.5 Impact on amenity of neighbours

- 7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.5.2 The closest neighbouring property to the overflow car park is Flintstones, located to the south. Following the proposed works, the car park would be set off the common boundary by approximately 13 metres; with the main dwellinghouse situated a further 15 metres away to the south-east.
- 7.5.3 The proposed lighting would be restricted in its use and low level so as to not cause light pollution towards this neighbouring property and the CCTV cameras affixed to the 6.5 metre pole would overlook the overflow car park and would not cause a loss of privacy to Flintstones. It is considered that any increase in vehicular movements associated with the additional parking provision would not be so significant that would cause a detrimental impact to the residential amenity of Flintstones.

7.5.4 The proposal is therefore acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

7.6 Trees & Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals should demonstrate that existing trees will be safeguarded and managed during and after development in accordance with the relevant British Standards and that development should be designed in such a way as to allow trees to grow to maturity without causing undue problems of visibility, shading or damage.

7.6.2 The application site does not contain any protected trees; however there are number of trees along the boundary and within the confines of the site which are of amenity value. The extended parking area has resulted in the deposit of spoil and hard-core close to the trees and the proposed works do not include removal of any of the trees.

7.6.3 Additional planting and landscaping is proposed to the south and west of the proposed car park which would be an improvement to the visual amenity of these parts of the site. A condition is suggested to require further details of the planting proposed to be submitted to and approved in writing by the Local Planning Authority to ensure that the planting is appropriate.

7.7 Wildlife

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.7.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application. The Checklist concludes that no biodiversity survey or assessment is required in this instance, and the Local Planning Authority is not aware of any protected species on this site.

7.7.4 Given the nature of the development, it is not considered that there would be any significant impact on any protected species or wildlife, nor would the development compromise the integrity of the Green Infrastructure, therefore complying with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.8 Impact on Character and Landscape

7.8.1 Policy DM7 of the Development Management Policies LDD states that in all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission.

7.8.2 The application is supported by an Openness and Landscape Character Assessment. The assessment includes photographs from various locations within the wider landscape. Due to the location of the site, it is not readily visible from various vantage points and therefore

is not considered to have a visual impact on the character of the landscape region. Furthermore additional planting is proposed surrounding the car park which would act as screening.

7.9 Flood Risk

7.9.1 Concerns have been raised during the course of the application that the works have and would have impact on local flooding and the watercourse located to the west of the site. The Lead Local Flood Authority were consulted on the application and raised an initial objection due to lack of information regarding surface water drainage however, they have subsequently confirmed verbally that their objection can be overcome via condition to require details to be submitted in relation to the purpose of the earth bund, permeability of the hardcore laid and feasibility of infiltration of the site and provide infiltration tests. The exact wording of the condition is currently being agreed.

7.10 Infrastructure Contributions

7.10.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area B' within which the charge per sq.m of residential development is £120.

8 **Recommendation**

That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions and additional condition(s) regarding drainage following:

C1 The works to reduce the size of the overflow car park hereby permitted shall be carried out and completed as shown on drawing number SRN/01, SRN/02, SRN/03 and SRN/04 before the expiration of THREE MONTHS from the date of this decision.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004. The extension of the car park on the site without the alterations hereby permitted is in conflict with the Development Plan and harmful to the openness of the Metropolitan Green Belt.

C2 Prior to the commencement of the use hereby permitted, details of the proposed soft landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority.

All landscaping works required by the agreed soft landscaping shall be carried out within 3 MONTHS from the date they have been agreed in writing by the Local Planning Authority and shall be maintained thereafter including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species as initially agreed.

Reason: In the interests in the visual amenity of the Metropolitan Green Belt in accordance with Policies CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to the commencement of the use hereby permitted, details of the design and intensity of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and maintained in accordance with the approved details and shall not be turned on outside the hours of 7pm to 7am Monday to Fridays (inclusive) and not at all on weekends or Bank Holidays.

Reason: In the interests of the visual amenity of the Metropolitan Green Belt and to ensure that the amenities of the adjoining residential properties shall not be adversely disturbed after that time in compliance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the commencement of the use hereby permitted, details of the paint colour for the CCTV pole shall be submitted to and approved in writing by the Local Planning Authority. The pole will be painted in accordance with the approved details within ONE MONTH from the date the details are agreed.

Reason: In the interests in the visual amenity of the Metropolitan Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C5 The overflow car park hereby permitted shall not be used other than between the hours of 7am and 7pm Mondays to Fridays (inclusive) and not at all on weekends or Bank Holidays.

Reason: In the interests in the visual amenity of the Metropolitan Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.