

PLANNING COMMITTEE - 17 DECEMBER 2019

7. **19/1953/FUL: Extension to existing car park to create 8 additional car parking spaces and re-siting of existing containers at WILLIAM PENN LEISURE CENTRE, SHEPHERDS LANE, MILL END, HERTS, WD3 8JN (DCES)**

Parish: Non-Parished

Ward: Penn and Mill End

Expiry of Statutory Period: 25.12.2019

Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is Three Rivers District Council.

1 Relevant Planning History

- 1.1 05/0865/FUL - Erection of 6 x 8m floodlighting columns to tennis courts - Refused - 19.09.2005
- 1.2 14/1965/FUL - Single storey rear and side extension - Permitted - 03.12.2014
- 1.3 15/1519/RSP - Retrospective: Part change of use of sports pavilion (D2 Use) to provide child care facility as before/after school and holiday club (D1 Use) - Permitted - 24.09.2015
- 1.4 16/2446/FUL - Extension to existing secure compound through extension to palisade fencing - Permitted – 26.01.2017.

2 Description of Application Site

- 2.1 The application site consists of William Penn Leisure Centre to the north east of Shepherds Lane and the car park, pavilion, Multi Use Games Area (MUGA) and bowls green sited along the south western side of Shepherds Lane.
- 2.2 Two existing shipping containers are sited within the parking area by the entrance to William Penn. The land to the south west of Shepherds Lane contains an L shaped parking area which serves William Penn and playing fields. Soft landscaping surrounds the parking area and MUGA and the open playing fields are sited to the south east.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the extension to the existing parking area and re-siting of the existing containers.
- 3.2 The north-west aspect of the existing car park would be extended by 19.2m in width and 16m in depth to match the depth of the existing car park. The proposed car park extension would provide an additional 8 parking spaces.
- 3.3 The existing containers sited within the parking area at the entrance to William Penn (sited on the north east of Shepherds Lane) would be re-sited to be located to the south west of the existing MUGA between the path leading to the MUGA and the hedging surrounding the bowls green. The containers would be sited side by side; each container has a width of 6m and depth of 2.5m with a height of 2.6m.

4 Consultation

4.1 Consultees

- 4.1.1 Hertfordshire Highways: [No objection]

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.

COMMENTS / ANALYSIS:

The application comprises of the extension to an existing car park and re-siting of existing containers at William Penn Leisure Centre, Shepherd's Lane, Rickmansworth. Shepherd's Lane is designated an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

There is no altered access from the highway to the car park. The proposals will result in an increased number of car parking spaces (from 150 to 170), the layout of which is shown on submitted drawing no. 1. The design and layout of the car park is considered to be acceptable by HCC as Highway Authority.

Following consideration that the application is for an extension to the existing use and that the increase in car parking spaces is relatively small, it is unlikely that any effects from parking would be significant enough to recommend refusal from a highways perspective. The increased car parking would have the potential to encourage a proportion of local trips (which could be made on foot or by bike) to be made by car but it would also have the potential benefit of removing some cars that would normally be parked on the surrounding highway.

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

4.1.2 Landscape Officer: [No objection]

The additional parking spaces will extend towards a bank, with trees just beyond. The adjacent trees are relatively young and their root protection areas should extend just shy of the additional parking bays, but the working area should be kept to a minimum.

I do not wish to raise any objection to the proposal.

4.1.3 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 30 No of responses received: None

4.2.2 Site Notice Expired: 27 November 2019 Press notice: Not applicable.

4.2.3 Summary of Responses:

4.2.4 None received.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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 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 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 PSP2, CP1, CP9, CP10 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 DM6, DM9, DM11, DM13 and Appendices 4 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA5 is relevant.

6.3 Other

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

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.

7 Planning Analysis

7.1 Principle of Development

7.1.1 Strategic Objective 11 of the Core Strategy is to provide accessible and varied opportunities for leisure, sports and recreational activities in order to promote healthy lifestyles. This objective identifies that the provision of suitable open space, children’s play space and sports facilities can increase opportunities to exercise as part of a healthy lifestyle for whole communities.

7.1.2 Policy DM11 of the Development Management Policies LDD relates to Open Space, Sport and Recreation Facilities and Children’s Play Space and states that open spaces, sports and recreation facilities perform important functions within communities and contribute

significantly to the quality of life. The policy advises that proposals for new open space, sport and recreation facilities and Children's play space will be encouraged if located in the main urban areas subject to the protection of the character of the area and amenity.

7.1.3 The application site is located within a designated open space. Policy SA5 of the Site Allocations Document sets out that sites allocated as open spaces will generally be safeguarded as open spaces. The proposed development would be sited on an area of allocated open space. However, both the extension to the parking area and siting of the containers would be located on land that is not used for recreation. The proposed development would therefore not affect the usability of or access to the existing allocated open space.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 The proposed extension to the car park would not be readily apparent from the adjacent public vantage points and would not result in a prominent or contrived addition. The proposed containers would be sited next to an existing hedgerow and would be of a scale and location that would not result in a prominent addition as viewed from public vantage points along Shepherds Lane. The proposed containers would be sited within a leisure complex and within an inconspicuous aspect of the site. The addition of containers would not appear contrived or out of context within the surroundings. The proposal would therefore not affect the visual amenities of the street scene or character of the area.

7.2.3 In summary, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.3 Impact on amenity of neighbours

7.3.1 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'. Policy DM9 of the DMP LDD advises that development should not result in noise or disturbance nor should external lighting adversely impact neighbouring amenity.

7.3.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The scale and use of the car park and containers would not result in any noise and disturbance of the closest neighbouring properties.

7.4 Wildlife and Biodiversity

7.4.1 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.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The application has been submitted with a Biodiversity Checklist and details that no protected species would be affected by the development. Given the nature of the development it is not considered that protected species would be adversely affected by the development.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD advises that development should not have an impact on any significant trees or areas of landscaping,

7.5.2 The proposed extension to the car park would bring development closer to the boundary with an existing line of trees. The Landscape Officer was consulted in relation to the proposal and raised no objections to the siting of the car park extension. No objections are raised to the siting of the proposed containers from the hedgerow.

7.6 Highways, Access and Parking

7.6.1 Policy CP10 of the Core Strategy sets out that development should provide a safe and adequate means of access and makes adequate provision for all users.

7.6.2 Herts Highways raised no objections to the proposed development in terms of impact on highway safety.

7.6.3 The proposal would include the extension to the existing parking area to provide an additional 8 parking spaces. The application form identifies that an additional 20 parking spaces would be provided however the other 12 additional spaces are provided through works within the existing car park that do not require express planning permission and thus do not form part of the assessment of this application. It has been highlighted that the existing containers are sited on disabled parking spaces sited by the entrance to the William Penn Leisure Centre. The re-siting of the containers would reinstate three disabled parking spaces sited close to the entrance to the leisure complex. The Highways Officer commented that the additional parking would not encourage people to use sustainable modes of transport. It was evident at the site visit that the land to the north west of the car park (where the extension is proposed) is already used for parking cars. Thus, the extension is proposed to meet existing demands and it is not considered that the additional parking spaces would encourage people living in walking distance of the complex to drive.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions;

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

WP1A, Drawing No.1 and Photo TRDC001.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character of the area in accordance with Policies PSP2, CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM9, DM11, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, the car park extension shall be finished to match in size, colour, texture and profile those of the existing car park.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

8.2 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 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.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.