

PLANNING COMMITTEE – 19 MARCH 2020

PART I – DELEGATED

20/0137/FUL - Extension to the existing accessible car park at WILLIAM PENN LEISURE CENTRE, SHEPHERDS LANE, MILL END, WD3 8JN

Parish: Non-Parished

Ward: Penn & Mill End

Expiry of Statutory Period: 06.04.2020

Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning and Enforcement History

- 1.1 The planning history of the wider site including the William Penn Leisure Centre is vast. There is no planning history directly relevant to the car park which forms part of this application.

2 Description of Application Site

- 2.1 The application site is comprised of an existing accessible car park and landscaping serving William Penn Leisure Centre. The car park is positioned on the eastern side of Shepherds Lane and is accessed off Thellusson Way.
- 2.2 The car park is some 200m² in area, laid as tarmac, and includes a total of 3 accessible car parking spaces, turning area and an area for bin storage. There is currently a large metal container situated at the southern end of the car park which is to be removed. The remaining area of the application site is soft landscaped as grass amenity verge that contains a small ash tree and hedging and is bound by a low 'bird mouth' fence.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for an extension to the existing accessible car park.
- 3.2 A section of grass amenity verge, measuring 4m in width and 5m in depth, positioned to the north-western corner of the site would be excavated and laid as hardstanding to form part of the car park.
- 3.3 The markings within the existing car park would be redrawn to form a total of 6 accessible car parking bays. The bays would be 2.4m x 4.8m and would each have shared access to a 1.2m access strip positioned adjacent to the bay.
- 3.4 The container currently positioned at the southern end of the car park would be removed to accommodate some of the new bays and the turning area which is to be marked to be kept clear. The existing bin storage area will remain in situ.
- 3.5 An Ash tree located upon the area of grass verge is to be removed to accommodate the extended car park. A replacement tree is to be planted slightly further to the north on the remaining section of verge. The hedging which runs along the western edge of the grass verge is to remain in situ.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Hertfordshire County Highways: [No objection]

“HCC as Highway Authority would not have any objections to the proposed car parking spaces. None of the spaces are considered to be located on or interfere with the highway surrounding the site.

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-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.”

4.1.2 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 2

4.2.2 Responses received: 0

4.2.3 Site Notice posted: 25.02.2020, expiry date: 17.03.2020

4.2.4 Press notice not required.

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

In 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 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.

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 Impact on the character and appearance of the area and the street scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy 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.'

7.1.2 Policy CP1 of the Core Strategy also sets out that the Council will take into account the need to protect and enhance existing community, leisure and cultural facilities and provide new facilities while Policy CP12 of the Core Strategy states that the Council will expect development proposals to provide convenient, safe and visually attractive areas for the parking of vehicles and cycles without dominating the development or its surroundings.

7.1.3 The proposed development is for the extension of the existing area of hardstanding which currently provides three formal accessible parking bays serving the William Penn Leisure Centre. The extended parking area would represent an approximate 10%, some 20m², increase on the existing area of hardstanding. The new section of hardstanding would be positioned in the north-western corner of the car park and would require the excavation of an existing area of grass verge.

7.1.4 The car park extension would be relatively minor in comparison to the existing car park and there would continue to be green space around the extended car park in the form of the retained areas of grass amenity verge north-west and along the south-western boundary. The siting of the car park extension would be readily visible from the street scene however is not considered to result in a prominent or contrived addition. The existing hedging that bounds the accessible car park along the western boundaries is also to be retained, softening any visual impact of the development. The tree proposed to be removed will also be replaced further mitigating any visual impact.

7.1.5 In summary, it is not considered that the development would adversely affect the character and appearance of the area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted 2011).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 Development Management Policies LDD also states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.
- 7.2.2 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 would not result in any noise and disturbance of the closest neighbouring properties.
- 7.3 Highways, Access & Car Parking
- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.
- 7.3.2 The existing access to the existing car park would not change as a result of the development. Hertfordshire Highways were consulted on the proposal and raised no objection in terms of any potential impact upon the highway. It is therefore considered that the proposed development is acceptable in this regard.
- 7.4 Trees & Landscape
- 7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.4.2 There are no individually protected trees within the application site however it is proposed that a relatively small scale Ash tree is removed to accommodate the enlarged parking area. It is not considered that the Ash tree makes such a significant contribution to the visual amenities of the area for an objection to be raised to its removal. Notwithstanding, it is proposed that a replacement tree is planted on the remaining area of verge therefore there would be no net loss of trees as a result of the development. It is also indicated on the plans that the existing hedges are to remain in situ.
- 7.5 Biodiversity
- 7.5.1 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.
- 7.5.2 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.6 Sustainability
- 7.6.1 It is acknowledged that the proposed development consists of an increase in parking provision at the William Penn Leisure Centre therefore has the potential to discourage other more sustainable modes of transport. Whilst this is noted, the provision of additional

accessible parking bays is not considered to discourage the wider public from alternative modes of transport as the new parking provision will be restricted to those who require the accessible spaces. In addition, whilst there would be a small loss of green amenity space, there would be no net loss of trees within the site as a replacement tree would be planted.

8 Recommendation

8.1 That subject to no new material planning considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions:

8.2 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:

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with Policies 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 extensions shall be finished in materials to match in size, colour, texture and profile of the existing car park.

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

8.3 Informatives

I1 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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 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.
- 13 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.