

PLANNING COMMITTEE – 25 JUNE 2020

PART I - DELEGATED

7. **20/0748/FUL – Retention of existing parking area and creation of additional parking area for company vehicles including alterations to land levels and associated hard and soft landscaping and loft conversion of existing bungalow for office use including dormers at THE PADDOCK, LITTLE OXHEY LANE, CARPENDERS PARK, WATFORD, HERTFORDSHIRE, WD19 5BA (DCES)**

Parish: Watford Rural
Expiry of Statutory Period: 10.06.2020

Ward: Carpenders Park
Case Officer: Matthew Roberts

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee.

1.1 Relevant Planning History

- 1.1.1 04/1726/FUL - Retrospective Application: Erection of detached timber outbuilding - Refused, for the following reason:

R1: The proposed outbuilding would, by reason of its height, bulk and siting, result in a prominent feature in the landscape and the spread of built development across the plot, to the detriment of the open character of the Green Belt. This would be contrary to policies GB1, GB7, GEN 3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

- 1.1.2 04/1729/FUL - Retrospective Application: Front boundary wall - Refused, for the following reasons:

R1: Little Oxhey Lane is characterised by soft boundary treatments. The proposed development, by reason of its height and location, is considered unacceptable as it would be too prominent in the street scene and would have a significant impact on the open character of the Green Belt. Such an enclosed frontage sets an undesirable precedence that would be detrimental to the open character of the area. Accordingly, the proposal is considered to be contrary to Policies GB1, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

R2: The required vehicle visibility splays cannot be achieved in an eastern direction from either crossover. This results in a lack of vehicle intervisibility. The reduced visibility from each access will create a significantly detrimental highway environment in terms of safety and efficiency for all users of the highway. The proposal is therefore contrary to policy T7 of the Three Rivers Local Plan 1996-2011.

R3: The driveway in front of the gates would not be long enough to accommodate a parked car without the car having to project beyond the curtilage onto a footway. The gates would therefore prejudice pedestrian safety. As such the proposal is contrary to policy T7 of the Three Rivers Local Plan 1996-2011.

- 1.1.3 06/1413/FUL - Retrospective: Erection of detached wooden outbuilding to be used as a tack room/food storage and fouling box - Refused, for the following reason:

R1: The use of the building constitutes an inappropriate use in the Metropolitan Green Belt for which no very special circumstances have been demonstrated. The building by reason of its height, bulk and siting, results in a prominent feature in the landscape and the spread

of built development across the plot, to the detriment of the open character of the Green Belt.

This is contrary to Policies GB1, GB7, GEN 3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

- 1.1.4 08/1694/FUL - Single storey rear extension - Refused, for the following reason:

R1: The proposed development by reason of its overall design, width, bulk and massing would result in an overly prominent development disproportionate in size to the main dwelling which would not constitute 'limited extension'. The proposed development would be to the detriment of the openness of the Green Belt. No special circumstances have been demonstrated by the applicant. As such the proposed development would be contrary to Policies GB1 and GB6 of the Three Rivers Local Plan 1996-2011.

- 1.1.5 09/1869/FUL - Change of use of land for siting of mobile home to live in long term - Permitted.

- 1.1.6 13/1810/FUL - Demolition of existing stable blocks and temporary buildings and erection of vehicle service building (Use Class B1). Stopping up of one existing access and alterations to second existing access. Ancillary works including planting and fencing to boundaries. Permitted and implemented.

- 1.1.7 14/1885/RSP - Part Retrospective: Landscape works to re-grade and re-level sections of the green field area of the site - Permitted and implemented.

- 1.1.8 17/0397/RSP - Part Retrospective: Erection of additional parking area and part change of use of existing dwelling to include office and training room – Permitted (subject to a personal and temporary 5 years use of “additional parking area”).

- 1.1.9 19/2049/FUL - Retention of existing parking and creation of additional parking area for company vehicles including alterations to land levels and associated hard and soft landscaping and loft conversion of existing bungalow for office use including dormers. Refused for the following reason:

R1: The proposed development (excluding the proposed works to the building) constitutes inappropriate development in the Metropolitan Green Belt as it fails to preserve openness as required by paragraph 146 of the NPPF (2019). By virtue of the scale, siting, additional activity and associated ancillary works the parking areas would have a significant impact on the openness of the Green Belt and would also have an adverse impact on the visual amenity of the locality. Whilst material considerations exist which weigh in favour of the development they do not individually or cumulatively outweigh the inappropriateness of the development, harm to openness and other harm identified. The development therefore fails to comply with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

2 Description of Application Site

- 2.1 The application site covers an area of 0.98 hectares and contains a detached bungalow known as The Paddock and a detached vehicle service building (used by Lucketts of Watford, a local transport service) both of which are situated towards the western end of the plot, accessed solely from Little Oxhey Lane to the north.

- 2.2 The existing bungalow is currently in a mixed use, used as a local transportation/taxi office and for residential purposes. It is surrounded by a large expanse of hardstanding currently utilised for company parking including the former domestic garden which historically formed part of the curtilage of the original dwellinghouse.

- 2.3 The redevelopment of the site in 2014 upgraded the existing drive and improved the access from Little Oxhey Lane. Along the northern boundary with the adjacent highway close boarded fencing has been erected with Laurel hedging immediately in front. All these specific works were approved under planning permission 13/1810/FUL.
- 2.4 The north eastern part of the site is partially in use as an overflow parking area (subject to the grant of planning permission 17/0397/RSP) with the remainder of the site an open field within the ownership of the applicant. The majority of this open parcel of land is significantly higher than the vehicle service area.
- 2.5 With regards to policy designations, the application site is located within the Metropolitan Green Belt whilst there are a number of protected trees on the site boundaries (TPO.291 & TPO.0533).

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the retention of the existing parking area and the creation of an additional parking area for company vehicles including alterations to land levels and associated hard and soft landscaping. The proposal also involves a loft conversion with dormer windows and rooflights to the existing bungalow for office use.
- 3.2 The existing parking area approved for a temporary period in 2017 under reference 17/0397/RSP is proposed to be retained permanently and covers an area of approximately 900m². This area is positioned to the north/north east of the access drive and is hard surfaced. The submitted plan indicates that it will provide 9 staff parking spaces, 5 mini-bus spaces and 4 servicing bays for coaches.
- 3.3 It is also proposed to provide a further parking area of approximately 2423sqm to enable 21 mini-bus spaces and 11 coach bays, immediately to the north of the existing parking area. To facilitate the new parking area the land would be excavated down (approximately 2.4m) to provide a relatively flat surface (albeit it would rise gradually in height towards the south) and would be supported by stacked gabions and 1.8m high external lights with light cowls. The parking area would be connected to the service area by a sloping drive (1:12 gradient) with retaining walls and gabions adjacent to the southern boundary. In terms of approximate measurements the new parking area would 45m in depth (south to north) and 65m in width (east to west). The new parking area would be predominately enclosed by a soil bank which would provide physical separation with the temporary parking area and a new "L" shaped earth bund ranging in height between 1.5m to 2.5m which would be created from the excavated soils. The new earth bund would run parallel with Little Oxhey Lane and Oxhey Lane.
- 3.4 In terms of drainage, the parking area would be supported by a Sustainable Drainage System incorporating below ground cellular infiltration/attenuation tank and drainage channels.
- 3.5 A soft landscaping scheme has been submitted and seeks to plant a number of mature trees around the perimeter, including a woodland screen mix and wildflower seed mix. A total of 53 new trees and 1,939 new shrubs are proposed. No trees are planned to be removed (Note: 2 have already been removed via tree works application 19/1765/TPO as they were considered to be dying and a threat to the main road). A new lawn garden of 200sqm is also proposed to the north of the bungalow.
- 3.6 The parking layout across the site would include the following:
- 45 minibus spaces
 - 15 coach spaces (4 spaces allocated for servicing)
 - 9 company staff parking
 - 2 visitor spaces

- 3.7 The proposed loft conversion would incorporate a meeting room and storage area which would be served by two flat roofed rear dormer windows. The dormer windows would be erected within the south facing roofslope, each extending from the roofslope by 3.6m while measuring 2.3m in height, and 3.5m in width. The dormers would be set down from the ridge height by 0.2m and set in from the flank elevations by 3m and are separated by a distance of 7.3m. Two rooflights are also proposed within the southern roofslope, fronting Little Oxhey Lane.
- 3.8 The existing fenestration detailing within the porch would be altered with the porch door re-sited.

Differences between 19/2049/FUL and current submission:

- 3.9 The previous planning application 19/2049/FUL was refused for the reason expressed at paragraph 1.1.9 above. The table below highlights the differences between the two schemes in respect of the new parking area.

Comparisons	Max depth (m)	Max width (m)	Total area (excludes access ramp) (m2)	Re-planting	
				Trees	Shrubs
19/2049/FUL	60.2	72	4010	40	1,225
20/0748/FUL	45	65	2423	53	1,939
Differences	-15.2	-7	-1,587	+13	+714

Table 0.1: Comparisons between 19/2049/FUL and 20/0748/FUL

- 3.10 In addition to the information provided above the new parking area will be on lower land and the parking layout would be altered to provide as follows:
- Under 19/2049/FUL: 25 coach spaces and 11 minibus spaces
 - Current proposal: 11 coach spaces and 21 minibus spaces

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: [No comments received. Any comments received will be verbally updated at the Committee meeting]

4.1.2 Hertfordshire County Council – Highway Authority: [No objection, conditions recommended]

“Comments / Analysis:

The proposal comprises of an extension to the existing site for use for commercial vehicle parking and associated works at The Paddock, Little Oxhey Lane, Carpenders Park. Little Oxhey Lane is designated as a classified ‘B’ secondary distributor road, subject to a speed limit of subject 40mph and is highway maintainable at public expense. The site is located approximately 100m west of the junction with the A4008 Oxhey Lane.

The proposals include alterations to the existing layout and extension to the site to create a total of 12, 45 mini-bus /light goods vehicle parking bays (stated as 41 in the application form) and nine car parking bays, the layout of which is shown on submitted plan no. 201304/PL/505 G. There is an existing vehicular egress/ingress from Little Oxhey Lane, which will remain as existing and is considered to be acceptable for the type of use.

Transport Statement:

A Transport Statement (TS) has been submitted as part of the application. Details of the existing and proposed trip generation have been submitted, which detail an increase of up to 134 movements on a typical working weekday resulting in an expected total number of 322 movements. The overall proposed trip generation would not be considered significant enough to recommend refusal for the proposals from a highways perspective, particularly as the proposals are an extension of an existing use.

A swept path analysis plan for an 11.2m coach has been included as part of the TS, the details of which are shown on drawing number 19.124-006. The details are considered to be sufficient and acceptable to demonstrate that vehicles would be able to turn around within the confines of the extended site and egress to the highway in forward gear. The layout of proposed parking arrangement is therefore considered to be acceptable by HCC as Highway Authority. Although a swept-path has not been included for a mini-bus, this is considered acceptable when taking into consideration that a coach would be the largest of the vehicles and therefore a minibus would also be able to safely turn within the proposed arrangement of the site. Provision would need to be made to ensure that surface water is collected and disposed of on site and does not discharge onto the adjacent highway.

Conclusion:

HCC as Highway Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of the planning conditions and informatives.

1. Provision of Parking and Servicing Areas – When shown on plan

Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Construction Management

The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)."

4.1.3 Hertfordshire County Council – Ecology: [No objection, subject to condition and informative]

"We have commented on similar applications at this address in the past, most recently in our letter of 4 March 2019. Circumstances remain largely the same; the site supports little intrinsic ecological interest and there are few ecological constraints; consequently our comments are broadly similar though updated to reflect current knowledge of the area and change in biodiversity policy and law.

As modifications to the building are proposed, bats that depend on the property to roost or shelter could be harmed. Bats are protected under domestic and European law and in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost or place of shelter.

*However, given the age, design and condition of the building to be modified, the likelihood of bats roosting or sheltering in the building is slight and, therefore, a precautionary approach is appropriate. Consequently, I recommend that the following **Informative** should be added to any consent:*

“Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”

The planning system aims to deliver overall net gains for biodiversity where possible. Therefore the landscaping scheme provided in the Planning Statement is welcomed and should be secured by Condition along with a commitment to its long-term management. Such an approach would ensure that the development met expectation by providing a modest net gain.”

4.1.4 Herts & Middlesex Wildlife Trust: [No comments received. Any comments received will be verbally updated at the Committee meeting]

4.1.5 Landscape Officer: [No objection]

“The current application is accompanied by an amended arboricultural impact assessment, including an amended tree protection plan and method statement. Objections, from an arboricultural point of view, were not raised in respect to previous layouts. I am happy with the contents of the amended AIA, and the proposed woodland planting is a welcome addition to the site. In light of the above I do not wish to raise any objections to the proposal.”

4.1.6 National Grid: [No comments received. Any comments received will be verbally updated at the Committee meeting]

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 4

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 20.05.2020.

4.2.4 Press Notice: Not applicable.

4.2.5 Summary of Responses: None.

5 **Relevant Planning Policy, Guidance and Legislation**

5.1 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.

5.2 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 DM1, DM2, DM4, DM6, DM7, DM9, DM13 and Appendices 2 and 5.

5.3 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).

Supplementary Planning Guidance No.3 - Extensions to Dwellings in the Green Belt (adopted August 2003).

6 **Reason for Delay**

6.1 Committee cycle.

7 **Planning Analysis**

7.1 Site Visit

7.1.1 Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken on-site by the Case Officer, although a visit was made during the process which involved observing the site from both Little Oxhey Lane and Oxhey Lane. It should be noted that a detailed site visit was also undertaken by the Case Officer in November 2019 as part of planning application 19/2049/FUL. This application is also accompanied by photographs and other platforms, such as Google maps and Google Street View were also used to aid the Officer’s assessment. It is considered that the information, specifically the Case Officer’s site visit and photos taken by the Case Officer at that time (November 2019) have enabled the LPA to assess the application.

7.2 Overview

- 7.2.1 In 2013 planning permission was granted at the application site under reference 13/1810/FUL for the demolition of the former stable block and temporary buildings and the erection of a vehicle service building (Use Class B1) along with ancillary works including planting and fencing to boundaries. This permission was granted by the Local Planning Authority in December 2013 and was subject to a number of planning conditions to enable a degree of control over the permitted use and future development within the site due to its location within the Metropolitan Green Belt. The conditions included soft landscaping (Condition 8), parking restrictions (Condition 9) and the removal of permitted development rights for the bungalow (Condition 12).
- 7.2.2 Following the implementation of this permission and subsequent engineering operations to the field, the application site significantly increased on-site parking after failing to implement a number of soft landscaping areas as required by Condition 8 of 13/1810/FUL. By virtue of the above changes the applicant was also in breach of Condition 9 of 13/1810/FUL which restricted and confined parking levels to no more than 12 company vehicles towards the west.
- 7.2.3 After the applicant was made aware of the breach, a part retrospective planning application was submitted under reference 17/0397/RSP and included the creation of an additional parking area and part change of use of the existing dwelling to include an office and training room. The permission was granted subject to a number of restrictive conditions.

7.3 Impact on Green Belt and openness

- 7.3.1 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt or which would conflict with the purposes of including land within it. Policy CP11 is supported by Policy DM2 of the Development Management Policies LDD and relates to the construction of new buildings and extensions and states that extensions in the Green Belt that are disproportionate in size to the original building will not be permitted.
- 7.3.2 With specific regards to the loft conversion including the inclusion of dormer windows and rooflights and the alterations to the porch fenestration, paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt or which would conflict with the purposes of including land within it. Policy CP11 is supported by Policy DM2 of the Development Management Policies LDD and relates to the construction of new buildings and states within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance. buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) **the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;**
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.3.3 Disproportionate additions/extensions are not defined within local planning policies or within the NPPF. However, the Supplementary Planning Guidance 'Extensions to Dwellings In the Green Belt', which was adopted in August 2003, states that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable with the following exceptions: 10(c) dormer windows proportionate to the existing building. Whilst the SPG is extremely dated, it does provide useful guidance and thus is given weight in the assessment process. From the planning history of the site it is unclear as to whether the existing building on site which is a mixed use has been previously extended. Based on the available information and having regard to the SPG, the proposed dormer windows which would be set down from the ridge and set in from the flank elevations would fall within one of the exceptions listed within the SPG and thus would not result in disproportionate additions over and above the size of the original building. The proposed fenestration change to the porch and the addition of two rooflights would be minor alterations which would not cumulatively result in the changes appearing disproportionate. As a consequence the alterations and extensions to the roofslope would comply with Policy DM2 of the Development Management Policies LDD and would fall within one of the exceptions listed at paragraph 145 (c) of the NPPF. The extensions and alterations would therefore not impact openness.

7.3.4 Notwithstanding the above, the other aspect of the proposal involves the creation of new parking areas. As the local planning policies are silent in respect of engineering operations, paragraph 146 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The exceptions are listed as:

- a) mineral extraction;
- b) **engineering operations;**
- c) **local transport infrastructure which can demonstrate a requirement for a Green Belt location;**
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.3.5 During the planning submission 17/0397/RSP it was argued by the applicant that the application site represents "local transport infrastructure" for the purposes of paragraph 146 of the NPPF. Previously, whether the site represents local transport infrastructure was not considered at great length as the works failed to preserve the openness of the Green Belt and thus was inappropriate.

7.3.6 The supporting Planning Statement makes specific reference to mitigating any "visual harm" through the significant reduction in the scale of the new parking area and enhanced landscaping when compared with the previous refused scheme. It is also advised by the applicant that the Council could apply a suitably worded planning condition to require the reinstatement of the north parking area back to its current condition when this particular operation ceases at any time in the future. If accepted, this would require the removal of all hard surfacing, ancillary structures (i.e. lighting) and the importation of a significant amount of spoil. This is considered later on within the report.

- 7.3.7 Turning back to whether the site represents “local transport infrastructure” it was noted that Counsel Advice provided by the applicants concluded that the site did constitute local transport infrastructure. The reasoning was that Lucketts provided essential services to local education and social services, served a local market and where heavily reliant on the area for employees. When considering the Council Advice and the fact that the Operator in question bases its entire operations from the site, it is agreed that the site and proposed works would represent “local transport infrastructure” and by virtue of its use would require a Green Belt location.
- 7.3.8 Notwithstanding the above and as per engineering operations (para 146(b)), the development must preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt. The five purposes of the Green Belt are set out at paragraph 134 of the NPPF and seek to a) check the unrestricted sprawl of large built-up areas, b) prevent neighbouring towns merging into one another, c) assist in safeguarding the countryside from encroachment, d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.3.9 The application site is located in-between two settlements, Carpenders Park to the west and Hatch End to the south. Both settlements are separated by extensive open countryside largely free of built form development. The application site is positioned on the corner of Little Oxhey Lane and Oxhey Lane and forms part of a small cluster of development which has no association with either settlement nor can it be regarded as falling within either. The adjacent development includes a garden centre to the north, a small stable building to the south and two residential dwellings to the east. Consequently, whilst the proposal seeks to urbanise the remaining open part of the site, based on its locational context, it is not considered to conflict with any of the purposes of the Green Belt.
- 7.3.10 However the development would still be required to preserve the openness of the Green Belt. In terms of openness, the PPG states that a number of factors are relevant when making an assessment and these include spatial impacts, visual impacts, the degree of activity and the duration of development. Consequently, it is not solely the “visual” harm as referred to by the applicant that is important, there are multiple variables which must be considered. However, as the site can be regarded as local transport infrastructure it is clearly Government policy to allow such developments in the Green Belt which are likely to have an impact, albeit it is the extent of the impact which is of importance.
- 7.3.11 Furthermore, previous planning decisions are a material planning consideration. The existing parking area was considered under planning application 17/0397/RSP whereby it was concluded that it would have a significant impact on openness as detailed below and thus constituted inappropriate development in the Green Belt:

“Due to the significant size of the concrete area, the presence of large transportation vehicles and their subsequent movements within the site would significantly impact on the openness of the site when compared to its previous condition when it formed part of the adjacent field and was absent of any built form and activity. The stationing of vehicles therefore currently erodes openness and spreads activity further into the site which is open in character.

The use of the "additional parking area" and the presence of vehicles (in the excess of 12) within the parts of the site approved under planning permission 13/1810/FUL have also intensified the use of the site materially beyond its historic use. As a result, the activity generated on site through vehicular movements has a harmful impact on the Green Belt.

In addition to the identified harm to openness, there is visual harm to the landscape and to the character of the area which is largely characterised by open fields and minimal forms of development. Whilst it is noted that a garden centre exists immediately opposite, the

presence of large vehicles is considered at odds with the rural character of the area. To mitigate the visual impact, the applicant has proposed two new landscape areas (Area A and Area B) which seek to reduce the presence of large vehicles from certain vantage points from Oxhey Lane to the east and Little Oxhey Lane to the north. Whilst planting on this scale is beneficial and would partially screen vehicles, it would not outweigh the harm caused by the erosion of openness within this part of the site as set out above. As a result, the "additional parking area" results in an inappropriate form of development and other harm by virtue of its visual impact. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The National Planning Policy Framework states that when considering proposals, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations."

- 7.3.12 The existing parking area was permitted but only on a temporary (5 year basis which expires on 2nd May 2022) and personal basis (personal to Lucketts) as a result of the material considerations put forward in favour of the development. The submitted material considerations were considered, on balance, to outweigh the inappropriateness of the development, harm to openness and any other harm (visual impact on the local character).
- 7.3.13 The current submission seeks to permanently retain the temporary parking area and also proposes a new substantial parking area within the remaining open part of the site with gabions, retaining walls and low level lighting which would be lit continuously. The proposed new parking area would cover approximately 2423m², a substantial area which would be read in conjunction with existing areas of hardstanding across the established part of the site. The new area would also be used by large transportation vehicles (potentially up to 21 minibuses and 11 coaches). Whilst the land would be lowered significantly, it would still be the highest part of the site. This part of the site is currently free of built form development and thus the introduction of a significant number of vehicles and their subsequent movements would spread development across the entire site and therefore dramatically alter its character and appearance, thereby having a harmful spatial impact on the Green Belt. Whilst the site is partially screened from the above mentioned roads and new planting is also proposed, this would not reduce the presence of the development from outside the site. This proposal also seeks to introduce earth bunds along the perimeter of the new parking area in a further effort to minimise the visual impact from outside the site looking in. Whilst the earth bunds and new planting would assist in reducing the visibility of the parking area, it would not completely mask the development. For example, the bunds in themselves would become relatively prominent features along Little Oxhey Lane and would also reduce openness, to some extent, given their height. In addition, the entire site is heavily visible from Oxhey Lane, between the application site and the adjacent stable building and thus views of a large expanse of vehicles would be possible at this vantage point. Turning to the new planting, this undoubtedly has the potential to assist in reducing the presence of the development, however from the details submitted the majority of the trees to be planted would be extremely small at 8-10cm. This would therefore require a significant period of time to mature to such a level that would assist in screening parts of the new parking area.
- 7.3.14 Additionally, the increase in the parking area would generate greater on-site activity (up to 134 movements on a typical working weekday) during the day. This additional activity within the most open part of the site must also be considered to have an impact on the openness of the Green Belt.
- 7.3.15 Whilst acknowledging that the site represents local transport infrastructure, given the scale of the proposed parking areas (including the existing temporary parking area) it is considered to fail to preserve the openness of the Green Belt and thus cannot fall within the exceptions listed at paragraph 146 of the NPPF. The development (excluding the extensions and alterations to the building) would therefore constitute inappropriate development within the Green Belt and would also have a significant harmful impact on the

openness of the Green Belt. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.4 Any other harm

7.4.1 The following sections will now assess whether there would be any other harm associated with the development along with its inappropriateness and significant impact on openness of the Green Belt.

7.5 Impact on local landscape, character and streetscene

7.5.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect all development proposals to have regard to the local context and conserve the character, amenities and quality of an area. Policy DM7 of the Development Management Policies LDD (adopted July 2013) also states that the Council will require proposals to make a positive contribution to the surrounding landscape.

7.5.2 The southern side of Little Oxhey Lane is largely characterised by open fields which separate the settlements of Carpenders Park with Hatch End. The site is also highly visible from Oxhey Lane, although is partially screened in sections by mature trees. Both the Carpenders Park Garden Centre and the application site are the most prominent developments within the vicinity albeit the impact of the former is reduced by its set back from the road.

7.5.3 Due to the location of the site, positioned relatively near a road junction and neighbouring developments, it is not considered to have an adverse impact on the wider landscape character of the area.

7.5.4 In terms of the visual impact on the immediate character of the streetscene, the existing site currently has a harmful impact through the parking of coaches immediately against the Little Oxhey Lane frontage. It is acknowledged that this scheme seeks to alter the parking layout which would mean that minibuses would be parked adjacent to Little Oxhey Lane. Whilst a minimal improvement visually, the introduction of earth bunds along the perimeter of the site, especially Little Oxhey Lane will appear somewhat artificial and would unlikely screen the large expanse of new parking from public view. Whilst the visibility of the development would notably reduce towards the nearby road junction, views from Oxhey Lane would be achievable. Such views would be of a large expanse of vehicles which is at odds with the current open character of the site. It is acknowledged that the garden centre has a large car park so the presence of vehicles in the area is not uncommon. However, that said, the introduction of the earth bunds coupled with the significant expanse of vehicles would have a harmful impact on the character of the area which would weigh against the scheme.

7.5.5 In respect of the proposed dormer windows, the Design Criteria as set out within Appendix 2 of the Development Management Policies LDD states that they should always be subordinate to the main roof, set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall, respecting the character of the house if possible. Whilst the proposed dormers would be large, they would be set in significantly from both flank elevations, set back from the eaves level and set down from the ridge height. As a result the dormer windows would appear as subordinate additions and thus would be acceptable from a design perspective, subject to the use of appropriate materials.

7.5.6 The proposed fenestration change to the porch would be minimal and would not have harmful impact on the character or appearance of the building. The proposed rooflights shown on the rear roofslope also would not be harmful given their siting and limited number, avoiding a visually cluttered roofslope.

7.6 Impact on neighbouring properties

7.6.1 Policy CP12 of the Core Strategy states that the Council will expect all development proposal to protect residential amenities. Likewise, Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment or planned development and that external lighting does not have an unacceptable impact on neighbouring or nearby properties. Policy DM9 of the Development Management Policies LDD states that development proposals which include external lighting should ensure that there is no unacceptable adverse impact on neighbouring or nearby properties.

7.6.2 The closest residential properties to the application site are Laycot and Valley View which are located immediately opposite, separated by Oxhey Lane to the north east. The new parking area would bring vehicles closer to the north eastern boundary, albeit they would be on a lower land level, separated by existing and enhanced vegetation and a distance from the neighbouring dwellings of approximately 60m. To avoid unacceptable vehicle movements late at night which could have an adverse noise impact when background levels are at their lowest it would be reasonable to restrict the hours of use in the event of an approval. The applicant has made it clear that the majority of vehicles are all parked by 7pm each day with the site opening up from 6am.

7.6.3 The property opposite the site on Little Oxhey Lane is Carpenders Park Garden Centre. The development by virtue of its use would not have a detrimental impact on this property.

7.6.4 To mitigate impacts on neighbouring amenity, it would be reasonable to request specific details of the external lights and their light spill, albeit their height at 1.8m is relatively low and restrictions on the use of the new parking area which should avoid unacceptable impacts to residential amenity.

7.6.5 As a result, subject to planning conditions protecting neighbouring amenity, it is not considered that the development would be harmful to nearby properties.

7.7 Impact on trees / landscaping

7.7.1 Policy DM7 of the Development Management Policies LDD states that proposals for new development should be submitted with landscaping proposal which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate. It goes on to state that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.

7.7.2 A number of individual protected trees exist along the site boundaries of Little Oxhey Lane (TPO291) and Oxhey Lane (T533). The submitted Arboricultural Impact Assessment indicates that the proposed excavations and subsequent parking area would not encroach any tree protection areas. However, the subsequent placement of earth bunds would slightly encroach two Oak trees (both recognised as category C tree of limited amenity value); however, both are considered to be in a "mortality spiral of decline" and thus should not represent a material constraint on the creation of the bund nor would they do required to be removed. No trees are proposed to be removed across the site.

7.7.3 A relatively comprehensive soft landscaping scheme has been submitted across the north and north eastern part of the site. Two TPO's have relatively recently been removed along the Little Oxhey Lane boundary after approval was granted by tree works application 19/1765/TPO. This application still incorporates their removal as part of the submitted scheme and seeks to compensate their loss with new trees.

7.7.4 The submitted landscape scheme seeks to plant 53 trees and a high quantity of native shrubs to form woodland areas. The Landscape Officer has no objection to the submitted scheme which is considered acceptable and would offer various benefits to biodiversity. However, importantly, it would not outweigh the harm to the visual amenity of the area.

7.8 Ecology impacts

7.8.1 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.

7.8.2 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. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by proposals minimising impacts on and providing net gains for biodiversity, including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.8.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application. During the application process Hertfordshire Ecology have stated that the site supports little intrinsic ecological interest and there are few ecological constraints. However, through the extensive use of new landscaping there will be net gains for biodiversity which would weigh in favour of the development.

7.8.4 In the event of an approval, specific details of the external lights will be required and an informative requested by Hertfordshire Ecology should be added.

7.9 Flooding and drainage

7.9.1 Policy DM9 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would unacceptably exacerbate risk of flooding elsewhere.

7.9.2 The application site is located in Flood Zone 1; however, given the nature of the application involving significant earth movements and hard surfacing the proposal is supported by a Sustainable Drainage Assessment. The proposal would introduce a below ground cellular infiltration/attenuation tank and pipe network, designed to manage the 1 in 100 year store plus an extra allowance of 40% for the predicted increase in climate change. Drainage channels are also proposed and would be connected to the sustainable drainage system. A management and maintenance schedule has also been provided although it is indicative at this stage. The drainage details would be acceptable and in the event of an approval conditions would be required to ensure it was constructed and managed throughout its lifetime.

7.10 Highway safety and parking provision

- 7.10.1 Policy CP10 of the Core Strategy (adopted October 2011) states that all development should demonstrate that it provides a safe and adequate means of access. The NPPF at paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.10.2 Due to the nature of the development it is hard to quantify the required parking levels when applying the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD.
- 7.10.3 The application has been accompanied by a Transport Statement which suggests that the proposed additional vehicle parking is required to alleviate congestion within the existing site constraints and to allow for organic growth in the future. The statement also states that the business has an existing fleet of 17 coaches, 17 PSV minibuses and 130 8-seater minibuses, the latter of which are usually kept off-site at the drivers' home addresses.
- 7.10.4 Based on traffic activity the statement states that the site could generate 382 movements over an 11 hour day, an increase of 134. However, the statement makes it clear that this is subject to the applicant securing contracts in the future. The swept path analysis show that vehicles would be able to manoeuvre within the site which is already served by a large entrance on Little Oxhey Lane.
- 7.10.5 Based on the submitted details the Highway Authority consider that the overall trip generation would not be considered significant enough to recommend refusal. If planning permission is approved a Construction Management Plan would be required to mitigate any impacts from the works which would involve substantial earth movements. It would also be necessary to condition that the Oxhey Lane access can only be used in the case of emergencies given the nature of the highway and that the parking spaces within the new parking area are marked out to ensure on-site management.
- 7.11 Amenity levels
- 7.11.1 The bungalow changed its use to a mixed use (office, training room and residential) in 2017 when planning permission was granted under 17/0397/RSP and involved the reinstatement of a garden serving the bungalow. The garden has not yet been undertaken and is used for parking.
- 7.11.2 This application proposes a new garden of 200sqm which far exceeds the indicative amenity standards as set out within the Design Criteria and thus is acceptable. In the event of an approval the garden area must be installed within a shortened timeframe to enable outside space for the residential occupants and staff.
- 7.12 Summary of 'any other harm'
- 7.12.1 Notwithstanding the inappropriateness of the development and the impact on openness in respect of Green Belt policy, harm has been identified to the visual amenity of the area. However, it is necessary to now consider whether any material planning considerations exist, either individually or collectively, which could be classed as 'very special circumstances' which clearly outweigh the inappropriateness and harm to openness of the Green Belt.
- 7.13 Very special circumstances
- 7.13.1 The NPPF at paragraph 144 makes it clear that 'substantial weight is given to any harm to the Green Belt' and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.13.2 The Planning Statement submitted with the application was absent of any information regarding the reasoning as to why the new parking area is required and what benefits this will bring to the existing business and wider community. Further information was therefore requested and was later submitted in the form of an Addendum
- 7.13.3 Under planning application 17/0397/RSP permission was granted for an additional parking area for 5 years, personal to the applicant's business. This parking area was immediately adjacent to the access and on a similar land level to the parking areas found around the bungalow and service building. As discussed above this was granted on the basis that there were sufficient material considerations which collectively constituted very special circumstances to allow inappropriate development in the Green Belt. The Officer report for 17/0397/RSP states that the social benefits, lack of available sites, loss of an important local business, local of local jobs and the previous grant of a service building led to there being material considerations constituting very special circumstances. The Officer report did however make it clear that sufficient justification did not exist to grant planning permission on a permanent basis.
- 7.13.4 Whilst the temporary grant of 17/0397/RSP is a material consideration, the current proposal seeks to substantially increase on-site parking and thus cause even greater harm to the Green Belt and to the visual amenity of the area in comparison to the permitted scheme, although it is accepted that this scheme has been reduced in comparison to the previous refused application. Consequently, whilst the Local Planning Authority has previously accepted that very special circumstances existed, a new assessment must take place and be balanced against the proposal and the proposed harm identified.
- 7.13.5 From information submitted under previous applications and the Addendum it is recognised that the applicant's business, a transport operator, provides transport (taxi, bus and coach services) including for local education and Hertfordshire County Council Social Services. In November 2014 the company lost the use of its other site which it was renting by Bushey Station. Due to the loss of this site, the company has based its entire operation from the application site ever since. From the information submitted it suggests that the business rapidly expanded to serve the communities in Three Rivers and Watford and has a current workforce of 400 drivers, mainly for taxis for private travel and community services.
- 7.13.6 Paragraph 83(d) of the NPPF states that planning decisions should enable the retention and development of accessible local services and at paragraph 84 that decisions should recognise local business needs. This follows Policy CP6 of the Core Strategy which states that the Council will support development that provides for a range of small, medium and large business premises. It is acknowledged that the business is specialist and provides important community services such as daily transport of special needs children which is apparent from the submitted contracts with Hertfordshire County Council. The contracts provided appear to relate predominately to minibuses which would accommodate the new elevated parking area.
- 7.13.7 An important consideration is whether there are any alternative sites available locally given the nature of the business. The Addendum states that searches with Estate Agents, Land Purchase Agents and Land Auctioneers have yet to find a site. Appendix A from a Chartered Surveyor indicates that the applicant has also been registered with them since May 2017 and no suitable site has been found. Notwithstanding this, it is recognised that there is a lack of alternative sites in the local area which given the nature of the business would likely to fall within a Green Belt location. The lack of alternative sites would therefore weigh in favour of the development.
- 7.13.8 The Addendum refers to the Council's 'call for potential development sites' which notes that a number of large sites locally have been included. It should be noted that the 'call for sites' was the start of the local plan process and no sites have been formally agreed or adopted at the current stage. The site allocations is still being drawn up. As a result no weight can be given to the fact adjoining and nearby sites have approached the Council for future

development and removal from the Green Belt. The NPPF at paragraph 136 makes it clear that once Green Belt boundaries are established they should only be altered in exceptional circumstances, through the preparation or updating of plans.

- 7.13.9 The submitted information appears to suggest that the additional parking is based on increasing demand and to provide a longer term solution for the businesses expansion. This is also dependant on winning contracts from Hertfordshire County Council. The contracts which have been submitted do not appear to include school runs which require coaches rather than minibuses. Further, the Transport Statement at paragraph 3.7 states that traffic generation is dependent on winning contracts. The ability to expand a business (i.e. to take on new schools) is not considered to be a very special circumstance nor has any evidence been provided which suggests that the business would have any financial issues if planning permission was refused, as can still operate from the site. It is acknowledged that new jobs may be created if contracts are obtained but there is nothing to suggest that this would occur. As a result, the ability to expand the business and increase jobs is given limited weight in favour of the development.
- 7.13.10 Having regard to the above it would appear that the development actually seeks to facilitate the business's future growth rather than an essential requirement to park current vehicles. The Transport Statement identifies that the current fleet has 17 coaches, 17 minibuses and 130 8-seater minibuses (usually kept offsite). There is no evidence which suggests that the 130 8-seater minibuses must be kept on-site. Based on the existing fleet numbers it has not been demonstrated that the existing parking levels (including the temporary parking area) are not sufficient.
- 7.13.11 In light of the above it is acknowledged that the business is specialist in so far as it runs daily transport for special needs children and those with disabilities; however, there is no evidence to suggest that this service as a whole is at risk if planning permission is refused. It is recognised that there are a lack of alternative sites and the expansion of the business would lead to new jobs.

7.14 Planning balance

- 7.14.1 Due to the location of the application site there are a number of factors to balance.
- 7.14.2 The above assessment has found that the development would be inappropriate within the Green Belt and would have a significant impact on the openness of the Green Belt (which must be given substantial weight). The development would also harm the visual amenity of the area.
- 7.14.3 In its favour, it is acknowledged that the scheme would enhance landscaping and biodiversity across the site. Further, the material considerations considered above in terms of expanding a successful and important local business which would likely create numerous local jobs would collectively be of moderate weight in favour of the development.

7.15 Conclusion

- 7.15.1 When balancing the above factors, by virtue of the sheer scale of the new parking area it is not considered that the material planning considerations in favour of the development are of sufficient weight to outweigh the identified harm to the Green Belt but would outweigh the harm to the visual amenity of the area.
- 7.15.2 It is not considered that the grant of a temporary planning permission or a condition requesting that the works revert back to the current condition of the land if the applicant was to cease operating are reasonable. The development proposed would be irreversible once undertaken and thus it would wholly unreasonable to require the removal of the works in their entirety and the reinstatement of the land back to its current condition.

8 Recommendation

8.1 That PLANNING PERMISSION be REFUSED for the following reason:-

R1: The proposed development (excluding the proposed works to the building) constitutes inappropriate development in the Metropolitan Green Belt as it fails to preserve openness as required by paragraph 146 of the NPPF (2019). By virtue of the scale, siting, additional activity and associated ancillary works the parking areas would have a significant impact on the openness of the Green Belt and would also have an adverse impact on the visual amenity of the locality. Whilst material considerations exist which weigh in favour of the development they do not individually or cumulatively outweigh the inappropriateness of the development and harm to the openness of the Green Belt. The development therefore fails to comply with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

8.2 Informatives:

I1 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 Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.