

PLANNING COMMITTEE – 19 October 2023

23/1328/FUL - Extension to existing hardstanding to create additional parking including associated pathway, bollards and landscaping at SHAFTESBURY COURT, MALVERN WAY, CROXLEY GREEN, HERTFORDSHIRE.

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 10.10.2023
(Agreed Extension of Time 23.10.2023)

Ward: Durrants
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be approved subject to conditions

Reason for consideration by the Committee: The application was called in by the Parish Council unless Officers were minded to recommend refusal as the Parish Council share the concerns of residents. (Officer comment: 4 objections were received in response to the consultation undertaken, these are summarised at 4.2.4 below).

To view all documents forming part of this application please go to the following website:
[23/1328/FUL | Extension to existing hardstanding to create additional parking including associated pathway, bollards and landscaping | Shaftesbury Court Malvern Way Croxley Green Hertfordshire \(threeivers.gov.uk\)](https://threeivers.gov.uk/23/1328/FUL)

1 Relevant Planning History

- 1.1 08/550/82 - Erection of 23 units for elderly persons and warden's accommodation – Permitted.

2. Description of Application Site

- 2.1 The application site relates to an irregular shaped parcel of land in between the buildings of Shaftesbury Court and St Oswald's Church. This land currently comprises of a tarmac access, pathways and an area of soft landscaping including lawn, planting and hedging.
- 2.2 Shaftesbury Court is a part single, part two storey building which currently provides sheltered accommodation for older persons.
- 2.3 St Oswald's Church and Church Hall are located to the south of the application site. Parking for the church and Shaftesbury Court is currently provided in the car park off Malvern Way in front of the Church buildings. This car park is a private car park for the use of people attending the Church, Church Hall and Shaftesbury Court.

3. Description of Proposed Development

- 3.1 This application seeks full planning permission for the extension to existing hardstanding to create additional car parking including associated pathway, bollards and landscaping.
- 3.2 The proposal includes a new access path which would be immediately adjacent to the southern elevation of the building. A hedge would be planted to the south east of this within the existing lawn, and beyond this the planting replaced with tarmac to allow for the creation of parking spaces for three vehicles. The agent has confirmed that the spaces would be physically laid out with painted white lines. A hedge would also be planted to the south east of the parking spaces adjacent to the footway. The existing grass verge to the west (other side of the access road from the parking spaces) would also be reduced in width in order to allow for the access and egress of vehicles into the new spaces. New concrete bollards would be installed along the edge of the grass verge.

3.3

During the course of the application the planning agent confirmed that the additional spaces will be for residents and staff members of Shaftesbury Court. Signage will be installed to inform other members of the public that these spaces are to be used by residents and sanctuary staff only.

3.4 Amended plans have been received to reduce the number of new spaces from 4 to 3, to incorporate additional hedging and to correctly show the shape of the existing building.

4. Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC object to the application and note and share the concerns of residents.

CGPC confirmed via email that they would request the application be called in unless Officers are minded to refuse.

Officer comment: The Parish Council made the above comments on the basis of the amended plans received.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 39

4.2.2 No of responses received: 4 objections.

4.2.3 Site Notice: Expired 15.09.2023 Press notice: Not required

4.2.4 Summary of Responses:

- Deliberate attempt to mislead including incorrect box ticking in application form
- Fumes could enter windows
- Safety concerns in relation to proximity to footpath
- Soft landscaping will be removed
- New parking area will impact access to bin store
- Incorrect footprint of building shown
- Impact on privacy
- Noise impacts
- Impact on access for emergency vehicles

5. Reason for Delay

5.1 Committee cycle.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 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.

6.3 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, 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 DM1, DM6, DM8, DM9, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1 and Appendix B.

6.4 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 Character and Street Scene

- 7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the ‘Design of Development’ and states that the Local Authority will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.

- 7.1.2 Policy CA1 of the Croxley Green Neighbourhood Plan sets out that new development should seek to conserve the key elements of the character and appearance of the Character Areas.
- 7.1.3 The proposed development would result in the loss of an area of existing lawn and planting with additional tarmac laid to create a wider access and the proposed parking area itself. However soft landscaping would be retained to the north of the spaces, and their visual appearance would be softened further either side by proposed hedging. Whilst the loss of soft landscaping is regrettable, when considered in the overall context of the setting of Shaftesbury Court and having regard to the proposed hedging which would be secured by condition, it is not considered that the proposed provision of additional hardsurfacing, concrete bollards and parking would appear incongruous. When considering its limited scale and the overall levels of soft landscaping which would be retained it is not considered that the proposed development would result in detrimental harm to the character of the application site or wider area.
- 7.1.4 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the application site, streetscene or area and the development would be acceptable in this regard in accordance with policies CP1 and CP12 of the Core Strategy in addition to Policy DM1 and Appendix 2 of the DMP LDD and the Croxley Green Neighbourhood Plan.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Policy DM1 and Appendix 2 of the Development Management Properties LDD provides further guidance and states that residential development should not result in a loss of light or loss of privacy to neighbouring dwellings.
- 7.2.2 Policy DM9 sets out that new development should not result in adverse impacts by virtue of noise pollution or air pollution levels.
- 7.2.3 It is noted that the new pathway would be closer to one of the ground floor windows of Shaftesbury Court than the existing footpath section. However the proposal is unlikely to directly increase the existing footfall along this footpath and in any event would not be significantly closer than the existing situation such that it would result in demonstrable harm.
- 7.2.4 It is noted that the proposal would provide 3 parking spaces closer to Shaftesbury Court which currently has no immediate parking bays. Whilst there is an access road it is understood this is currently for emergency access only. Nevertheless having parking bays adjacent to residential flatted development is not an uncommon situation and the overall disturbance would be limited to three vehicles. The closest space, which is marked as Bay 3, would also be sited 3m from the ground floor windows of the nearest unit and is angled away from the ground floor windows. The proposed hedging would also provide some additional separation and screening. Bays 1 and 2 would also be angled away from the ground floor windows and the central curved feature and external stairs would also provide further separation. Overall whilst there would be some additional noise and comings/goings it is not considered that this would be to such a degree that demonstrable harm would result to neighbouring amenity. Furthermore given the siting, orientation and limited number of bays, together with the provision of hedging, it is not considered that the proposal would lead to unacceptable levels of air pollution resulting in demonstrable harm to neighbouring amenity.
- 7.2.5 In summary it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the DMP LDD in this respect.

7.3 Trees and Landscaping

- 7.3.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states 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. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.
- 7.3.2 The application site is not located in a Conservation Area nor are there any protected trees on the site which could be adversely impacted by the development. The proposal includes the retention of some soft landscaping and the provision of replacement hedging which is considered to be acceptable in the context of the character of the site.
- 7.4 Highways, Access and Parking
- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 7.4.2 Parking for Shaftesbury Court is currently available to the south of St Oswalds Church. The proposal would result in the creation of 3 parking spaces closer to the main building which would be a benefit of the scheme. The parking would be to serve residents and staff of Shaftesbury Court. An area of hardstanding would be maintained to the south to allow for access of emergency vehicles and the provision of hedging would prevent cars overshooting onto the pedestrian footpaths. Furthermore the proposed spaces could be easily accessed as shown by the tracking diagrams and would be of a suitable size to accommodate modern cars.
- 7.4.3 Policy DM8 outlines that development will only be permitted where it would not unacceptable exacerbate risk of flooding. The proposed new surface is shown on the proposed plans to be permeable and there is also provision of soft landscaping surrounding the development in order to intercept any additional surface water run off.
- 7.4.4 Overall it is not considered that the proposed development would result in unacceptable harm in this respect. The proposal would therefore be in accordance with Policies CP10 of the Core Strategy and Policies DM8 and DM13 of the DMP LDD.
- 7.5 Wildlife and 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 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.
- 7.5.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.
- 7.6 Refuse and Recycling

- 7.6.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.6.2 The amended plans would now maintain access to the existing door within the semi-circle shaped part of the existing building. The recycling station would be relocated to the north of the existing access which is considered suitable.

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: 20118_SP03 REV C, 20118_SP04 and 20118_SP02 A

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF.

- C3 Prior to the first use of the development hereby permitted the parking spaces shall be physically marked on the ground as more particularly shown on plan number 20118_SP03 C.

Reason: In the interests of pedestrian and vehicular safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed

and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

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 01438 879990 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. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home> 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.