

**WELWYN HATFIELD BOROUGH COUNCIL  
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

**DELEGATED APPLICATION**

**Application No:** 6/2015/2174/VAR  
**Location:** 37- 48 Lambs Close, Cuffley, Potters Bar, EN6 4HD  
**Proposal:** Variation of condition 5 (retain car parking area) on planning permission S6/1998/0272/FP (Part cosmetic mansard and part full mansard incorporating 3 No. flats (amendments to planning permission S6/0986/90/FP))  
**Officer:** Mrs J Pagdin  
**Recommendation:** Granted

6/2015/2174/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>The site is a rectangular shaped parcel of land at the southern end of Lambs Close, Cuffley. Lambs Close is a cul-de-sac turning off Station Road in the centre of Cuffley Town. The Close is a development of four blocks of 12 flats (48 in total) built in the 1960's. Subsequent planning permissions were granted for the addition of mansard roofs providing an additional 23 flats (71 in total) and the provision of additional parking spaces within the close.</p> <p>The original layout included two areas of lock-up garages and open areas for vehicle parking – one at the northern end of Lambs Close (33 garages), the other at the southern end adjacent to flats Nos 37-48 (24 garages). In 2001 these two areas were sold at auction. The northern area subsequently gained planning permission for demolition of 33 garages and construction of five houses with provision of eight open parking spaces. The southern area has been the subject of several planning applications for residential development and recently of a Breach of Condition Notice and Planning Appeal. The site contains 11 garages in poor condition and an open level area with a loose gravel surface which is suitable for parking.</p> <p>The application site has a complex planning history. Recent applications to replace this parking area with residential schemes have been refused permission and dismissed at appeal on the basis of loss of this parking area.</p> <p><u>Planning permission is sought</u> to vary Condition 5 of a previous planning permission (S6/1998/0272/FP). The application was for construction of part cosmetic/part full mansards incorporating three No. Flats at Block D, Lambs Close and was an amendment to a previous planning permission (S6/0986/90/FP).</p> <p>Condition 5 required the provision, within one month of the date of that permission, and retention, solely for car parking, the area to the south of Block D, Lambs Close as identified on Drwg No 2. This plan identified 24 car parking spaces; eleven in garages and thirteen open spaces on the southern</p>

	<p>boundary.</p> <p>These spaces were intended to be provided for the residents of Blocks A, B, C, and D, Lambs Close. This application is simultaneous with planning application 6/2015/2173/FULL to build two elevated flats on the site while retaining 24 parking spaces. Three of the spaces would be for use by residents of the two new elevated flats. Twenty one would be retained for the use of residents of the other four blocks in Lambs Close.</p> <p>Cycle storage for the two new flats would be in an understairs storage near the door to those flats. Three freestanding cycle stores would be provided on the site adjacent to the bin stores for the new flats.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB – Greenbelt (3m from eastern edge of site)</p> <p>LCA - Landscape Character Area (Cheshunt Common)</p> <p>PAR - PARISH (NORTHAW AND CUFFLEY)</p> <p>WARD - NORTHAW AND CUFFLEY</p>
<b>Relevant planning history</b>	<p><b><u>6/2015/2173/FULL</u> - Erection of 2no two bedroom flats together with associated parking and retention of existing car parking spaces following demolition of existing garages. Pending.</b></p> <p><u>ENF/2011/003</u> – breach of condition 5 of S6/1998/0272/FP. Upheld on appeal 28.10.2014 for the following reason:</p> <p><i>‘Given the considerable harm I have found in terms of highway safety, the character and appearance of Lambs Close, and residential amenity the appeal on ground (a) must fail and I intend to refuse planning permission on the deemed application for discharge of Condition 5.’</i></p> <p><u>S6/2013/2646/FP</u> - 1 x detached dwelling. Change of use from parking to residential. Withdrawn 20.1.2014.</p> <p><u>S6/2012/1962/FP</u> – 1 x detached dwelling. Change of use from parking to residential. Refused 8.11.2012. Appeal dismissed 23.4.2013 for the following reason:</p> <p><i>‘I find that the development of a detached house on the appeal site, involving the permanent loss of garages and car parking spaces, would have a significantly harmful effect on the amenity of residents in Lambs Close and threaten highway safety, contrary to NPPF and DP Policy D2.’</i></p> <p><u>S6/2011/0413/FP</u> – erection of 1 pair of semi-detached houses and demolition of garages. Refused 17.6.2011.</p> <p><u>S6/2010/2466/FP</u> – erection of 2 semi-detached houses. Withdrawn 8.2.2011.</p> <p><u>S6/2006/1446/FP</u> - demolish garages and erection of 3 x 2 bedroom terraced dwellings. Refused 21.11.2006. (Southern end).</p> <p><u>S6/ 2006/0297/FP</u> - demolition of 33 garages and erection of 3 x terraced houses. Refused 3.5.2006. (Northern end).</p> <p><u>S6/2005/1560/FP</u> – demolition of 33 garages and erection of 5 x terraced houses. Refused 10.2.2006. Allowed on appeal 31.7.2006. (Northern end).</p>

<p>S6/2005/0042/FP – demolish garages and erection of 4 x 2 bedroom terraces dwellings. Refused 2.11.2005. (Southern end).</p> <p>S6/2003/1572/FP – demolish 11 garages and erection of 6 x 2 bedroom flats. Withdrawn 27.5.2004. (Southern end)</p> <p>S6/2002/1261/FP – demolition of 11 garages and erection of 7 x 2 bedroom flats. Refused 21.10.2002. (Southern end).</p> <p>S6/2002/1260/FP – demolition of 33 garages and erection of 13 x 2 bedroom flats. Refused 21.10.2002. (Northern end).</p> <p><b><u>S6/1998/0272/FP</u> – mansard roofs (revs to 1990/0986). Approved 8.6.1998. Condition 5 required provision of parking in accordance with Plan No 2.</b></p> <p>S6/1997/0656/P – new parking layout and replacement of existing garages. Approved 26.9.1997.</p> <p>S6/1990/0986/FP – addition of mansard roof. Refused 15.3.1991.</p>	
<b>Consultations</b>	
<b>Neighbour representations</b>	Object:2 Comment: 2
<b>Publicity</b>	Neighbour notification letters.
<b>Summary of neighbour responses</b>	<p>Four representations have been received from the public. Two were objections, which may be summarised as:</p> <ul style="list-style-type: none"> <li>• Overlooking of house and garden at 31 Theobalds Road: compromise privacy and security</li> <li>• Concerns over damage to TPO oak trees at foot of garden</li> <li>• Concern over stability of trees and damage to roots if garage structures are removed</li> <li>• The oak trees may impact on the development; dry soil and leaves/branches on the site or cause risk of subsidence.</li> <li>• Larger building footprint and outline than previously rejected proposals.</li> <li>• Similar impact on the closest flats in Lambs Close as previous applications.</li> <li>• Land should be retained for parking for residents of Lambs Close</li> <li>• Uphold parking enforcement for residents of Lambs Close should planning permission be granted.</li> </ul> <p>The two other representations were from Lambs Close Leaseholders Association (LCLA): commenting that the reduction in the number of spaces for residents of 71 flats in Lambs Close from 37 to 34 is a level of provision contrary to the Council's existing Car Parking Standards (2004). The 45 on-street space can be occupied by the general public (except for 2hrs midday) and are often fully occupied. Loss of garages would result in loss of storage for bicycles and motorcycles.</p> <p>The LCLA Requested that the parking spaces and freestanding secure cycle/motorbike storage be for the residents of Blocks A, B, C and D. Supports application subject to the two above items being secured by S106 Agreement.</p>

<p><b>Town / Parish representations</b></p>	<p>The Town/Parish Council has commented with the following:  <i>“The drawings are incomplete ? side elevation not shown. The development is out of character in the location. There would be hazardous fumes from cars arriving and leaving at peak times from underneath the building.”</i></p> <p><u>Officer comment:</u></p> <p>These comments relate to the proposed elevated flats and not to the issue of provision of adequate levels of/and retention of car parking.</p>
<p><b>Consultees and responses</b></p>	<p>Jason Grocock, N &amp; C PC (see above)</p> <ol style="list-style-type: none"> <li>2. Councillor George Michaelides – no response</li> <li>3. Councillor John Nicholls – no response</li> <li>4. Enforcement – no response</li> <li>5. Client Services – Required information about how bin store would be accessed, tracking information for refuse vehicle. Recycling bins should be provided for the new flats. Tracking information was satisfactory provided turning head kept clear.</li> <li>6. <b>Hertfordshire Transport Programmes &amp; Strategy – no objections subject to a condition requiring the layout and retention of car and cycle parking areas.</b></li> <li>7. Hertfordshire Ecology - no objection but recommends an informative advising steps to take prior to demolition in order to protect breeding birds.</li> <li>8. Landscapes Department – a more effective landscaping scheme would be required should planning permission be granted. TPO oak trees should not be pruned and an Arboricultural Method Statement and Tree Protection Plan are required.</li> <li>9. Network Rail - no objection but recommends conditions over drainage, demolition and construction method statement, additional 1.8m high fencing, lighting, soundproofing and landscaping with respect to Network Rail land and boundaries.</li> </ol> <p><u>Officer comments:</u></p> <p>These comments also relate to application reference number 6/20-15/2173. The relevant comments to this application are highlighted in bold.</p>
<p><b>Relevant Policies</b></p>	
<p>NPPF  D1 D2 GBSP1 GBSP2 M14 M6  Others  Supplementary Planning Guidance Parking standards 2004  Interim Policy for Car Parking Standards and Garage Sizes 2014</p>	
<p><b>Main Issues</b></p>	
<p>The main planning issues with this application are:</p> <ol style="list-style-type: none"> <li>1. Whether it is acceptable, in terms of the impact on the level of car parking and highway safety, that the condition be varied</li> <li>2. Other Material Considerations – previous and new conditions</li> </ol>	

## Analysis

### **1. Whether it is acceptable, in terms of the impact on car parking and highway safety, that the condition be varied**

The original permission has been implemented so there is no requirement to assess the principle of development again. The sole key issue to address is, therefore, the impact on the level of car parking and its implications for highway safety.

Saved Policy M14 of the Welwyn Hatfield District Plan 2005 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF (20112) and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing maximum standards within the SPG should be taken as guidance only.

The Enforcement Appeal decision was issued in 2014 and in accordance with the NPPF. The level of parking provision in Drawing No 2 (Condition 5 of S6/0272/98/FP) can be considered necessary for the existing flats (71 units) on this site. Consequently, any reduction in the provision of spaces within the site would be considered an exception to the adopted policy approach and would need to be justified. Clearly, this should not result in a significant increase in the demand for on-street parking within the immediate vicinity.

The previous vacancy of the garages was considered by the earlier Appeal Inspector to have arisen from concerns expressed by the residents of the flats over the high rents, lack of security and continual vandalism and not from an actual lack of demand for parking.

In practice, modern garages need to be wider than previously built in order to accommodate a car. This issue is recognised in the Council's Interim Policy on Garage Sizes 2014. Given the restrictions of the site size and layout it is likely that providing new garages for parking may result in a reduction in the number of spaces. Providing smaller garages for more general storage would not be in accordance with the spirit of Condition 5. Consequently, it is acknowledged that in order to provide useable garage parking on the site the number of spaces would be reduced.

Instead of reducing the number of parking places, the submitted scheme shows removal of the garages and provision of open parking spaces together with retention of 24 car parking spaces provided on the site.

The scheme also introduces two residential units above the ground level parking spaces. These residential units would themselves generate a demand for additional car parking. The required car parking provision (Supplementary Planning Guidance Parking 2004) for a two bedroom flat is 1.5 parking spaces. The proposed development would create 2 x 2-bedroom flats and so give rise to a demand for 3 additional parking spaces. The submitted layout would provide three spaces for the proposed flats in accordance with the adopted standards but this would result in the loss of 3 spaces reserved for existing flats.

Pre-application advice required such a shortfall to be justified and the impact minimised through car-free agreements for the proposed units and provisions for (or contributions to) alternative transport modes.

In response, the proposal includes cycle storage for the two proposed flats in an under-stair storage unit. Details of this facility and its provision prior to occupation of the car parking spaces shall be required by condition on any planning decision (this application and 6/2015/2173/FULL).

In addition, the loss of three parking spaces would be partly compensated for by the allocation of space within the site for three storage facilities for two wheeled vehicles. Details of these have not

been submitted but shall be required by condition. Conditions shall also require the approved details be implemented and maintained as available for residents of Blocks A, B, C and D Lambs Close.

Securing the parking spaces for the use of residents of Lambs Close needs to be achieved and maintained for the long term. This shall be achieved by conditions and reinforced by a S106 Agreement ensuring the parking is managed and allocated by the Lambs Close Leaseholders Association (or its successor should it cease to exist in its current form). The applicant has indicated their willingness to enter into such a S106 agreement.

Taking all of the above into account, the proposal is not considered to result in discernible changes over existing with regard to its impacts on the residential amenity. It, therefore, satisfies policy D1 in this regard and is not contrary to the relevant paragraphs of the NPPF.

## **2. Other Material Considerations**

### **Condition 5**

The previous application was granted permission subject to a condition ensuring that sufficient car parking is provided in the interest of highway safety.

The development approved under application Ref. No. S6/1998/0272/FP has been partly implemented. However, the provision of some of the parking required by Condition 5 has not been completed. The proposed variation would enable the provision of an equivalent number of spaces within the southern parking court: 24 in total in open parking spaces.

Drawing No 2 includes parking in other locations than the southern parking court and still remains relevant to the remainder of Lambs Close. As such it should continue to be referred to in Condition 5.

Taking this into account, and subject to the proposed amendments to parking provisions being secured via a S106 Agreement it is considered reasonable to permit variation of the condition to refer to the new plan number 1139-301/revB with regards to the southern end of the site, in addition to the Drwg No 2 (which covers a wider area and includes provision of parking in other parts of Lambs Close).

It is necessary to carry forward this condition and the applicant would have to apply for planning permission for any further variation in car parking provisions on the application site.

### **Other conditions**

Condition 2 required pre-commencement submission, implementation and maintenance for 5 years after completion, a landscaping scheme. This condition is still relevant as some of the ground-works shown on Drawing 2 have not been implemented and so the development has not been completed and there may be further landscaping required should the full on-site parking provisions be installed.

Condition 3 required submission of samples of materials. The building works have been completed and this condition is no longer relevant.

Condition 4 prevented lopping of trees protected by TPO's. This latter is still relevant as there is a line of TPO trees along the western boundary of Lambs Close, which could be affected by any further landscaping works.

## **Conclusion**

The variation of condition five of planning permission S6/1998/0272/FP, subject to the securing car

and cycle parking for the use of residents of Blocks A, B, C and D Lambs Close and of the proposed flats in application no 6/2015/2173/FP, in accordance with Drwg No. 1139-301/RevB, would not have such a significant impact above and beyond the approved scheme that would lead to a different decision being given to that of the original application.

The proposed variation is therefore acceptable and recommended for approval subject to

- a S106 ensuring the parking is managed and allocated by the Lambs Close Leaseholders Association (or its successor should it cease to exist in its current form) and
- conditions (as outlined above) over landscaping, no lopping of trees, provision and retention of car parking and provision of cycle parking.

### **Conditions:**

1. The development shall only be carried out in accordance with a landscaping scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The scheme shall show:-
  - (i) which existing trees, shrubs and hedges are to be retained or removed;
  - (ii) what new planting is proposed, together with details of the species, size and method of planting;
  - (iii) what measures are to be taken to protect both new and existing landscaping during and after development.

The approved scheme shall be implemented and completed in all respects by not later than the planting season following completion of the development, and any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To enhance the visual appearance of the development.

2. No trees shall be felled, lopped, topped, damaged or otherwise destroyed, without the prior consent of the Local Planning Authority.

REASON: To ensure the preservation of trees listed in a Tree Preservation Order.

3. The car parking and garage spaces shown on Drawing No. 2, forming part of this permission, and with the exception of the area of the garages G26 to G36 and 13 open parking spaces adjacent to the south boundary of the site, shall be provided and marked out within one month of the date of this permission and shall subsequently be retained solely for that purpose for the use of residents of Blocks A, B, C and D of Lambs Close.

The car and cycle parking spaces shown at the south end of Lambs Close on drawing no 1139-301/revB forming part of this permission shall be provided and marked out for the use of residents of Blocks A, B, C and D Lambs Close and of the proposed flats in planning permission No. 6/2015/2173/FP prior to the first

occupation of the development thereby permitted and shall subsequently be retained solely for that purpose.

REASON: To ensure that sufficient on-site car parking is provided in the interest of highway safety.

4. Prior to the laying out of the car parking spaces, details of the three proposed freestanding secure and weatherproof cycle storage facilities shall be submitted and approved by the Local Planning Authority. The cycle stores shall not be implemented other than in accordance with those details and shall be installed and made available for use prior to the first use of the car parking spaces hereby permitted. They shall subsequently be retained in that condition.

REASON: To ensure that sufficient on-site cycle parking is provided in accordance with policies of the National Planning Policy Framework 2012 and Policies M6 and M14 of the Welwyn Hatfield District Plan 2005 and the Supplementary Planning Guidance Parking Standards 2004.

#### 1. REASON FOR APPROVAL

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Councils website or inspected at these offices).

#### **Informatives:**

1. This planning permission should be read in conjunction with the S106 Agreement dated 9 August 2016.

#### **Determined By:**

Mr A Mangham  
9 August 2016