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SECTION 73 PLANNING APPLICATION FOR THE VARIATION OF CONDITION 5 OF PLANNING PERMISSION S6/1998/0272/FP, TO ALLOW THE DEVELOPMENT OF THE CAR PARKING AREA TO THE SOUTH OF BLOCK D OF THE FLATS IN LAMBS CLOSE AND THE USE OF UP TO THREE OF THOSE PARKING SPACES BY THE RESIDENTS OF THE PROPOSED DEVELOPMENT, FOR THE DEMOLITION OF THE EXISTING GARAGES AND THE ERECTION OF TWO FLATS TOGETHER WITH PARKING AND THE RETENTION OF THE EXISTING PARKING SPACES FOR THE FLATS IN LAMBS CLOSE



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AT

THE GARAGES AND LAND ADJACENT TO FLATS 37- 48
LAMBS CLOSE, CUFFLEY, POTTERS BAR, HERTFORDSHIRE

PLANNING STATEMENT

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared in support of a section 73 planning application for the variation of condition 5 of planning permission S6/1998/0272/FP, to allow the development of the car parking area to the south of Block D of the flats in Lambs Close and the use of up to three of those parking spaces by the residents of the proposed development, for the demolition of the existing garages and the erection of two flats together with parking and the retention of the existing parking spaces for the flats in Lambs Close, at the garages and land adjacent to flats 37- 48 Lambs Close, Cuffley, Potters Bar, Hertfordshire.

1.2 The application site comprises a block of 11 garages and 13 open parking spaces together with access and turning space in a gated plot of land set to the rear of a large block of flats at the southern end of Lambs Close. The plot is well screened on its southern, eastern and western boundaries by mature trees and vegetation. Lambs Close is characterised by four large blocks of flats with parking and landscaping. It is an unremarkable enclosed street scene. The site is gated and has not been in use since early 2008.

2.0 THE APPLICATION

2.1 This is a Section 73 application for the variation of condition 5 of planning permission S6/1998/0272/FP at the garages and land adjacent to flats 37- 48 Lambs Close, Cuffley, Potters Bar, Hertfordshire.

2.2 Condition 5 states;

‘The car parking and garage spaces shown on drawing No.2 forming part of this permission shall be provided and marked out within one month of the date of this permission 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’.

2.3 The application seeks to allow the development of the car parking area to the south of Block D of the flats in Lambs Close and the use of up to three of those parking spaces by the residents of the proposed development for the demolition of the existing garages and the erection of two flats together with parking and the retention of the existing parking spaces for the flats in Lambs Close.

3.0 PLANNING POLICY

3.1 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004, the Development Plan is made up of the National Planning Policy Framework (March 2012), the District Plan (April 2005) and the Interim Car Parking and Garaging Policy (August 2014).

National Planning Policy Framework

3.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how they are to be applied. Section 38 (6) requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

3.3 Paragraph 6 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 advises that there are three dimensions to sustainable development: economic, social and environmental. In performing the 'social' role, it states that "the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being".

3.4 Paragraph 15 states that "policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally".

3.5 Paragraph 17 identifies 12 core land-use planning principles that should underpin both plan-making and decision-taking. This requires that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth" (bullet point 3). Moreover, planning should "encourage the full and effective use of land by re-using land that has been previously developed, providing that is not of high environmental value" (bullet point 8), and "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling" (bullet point 11).

3.6 Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Welwyn Hatfield District Plan

3.7 Policy SD1 of the District Plan – Sustainable Development – states development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Local Plan.

3.8 Policy R1 - Maximising the Use of Previously Developed Land – states the Council will require development to take place on land which has been previously used or developed.

3.9 Policy M1 – Integrating Transport and Land Use – states the Council will permit development in locations with accessibility to pedestrian and cycle routes and passenger transport services.

Interim Car Parking and Garaging Policy

3.10 This document requires that 1.5 spaces be provided for each of the flats. It states “Government guidance no longer requires councils to set maximum car parking standards”. Current Government guidance set out in the National Planning Policy Framework advises that “If setting local parking standards for residential and non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high emission vehicles.”

3.11 The Council's parking guidelines are therefore no longer to be treated as maximums, rather as guidelines.

4.0 ASSESSMENT

4.1 The critical factor in the consideration of this application is the presence of the Council's Interim Car Parking and Garaging Policy which was adopted in August 2014, importantly after the decision had been made in the enforcement appeal on the site. An enforcement notice (ENF/2011/003) was served in respect of the breach of condition 5 of planning permission S6/1998/0272/FP, which required the provision and layout of the parking spaces shown on plan No.2 of this permission. The notice was upheld, the Inspector opining that the parking spaces should be retained and used for the parking of cars for the flats in Lambs Close, as they were originally intended to be, in the interests of highway safety. However, at the time of the appeal, the Council's car parking standards were maximums and the car parking guidance contained in the National Planning Policy Framework was considered in a rather more strictly manner than it now is. In the intervening period since the enforcement appeal, the Council has adopted its Interim Car Parking and Garaging Policy and there has been a policy shift in the application of parking standards to development. There has been a general relaxation in the application of parking standards to new development.

4.2 Of particular relevance to the consideration of this application is the existence of a planning application made in 2012 for the erection of a single dwelling (ref. S6/2012/1962/FP) and in particular, the Highway Authority's consultation response regarding the application. The Highway Authority considered that the loss of the car parking spaces would not have an unacceptable impact upon the safety and operation of the highway;

"If the current proposal is implemented, the opportunity to re-use the site for car parking would be permanently lost. Therefore, the high authority's assessment of this planning application takes into account the wider impact of the proposal...

Lambs Close is within a built up residential area therefore vehicle speeds are relatively low. The safety concerns raised by the residents are noted but any additional movements created as a result of looking for a parking space during the last three years has not resulted in any recorded injury collisions that would lead us to believe the application would create a hazardous situation...

Hertfordshire County Council as the Local Highway Authority considers the proposal would not have an unacceptable impact on the safety and operation of the highway".

4.3 As the Highway Authority for the site, its opinion must carry significant weight in the consideration of a case such as this where highway safety is a material and important factor.

4.4 In addition to the presence of the adopted Interim Car Parking and Garaging Policy (August 2014), the deliberation of this application and whether it is necessary to retain the 11 garage spaces and the 13 car parking spaces in the enclosed, gated area to the south of Block D of Lambs Close rests on a number of factors. These are;

- the re- introduction of the spaces on this land would represent an increase in the number of parking spaces available to the occupiers of the nearby flats, to the benefit of the safety of the surrounding highway network
- the parking spaces on the site that are intended for the existing flats in Lambs Close have not been available since 2008 when a gate was erected across the entrance to the site, following fly tipping and fire damage
- in the absence of a planning permission to develop the site, it would most likely remain uncleared of the fly tipping rubbish and vandalised garages currently present: the parking spaces on the application site may never be re-used if an acceptable development proposal for the site is not found;
- the site is in a sustainable location, a matter of a few minutes walk from the centre of Cuffley with all the day- to- day facilities that such a village needs;
- the provision of the two flats would represent an increase in the number of residences within the borough as a whole.

The Adopted Interim Car Parking and Garaging Policy

4.5 The Council's adopted Interim Car Parking and Garaging Policy (August 2014) would require 1.5 spaces be provided for each of the two flats the subject of the concurrent planning application for the erection of a block of two flats on the site. However, these standards are now guidelines whereas at the time of the most recent applications on the site, they were maximums. It is accordingly considered that the provision of one space per flat would be entirely acceptable, particularly given the site's highly sustainable location.

4.6 Moreover, the Council's parking standards are guidelines, and the introduction of the National Planning Policy Framework has resulted in an overall policy shift away from maximum parking in the interests of encouraging the use of alternative means of transport, the reduction in the level of parking on the site of three spaces is entirely acceptable.

The re- introduction of the spaces on this land would represent an increase in the number of parking spaces available to the occupiers of the nearby flats, to the overall benefit of the safety of the surrounding highway network

4.7 In the event that the re- development of the site proceeds and only two parking spaces are required for the two proposed flats, there would be 22 parking spaces available on the site for the occupiers of the Lambs Close flats (as the proposed redevelopment of the site would provide 24 spaces in total). In addition to the 45 on- street parking spaces that are present along Lambs Close, this would total 67 spaces. There are 71 flats in Lambs Close. At very nearly one space per flat, this is considered to be an acceptable level of parking provision for the existing Lambs Close flats. This level of parking would be at a level only slightly lower than that approved in the 1998 application (ref. S6/1998/ 0272/FP) and would not result in an adverse impact upon highway safety in contrast to the site not being used for parking at all.

4.8 The variation of condition 5 and the development of the site would also remove the undesirable effects that arise from the current parking arrangements in Lambs Close. These effects are overcrowded parking areas, problems for disabled vehicle users, difficult manoeuvring for service vehicles, and damage to verges and landscaped areas. The removal of these issues would represent quite a significant benefit of the development, one which would have a large effect on the quality of life and amenities of the Lambs Close residents. The appearance of the close would be very much improved.

The parking spaces on the site that are intended for the existing flats in Lambs Close have not been available since before 2008 when a gate was erected across the entrance to the site, following fly tipping and fire damage

4.9 It is fully pertinent to this application to note that the parking spaces on the application site that are intended to be for the existing flats in Lambs Close have not been available for their use since before 2008 when a gate was erected across the entrance to the site, following extensive fly tipping and fire damage. In the time between 2008 and 2012, the lack of access to the garages did not result in any injury collisions along Lambs Close. The proposal did not have an unacceptable impact on safety and operation of the highway. This appears to have remained the case since 2012 and would remain the case subsequently. As there has not been any significant detriment to highway safety or resultant high and unsafe levels of on- street parking in the vicinity of Lambs Close since the erection of the gates, it is evident that there is not the demand for the level of parking originally provided for the Lambs Close flats or that which is required by condition 5 of planning permission S6/1998/0272/FP. The variation of condition to allow for a slightly relaxed level of parking on the site would therefore be entirely acceptable.

In the absence of a planning permission to develop the site, it would most likely remain uncleared of the fly tipping rubbish and vandalised garages currently present: the parking spaces on the application site may never be re- used if an acceptable development proposal for the site is not found

4.10 In the event that a planning permission for the site is not forthcoming, it would be likely that the site would remain undeveloped for potentially many years. If this were to be the case, the current vandalised and unsightly state of the site would persist, continuing to detract from the outlook and amenities of the nearby residents. It is also possible that in this state, the site would attract additional fly tipping and vandalism, further detracting from the area. While the site remains undeveloped, the parking spaces there would not be used with the associated potential impacts.

The site is in a sustainable location, a matter of a few minutes walk from the centre of Cuffley with all the day- to- day facilities that such a village needs

4.11 The site is in a sustainable location, a matter of a few minutes walk from the centre of Cuffley with all the required day- to- day facilities. Moreover, the site is very well connected with numerous bus services to the surrounding towns and villages, and the train station, all of which have connections further beyond. The site is therefore very well located in terms of access to means of transport other than the private car. Being in such a sustainable location, the provision of fewer car parking spaces for the existing flats than would be required from the original application and the Appeal Inspector would be entirely acceptable and in keeping with the principles of sustainable development.

4.12 Furthermore, though three of the parking spaces would provisionally be for the residents of the two flats the subject of this application, it is quite likely that given the flats would be two bed, that they be occupied by young families. This being the case, it is therefore also likely that the flats give rise to demand for only one parking space each. There would then be 22 spaces retained on the site for the existing flats in Lambs Close, an overall shortfall of two spaces beyond the existing situation should the parking area be brought back into full use. This level of shortfall of parking would be immaterial in the overall context of the site.

The provision of the two flats would represent an increase in the number of residences within the borough as a whole

4.13 Of relevance to the consideration of this application is that fact that the provision of the two flats would represent an increase in the number of residences within the borough as a whole. While this is not a significant figure, and the Council has sufficient a supply of land to meet its predicted five year housing supply target, this opportunity to provide two high quality modern standard flats in a sustainable location should not be allowed to pass, especially as it would assist in bringing back into use an additional 21 or 22 parking spaces for the existing flats in Lambs Close.

5 COMPLIANCE WITH POLICY

5.1 With regards to the relevant policies, it is evident from an analysis of them that the variation of condition 5 of permission S6/1998/0272/FP would be in compliance with them. Compliance with the parking standards has already been discussed in this statement. The policies listed in section 3 of this statement will be considered here.

5.2 Policy SD1 of the District Plan – Sustainable Development – states development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Local Plan. It is evident the development of the site would accord with the principles of sustainable development. Not only would the proposed flats be built to Code for Sustainable Homes Level 4 and would therefore be an environmentally responsible form of development, but the site being in a location with easy access to day- to- day facilities and public transport is such that it would be highly sustainable from this point of view too.

5.3 Policy R1 of the District Plan – Maximising the Use of Previously Developed Land – states the Council will require development to take place on land which has been previously used or developed. This would clearly be the case. It is a brownfield site and following the Council's pre- application response concerning the development of three flats on the site, it is felt that two flats would be the most that could be accommodated on the site.

5.4 Policy M1 – Integrating Transport and Land Use – states the Council will permit development in locations with accessibility to pedestrian and cycle routes and passenger transport services. The application site is in a location with excellent accessibility to pedestrian and cycle routes and in particular, to passenger transport services. The site is very well connected with numerous bus services to the surrounding towns and villages, and the train station, all of which have connections further beyond. These facilities are within 10 minutes walk of the application site. The site is therefore very well located in terms of access to means of transport other than the private car.

5.6 With regard to the NPPF, the development would be sustainable as explained and discussed in this statement. The development of the site would be in accordance with paragraphs 6, 7, 15 and 17 of the document. Further to meeting the environmental and social roles, the development of the site would also perform an economic role through the economic multiplier effect and the increase in expenditure in the local economy. The development of the site would proactively drive and support sustainable economic development to deliver the homes that are needed. The development would encourage the full and effective use of land by re- using land that has been previously developed, and it would actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

6 CONCLUSION

6.1 As has been fully discussed and explained in this statement, the proposed variation of condition 5 of planning permission S6/1998/0272/FP to allow the development of the car parking area to the south of Block D of the flats in Lambs Close and the use of up to three of those parking spaces by the residents of the proposed development for the demolition of the existing garages and the erection of two flats together with parking and the retention of the existing parking spaces for the flats in Lambs Close, would be in compliance with the relevant local and national policy guidance. The benefits that would arise from the variation of condition 5 and the subsequent development of the site would be significant and would outweigh any potential harm that may arise from the permission.

