

Development Control Committee Thursday 5th November 2015

Representations by Burns Drive Associates Ltd and Burns Drive Management Ltd. in opposition to planning applications 5.04 4/02839/15/FUL and 5.05 4/02840/15/FUL. Both applications propose to redevelop the garages originally intended for the residents of the flats at 9 – 143 Burns Drive, Woodhall Farm.

1. The buildings and land occupied by the 66 flats at Burns Drive are enfranchised and belong to the above two not for profit companies formed by the leaseholders. The garage and parking land (the application sites) could not be enfranchised, although the leaseholders still retain right of way over all the access roads and garage forecourts.
2. The garage and parking land was originally an integral part of the development of the flats in 1974. It was however sold off separately some time ago. This change in ownership does not however change its lawful use which is still as car parking.
3. The Committee report describes the land as "underused and unsightly" but this simply the applicants doing. The applicant describes the situation as the "historic displacement of parking" but this displacement is not the result of any accident, it has been engineered (see para. 7). The simple fact is that the application site is needed now and in the future to accommodate the car parking for the 66 flats.
4. Woodhall Farm is 3.6 miles from Hemel Hempstead town centre and 5 miles from the main railway station. People who live there need a car. A survey of all the flats taken this year showed that there are 77 vehicles associated with the 66 flats. The applicant has offered 31 spaces for the use of the 66 flats
5. If an application were made today for 66 flats in this location with 31 parking spaces that would plainly be unacceptable in highway terms given the Council's 1.5 spaces per dwelling parking standard. The importance and need for proper car parking provision in this location is emphasised by the application proposals which provide 10 car parking spaces for seven units.
6. The Highway Authority raises no objection but this relates to the details of the proposed dwellings and their parking. It does not consider (for some reason) the parking displacement issue or the highway danger that causes.
7. The parking displacement is a direct consequence of the applicant failing to maintain the garages and either clamping or ticketing cars parked in the parking spaces under the guise of an offshore company called Vald Holdings Inc. Just before an initial planning application earlier this year (which was withdrawn) the applicant switched the ownership of the land to Rodwell Property Ltd.
8. As a consequence, the parking problems in the middle of Woodhall Farm each evening and each weekend, shown clearly in the photographs below, will continue and get worse as vehicles become larger and more numerous.
9. The proposed dwellings may be generally acceptable in relation to planning standards etc. but that is not a reason in itself to grant planning permission. A housing development on the Green Belt would not be acceptable simply because all standards were met. That would be a matter of principle and the same is true here. Changing ownership and preventing access does not extinguish the authorised planning use of the land for which there is still a clear and much needed urgent demand.
10. While the planning system cannot compel the owner of the application sites to use the land for its authorised use, the planning system can resist proposals for unacceptable alternatives. By refusing such proposals the Council will be regulating the use of the land in the public interest. Such a refusal will give a significant, clear and important indication to the applicant (who one only assumes owns the sites for the purposes of redevelopment) that the appropriate use of the sites is as the parking areas for flats 9 -143 Burns Drive.
11. The companies, formed by the leaseholders, that own the land and buildings comprising the flats would, if possible, be willing to acquire the garage land (at a fair price), demolish the garages and create properly managed and landscaped open parking spaces that would solve these parking problems for good.
12. The Committee is therefore urged to reject both applications.



1. Burns Drive



2. Burns Drive



3. Burns Drive



4. Bronte Crescent



5. Bronte Crescent



6. Chaucer Walk



7. Chaucer Walk



8. Chaucer Walk