

Full Council Question (ref. FC11) from Cllr Guest on Tuesday 15 October:

Cllr Guest addressed Cllr Bromham, Portfolio Holder for Neighbourhood Operations in respect of parking solutions (verge hardening) and asked; is it legal information that the Council has highlighted regarding the status of leisure land that is preventing schemes being installed at the Galley Hill end of Spring Lane and the cul-de-sac end of Quinces Croft.

Cllr Bromham responded that due to the specific nature of the question, he would request that an email is sent setting out and requesting that particular information.

Cllr Guest requested that any response be sent to her ward Councillor colleagues. Cllr Douris pointed out that it is the general practice for answers to such questions asked at Council to be shared with all members.

Response:

The protection of parks and open spaces is covered by legislation (specifically the 1906 Parks and Open Spaces Act) and national and local planning policy.

National Planning Policy Framework (NPPF) states (paragraph 103):

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The areas referred to in the question form part of playing fields that are used for formal sports and information recreation. They are considered as open space/leisure space and were included within the Dacorum Open Space Study Assessment 2019. The saved leisure policy that reflects the requirements of the NPPF can be found in the Dacorum Borough Local Plan 2004.

Policy 75 Retention of Leisure Space

Building on leisure spaces will not be permitted unless:

- a) the proposal is ancillary to the leisure use of the land;
- b) a sufficient proportion of the site with appropriate facilities is retained in open use to meet the formal and informal leisure needs of the local population (see Policy 73 (b));
- c) there is a demonstrable surplus of sports pitches and informal leisure space;
- d) leisure space lost is replaced to an equivalent or better standard in an accessible alternative location; or
- e) there is an overall benefit to sport as a result.

In all cases the amenity, landscape and nature conservation aspects of the site will be taken into account.

Any proposal for development on leisure space would need to demonstrate how they meet the criteria detailed in Policy 75.

In addition, the areas identified are designated as open land within the Local Plan, and are protected by Policy 116.

Policy 116 Open Land in Towns and Large Villages

Open land forming part of the urban structure will be protected from building and other inappropriate development by applying the general provisions of Policy 9. Ancillary buildings and works, additions, replacement and redevelopment of buildings and changes of use must satisfy the conditions below:

- a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting;
- b) the integrity and future of the wider area of open land in which the new development is set must not be compromised;
- c) in addition, in the case of sites which accommodate existing uses regarded as inappropriate to an open land area, proposals must:
 - i. not have a significant adverse impact on the character and environment of the site or its open land setting; or
 - ii. result in overall environmental improvements to the site in relation to its open land setting.

Proposals to develop on other open land in towns and large villages will be assessed on the basis of the local contribution the land makes to leisure facilities, townscape, visual amenity, nature conservation and the general environment.

Measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

As a result any proposal would also need to meet the conditions set out in Policy 116.

There may also be other environmental considerations, such as the impact on nearby trees.