

**4/02201/16/FUL - INSTALLATION OF SIX PARKING BAYS.  
AMENITY LAND ADJ 28, NORTHEND, HEMEL HEMPSTEAD, HP3 8TL.  
APPLICANT: Resident Services - Gill Martinez.**

---

[Case Officer - Intan Keen]

### **Summary**

The application is recommended for approval.

The creation of additional car parking is acceptable in principle in this location. The proposed parking area would not have an adverse impact on the appearance of the street scene and would not harm significant trees. The development would not have an adverse impact on the residential amenity of neighbouring properties. There would no detrimental impact on highway safety.

The proposal is therefore in accordance with Policies CS4, CS8, CS11 and CS12 of the Core Strategy and saved Policies 58 and 99 of the Local Plan.

### **Site Description**

The application site comprises an amenity green located on the northern side of Northend, in front of three (four-dwelling) terraces in an L-shaped arrangement. The application site contains some vegetation particularly surrounding an existing parking lay by. A number of the trees on the green appear mature and are attractive features within the street.

### **Proposal**

Planning permission is sought for the conversion of part of the green and provision of hardstanding and a vehicle crossover to provide six off-road parking spaces and associated access off Northend.

Two spaces within the existing layby would be lost to facilitate access (vehicle crossover) to the spaces created on the amenity green.

The proposal would result in a net gain of four car parking spaces.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is Dacorum Borough Council.

### **Planning History**

Pre-application advice was given on the proposal to provide six spaces on the amenity green, as follows:

Planning permission will be required. This proposal should be acceptable as it would not have a detrimental impact on character and appearance of local area. It is noted that some existing spaces will need to be lost to achieve this scheme, so in the event of a planning application, it would be useful to know the net gain in parking spaces. In addition, the views of Highways will need to be sought to check for any issues

regarding visibility around the bend.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

### Core Strategy

Policies NP1, CS1, CS4, CS12, CS13, CS25, CS29 and CS31

### Dacorum Borough Local Plan (saved policies)

Policies 58 and 99  
Appendix 5

### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area HCA26 Northend  
Area Based Policies (May 2004) - Development in Residential Areas

## **Summary of Representations**

### 24 Northend

I support the installation of six additional car parking spaces as they are badly needed as people who have driveways tend to use the car parking spaces.

### Strategic Planning and Development

#### The Application

The applicant is Resident Services DBC applying to convert part of the amenity space along Northend in Hemel Hempstead into 6 parking spaces. The Council has an ongoing Verge Hardening Programme to create parking spaces from underused verges and communal grass areas. The programme addresses areas where a lack of parking is having a detrimental impact on DBC Services, emergency services and community safety.

The application suggests that the 6 new parking bays will be provided however it appears from Google Maps that there already exist 6 parking bays bordering the amenity space through which cars would have to pass to access the new parking bays provided on the amenity space. Therefore whilst 6 new parking bays will be provided on the amenity space as a minimum 2 spaces will have to be lost from the parking bays that border the amenity space to allow access to the new spaces. The existing provision is therefore 6 spaces. With the new amenity space the additional parking provision is 4 spaces (not 6 as stated in application) since 2 are lost from existing to provide access (6 existing – 2 spaces lost for access = 4 plus 6 added = 10 thus additional = 10 new minus 6 existing =4).

## The Policies

A meeting was held on 5<sup>th</sup> July 2016 between Philip Stanley (Team Leader DM), Laura Wood (Team Leader Strategic Planning and Regeneration) and Stephane Lambert (Strategic Planning and Regeneration Officer) concerning the second phase of the Council's Verge Hardening Programme. The meeting discussed the policy implications of the project with particular focus on the impacts on the 'openness' of urban areas. The outcome of the discussions was that whilst 'openness' should be protected a judgement needs to be made as to whether additional parking will resolve a parking problem in the area and thus the loss of 'some' green space can be justified. If this can be justified then it was agreed that it was a matter for the case officers to judge the overall merit of any application in light of other site specific issues such as loss of amenity space, spoiling of the visual aesthetics of an area, need for on-street parking and so forth. If the site in question had been designated as Open Land under saved Local Plan Policy 116 then a stricter level of 'merit' should be applied to taking away amenity space for use as parking. In this case the site is not Open Land.

## Conclusion

On the site specific merits of the application there could be a case made to provide these 6 parking bays to reduce inappropriate on-street parking on verges and so forth given the high demand for parking in the area. However consideration also needs to be given of the environmental impact of the loss of amenity open space.

## Trees and Woodlands

The proposal will result in the loss of approximately 50% of the grass area but this is acceptable provided the applicant agrees to mitigating measures recommended by the LPA. There are 2 young Norway Maple trees close to the proposed parking bays. The nearest tree is only 1.2 m away (it has a Root Protection Area of 3m) and even if it survives the impact of the development, its canopy will cover the first couple of parking spaces as the tree grows to maturity causing nuisance by dropping honeydew on parked cars. I recommend that this tree is removed and a replacement tree is planted on the same grass verge at a reasonable distance from the parking bays. The applicant is required to pay for removing the tree and grinding the stump and costs of purchase, planting and maintenance of the tree (maintenance for 3 years only).

## Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

## Decision

Hertfordshire County Council (HCC) as a Highway Authority does not object to the proposed amenity verge parking area. The proposal would not have a material impact on the highway network and may reduce some of the on street parking that occurs at present. However, the following informatives should be included within the decision notice should the Local Planning authority wish to grant planning permission. The highway authority recommends inclusion of the following Advisory Notes (AN) to

ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

Construction standards.

New or amended crossover – construction standards AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Obstruction of the highway AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Conclusion

The assessment does not indicate any significant issues with the proposal to create a single width vehicle cross over serving 6 off street parking spaces on amenity land

adjacent to 28 North End. The applicant may wish to consider marking on the carriageway some form of 'Keep Clear' or an H bar marking so that the access to the parking spaces is kept free at all times if persistent blocking of the access occurs. The highway authority would not wish to restrict the grant of planning permission subject to the above informatives.

#### Hertfordshire Highways - further comments based on amended plan

We do not normally mark up the highway into parking bays . I am assuming that the carriageway, layby in this case does indeed form part of the adopted highway. I would rather leave that out and let the local residents work it out for themselves. If left like this we may have cars sticking out into the carriageway , which would be dangerous in my opinion. Worst, the highway authority would be seen to be encouraging such a poor way of parking. Of course this already happens to some degree and again from what I recall from going to site and looking on mapping the bend of the road is heavily parked upon but again the HA would not want to formalise this parking.

The VXO leading to the new amenity seems slightly narrower? The egress would benefit from a 'keep clear' marking or an 'H' bar road marking but again that may need to be looked at a latter date if inconsiderate parking occurs that results in the access being blocked. Again the locals will empower all of this for themselves.

Further comments confirm that the proposed access arrangements are satisfactory.

#### Contaminated Land

I have no additional comments to make in respect to contamination.

### **Considerations**

#### Policy and Principle

Under the saved Area Based Policies, Development in Residential Areas Supplementary Planning Guidance, the terminology section defines amenity spaces and greens as small areas of open undeveloped land within residential areas which may be space for landscaping, grassed verges or areas, or play space but do not qualify as larger areas of structural open land defined in saved Policy 116 of the Local Plan.

Policy CS4 of the Core Strategy states that appropriate residential development in residential areas is encouraged. The application site is located within a residential area within the town of Hemel Hempstead. The proposed development involves the creation of parking spaces to serve local residents to Northend and surrounding streets and therefore would not raise any policy objections.

#### Impact on layout and appearance of street scene

In considering the appropriateness of part of the amenity green to be covered by hardstanding, it is important to note the significance of the green space within its environment.

Amenity space has been planned within the HCA26 - Northend neighbourhood layout,

although not extensively provided. The Residential Character Area statement goes on to state that amenity space adds to a sense of some spaciousness within the area. The retention of amenity land is encouraged under HCA26, however the guidance only discourages the inclusion of such land within domestic residential curtilages. As such, the character area guidance does not specifically discourage other development on amenity space including the provision of car parking.

This part of Northend contains a number of amenity greens which vary in shape and size. This one in particular in front of No. 28 has a wide street frontage, and currently accommodates a lay by for the parking of five cars.

The proposed car parking area would be largely screened by existing parking within the lay by from the perspective immediately opposite the site on Northend (to the south).

The provision of additional hardstanding to accommodate parking would compromise some of the hedges surrounding the existing lay by and potentially the large tree positioned centrally along the frontage of the green. If planning permission is granted it would be reasonable to attach a condition requiring planting elsewhere on the green to offset the loss of vegetation. This would also assist in softening the appearance of the new parking area from the east on Northend.

The use of a tarmac surface would significantly contrast with the green however in the interests of providing a safe and useable access this would not unduly harm the character and appearance of the amenity green.

The proposal is therefore in accordance with Policies CS12, CS13 and CS25 of the Core Strategy and saved Policies 99 and 116 of the Local Plan.

#### Impact on trees

As suggested by Trees and Woodlands the loss of the tree should be replaced on the green and as such any permission shall be subject to a landscaping condition.

#### Impact on neighbouring properties

The close proximity of cars relative to dwellings is not considered to result in unreasonable levels of disturbance. Specifically, the cars would be parked a minimum of 7m from the frontages of the nearest dwellings at Nos. 26 and 28 Northend. The proposed car parking area would be further be screened by existing boundary fencing to these properties.

The proposal is therefore in accordance with Policy CS12 of the Core Strategy.

#### Impact on car parking

The proposal would not raise any highway safety concerns noting comments from Hertfordshire Highways above.

#### Drainage

In order to meet the objectives of Policy CS31 of the Core Strategy with respect to

minimising run off from the proposed development area, it is considered reasonable to require details of surface water disposal by condition.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **the provision of a replacement tree on the green, including planting plan and written specifications, noting species and plant size; and**
- **details of surface water drainage from the development.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and to minimise water run off in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**DBC/016/001 (proposed layout plan) received 5 October 2016**

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

Construction standards.

New or amended crossover – construction standards AN1) Construction

standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Obstruction of the highway AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.