

**4/02292/16/FUL - INSTALLATION OF 16 PARKING BAYS ON THE AMENITY GREEN - 8  
AT EACH END AND TWO ASSOCIATED VEHICLE CROSSOVERS..  
AMENITY LAND, FLATFIELD ROAD, HEMEL HEMPSTEAD.  
APPLICANT: Resident Services.**

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[Case Officer - Matt Heron]

### **Summary**

The applicant has shown that there is considerable local support for the loss of this amenity space for parking provision and has therefore demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community. The principle of the development is therefore acceptable.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy in this regard.

### **Site Description**

The application site is located within a residential area of Hemel Hempstead. The site itself comprises an area of open amenity space which is enclosed by residential units on all boundaries. To south, east and west of the site there are two storey terraced units, constructed of buff brickwork under pitched roofs, and to the north of the site there are pairs of semi-detached units constructed of facing brickwork and render under pitched roofs.

### **Proposal**

The application seeks permission for the construction of 16 parking bays on the amenity green. These would be laid out in two sections of eight bays at each end of the amenity green. There would also be the construction of two new associated vehicular crossovers.

### **Referral to Committee**

The application is referred to the Development Control Committee as Dacorum Borough Council has an interest in land at the application site.

### **Relevant History**

None relevant.

### **Policies**

National Policy Guidance

## National Planning Policy Framework (the Framework)

### Adopted Core Strategy

NP1 – Supporting Development  
CS1 – Distribution of Development  
CS4 – The Towns and Large Villages  
CS8 – Sustainable Transport  
CS9 – Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 – Sustainable Design and Construction  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS31 - Water Management  
CS32 – Air, Soil and Water Quality

### Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the use of Urban Land  
Policy 57 – Provision and Management of Parking  
Policy 58 – Private Parking Provision  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 116 – Open Land in Towns and Large Villages  
Appendix 5 – Parking Provision

### **Summary of Representations**

#### **Comments received from consultees:**

**Dacorum Environmental Health** – No objection.

**Hertfordshire County Council Transport, Programmes and Strategy** – No objection received.

#### **Comments received from local residents:**

None received.

#### **Key Considerations:**

The main planning considerations in the determination of this application are:

1. The principle of the development
2. The quality of the design and the impact on the character of the area
3. The potential impact on the living conditions of the occupants of surrounding

neighbouring dwellings

4. Highways and parking

5. Other Material Planning Considerations

- (i) Contaminated Land
- (ii) Flooding and Drainage

The principle of the development

Saved Local Plan Policy 116 states that open land forming part of the urban structure will be protected from inappropriate development and that changes of use of such land must ensure that developments; relate well to the character of existing development, not compromise the future of the wider area of open land in which the development is set, do not harm the character of the area and result in an environmental improvement to the site.

In addition to the above, Policies CS25 and CS26 seek to ensure proposals preserve or improve landscape features and that the Green Infrastructure Network is protected, extended and enhanced. Notwithstanding this, Policy CS26 does state that development of open space can aid in contributing to a greater range of uses for urban green spaces.

The above mentioned local policies are broadly consistent with Section 8 of the Framework, as Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities. Furthermore, Paragraph 74 states that existing open space should not be built on unless a number of criteria can be demonstrated. One such criteria is that an assessment has been undertaken which clearly shows that the open space is surplus to requirements.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

The applicant has also submitted consultation responses received as a result of the Verge Hardening Project from surrounding neighbouring properties. This demonstrates large scale support for this development within the local community.

Taking all of the above into account, though it is acknowledged that the application site does provide a visual break from more intensive built urban form, it is considered that the applicant, through conducting a full consultation process which shows considerable support for the loss of this amenity space for parking provision, has clearly demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area (Bennets End Playing Fields as an example) and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered

that the loss of the area of amenity land would not significantly harm the health and well-being of the local community. Subject to the proposal being acceptable with regards to other relevant material planning considerations (see discussion below) there is no compelling objection to the principle of development.

#### The quality of the design and the impact on the character of the area

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Furthermore, saved Appendix 5 of the Local Plan states that *"achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking are undesirable. All parking must be adequately screened and landscaped"*.

Though it is acknowledged that the application site provides a visual break from surrounding built form, the proposed parking spaces are separated at each end of the site and would, therefore, not result in a large, unbroken, expanse of hardstanding. As such, it is considered that the form and layout of the proposed spaces would not result in significant harm to the overall character of the area to the extent that would warrant a refusal of permission. It is, however, considered reasonable to impose a condition requesting full specifications of the materials to be used for hardstanding prior to the laying of the parking spaces to ensure the development is of a high standard.

Turning to landscaping, it is also noted that the proposal would result in the loss of established vegetation at the site. However, on discussion with Dacorum Trees and Woodland Department, it is not considered that this vegetation is of significant amenity value to protect. Taking this into account, as the applicant may remove this existing vegetation without consent from the Local Authority and as there would be proposed hedging to screen the parking spaces, it is considered that the proposal would be acceptable in this regard. It is, however, considered reasonable to impose a condition requesting the submission of a detailed Landscaping Plan, comprising details of proposed vegetation and its maintenance, prior to first use of the proposed spaces.

Having regard to all of the above, and subject to the imposition of identified conditions, the proposal would, on balance, be visually acceptable. As such, the proposal complies with identified local and national policy in this regard.

#### The potential impact on the living conditions of the occupants of surrounding neighbouring dwellings

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Given the build, form and nature of the proposal, the development would not result in

significant harm to the living conditions of the occupants of neighbouring units, in terms of overbearing, overlooking and loss of light.

Turning to noise and disturbance, it is acknowledged that the development would result in increased vehicular movements to and from the application site. However, given the residential context in which the development would be located and as Dacorum Environmental Health have raised no objection to the proposal, it is not considered that the development would result in significant and demonstrable harm to living conditions in this regard.

Taking all of the above into account, the proposal would not significantly harm the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking, loss of light and noise and disturbance. The proposal therefore complies with relevant local policy and national policy in this regard.

### Highways and parking

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The proposed development would result in the provision of 16 parking bays. In an area with recognised historic on-street parking problems, this would help alleviate existing on-street parking pressures. This weighs significantly in favour of the proposal.

Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) have been consulted and consider that the development would not prejudice vehicular or pedestrian safety. However, it is recommended that conditions are imposed ensuring visibility splays are maintained from each access and parking spaces are 2.4m x 4.8m respectively, are surfaced appropriately and are used for parking purposes only.

Notwithstanding the above, it is also recommended by HCCTPS that a condition is imposed ensuring materials and equipment used during construction are stored within the site only and do not restrict the flow of vehicular traffic. However, as the applicant must adhere to separate highways legislation restricting the storage of materials in an area that would impinge vehicular or pedestrian movements and as the applicant must obtain legal consent to store materials on land outside of their ownership, it is not considered reasonable or necessary to impose this condition.

### Other Material Planning Considerations

#### (i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

Dacorum Environmental Health Department have been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

*(ii) Flooding and Drainage*

Policy CS31 seeks to minimise the risk of flooding. The application site is not located within Flood Zones 2 or 3 – indicating a low probability of flooding. Furthermore, the applicant has submitted a soakaway system which will be incorporated into the proposal. Taking this into account, and given the scale and nature of the proposal, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development is considered acceptable in this regard.

## **Conclusion**

The applicant has demonstrated that there is considerable local support for the loss of this amenity space for parking provision, and has therefore demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy.

**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 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: DBC/016/018 & details of soakaway system to be incorporated as outlined in drawing no. HST/500/004.**

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

ensure that the proposal is acceptable in terms of flooding and drainage, in accordance with Policies CS31 of the Dacorum Core Strategy 2013.

- 3 **Prior to the construction of the parking spaces hereby approved, full specifications of the materials to be used for hardstandings shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained as approved.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 4 **Prior to first use of the parking spaces hereby approved full details on a suitably scaled plan of soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- b) management and maintenance details.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the 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 approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 6 **A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the accesses, measured from the edge of the access way to of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway/footway level.**

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 7 **The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively and shall be used for parking purposes only.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 8 **Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

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 pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.