

**4/02478/16/FUL- CHANGE OF USE FROM AMENITY USE TO SINGLE PARKING BAY.
LAND ADJACENT TO 4 & 5 ISENBURG WAY, HEMEL HEMPSTEAD, HP2 6NQ.
APPLICANT: Mr Ian Fraser.**

[Case Officer - Matt Heron]

Summary

Subject to the imposition of relevant conditions, it is considered that the development would not result in significant harm to the character of the area or the living conditions of the occupants of surrounding residential units.

Notwithstanding the above, the applicant has failed to provide sufficient information to make an appropriate assessment in terms of highway safety. As this matter goes to the 'heart of the permission' and must be considered during the course of an application, it is not considered that relevant information could be provided through condition. Taking this into account, a proper assessment against policies CS8, CS9 and 51 is not possible and, in the absence of information demonstrating the proposal would not have an unacceptable impact on highway safety, the application is unacceptable.

Site Description

The application site is located within a residential area of Hemel Hempstead. It forms a piece of amenity land, adjacent to an existing single storey garage block.

Proposal

This application seeks full planning permission for that change of use of this land to provide a single off-road parking bay.

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

Saved Policies of the Dacorum Borough Local Plan

Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Herefordshire County Council Transport, Programmes and Strategy – Objection on the grounds that insufficient information has been received to perform an appropriate assessment in terms of highway safety.

Comments received from local residents:

None received.

Key Considerations:

1. The quality of the design and the impact on the character and appearance of the area
2. The potential impact on the living conditions of the occupiers of surrounding residential units.
3. Highway Safety and Parking Provision

1. The quality of the design and the impact on the character and appearance 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.

Though the piece of soft landscaping does contribute to softening built form within the residential area, it is not considered that the loss of this space for a single off-road parking bay would result in significant and demonstrable harm to the character of this residential area. Furthermore, it is not considered that the proposal would result in significant harm to any vegetation that is of significant amenity value to protect, in accordance with Policy 99.

Taking all of the above into account, and as a condition could be imposed if minded to grant permission requiring the submission of exact specifications of materials to be used for the proposed hard surface, the proposal would be visually acceptable and would comply with identified local and national policy in this regard.

2. The potential impact on the living conditions of the occupiers of surrounding residential units

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 nature and positioning of the proposed development, it is not considered that the proposal would result in significant harm to the living conditions of the occupiers of surrounding residential units, in terms of overlooking, overbearing, loss of light and noise and disturbance. As such, the proposal complies with identified policy in this regard.

3. Highway Safety and Parking Provision

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 proposal would create one additional parking space and, in an area with historic on-street parking problems, this would weigh in favour of the development.

However, Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

Only a Site Location Plan has been provided with this application and this does not show the exact layout of the proposed parking bay. As such, limited information has been provided by the applicant with regards to the proposals integration with and impact upon the adjacent highway network.

On discussion with Hertfordshire County Council Transport, Programmes and Strategy, it is not considered the sufficient information has been submitted to assess whether or not the proposed parking bay would be sufficient in scale to accommodate a vehicle in line with the minimum requirements outlined in guidance within the Manual for Streets. Given the limited space of the application site and the potential for vehicular and pedestrian conflict, this information must support this application and a proper assessment in this regard cannot take place in its absence.

Furthermore, the applicant has failed to provide information showing the alignment of the proposed parking bay with the existing access. As such, given the potential that a vehicle exiting this bay may cause interference to the safe and free flow of the adjacent highway, it is not possible to consider whether or not the proposed bay would result in a vehicle leaving the space safely and conveniently.

Taking all of the above into account, and on discussion with Hertfordshire County Council Transport, Programmes and Strategy, it is considered that the applicant has failed to demonstrate that the proposed parking bay would be of a suitable size to accommodate a vehicle in accordance with guidance within the Manual for Streets. Furthermore, in the absence of details showing the exact alignment of the bay with the existing access, it is not possible to consider whether a vehicle entering or exiting the bay would interfere with the safe and free flow of traffic on the adjacent highway.

As such, the applicant has failed to provide sufficient information to make an appropriate assessment in terms of highway safety and an assessment against policies CS8, CS9 and 51 is not possible. This information could not be requested through condition and the application is unacceptable on these grounds alone.

Conclusion

Subject to the imposition of relevant conditions, it is considered that the development would not result in significant harm to the character of the area or the living conditions of the occupants of surrounding residential units.

Notwithstanding the above, the applicant has failed to provide sufficient information to make an appropriate assessment in terms of highway safety. As this matter goes to the 'heart of the permission' and must be considered during the course of an

application, it is not considered that relevant information could be provided through condition. Taking this into account, a proper assessment against policies CS8, CS9 and 51 is not possible and, in the absence of information demonstrating the proposal would not have an unacceptable impact on highway safety, the application is unacceptable.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 Insufficient information has been provided within the application to establish whether the proposed parking bay would be sufficient in scale to accommodate a vehicle in line with the minimum requirements outlined in guidance within the Manual for Streets. Furthermore, in the absence of details showing the exact alignment of the proposed parking bay with the existing access, it is not possible to consider whether a vehicle entering or exiting the way would interfere with the safe and free flow of traffic on the adjacent highway. As such, it is not possible to establish whether the proposal would have an unacceptable impact upon highway safety. The proposal therefore cannot be properly considered against Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.**

As soon as comments were received by Hertfordshire County Council Transport, Programmes and Strategy outlining that insufficient information had been provided, the Local Planning Authority (LPA) forwarded these on to the applicant and requested the submission of relevant information. No such information was received during the course of the determination of this proposal. As such, and as the Planning Department would be receptive to a meeting to discuss these matters prior to any re-submission, the Council has 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.