

**4/03056/16/FUL - INSTALL 12 PARKING BAYS ON AMENITY GREEN.
LAND FRONT OF 1 TO 6, MADDOX ROAD, HEMEL HEMPSTEAD.
APPLICANT: Resident Services - Ms G Martinez.**

[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 benefits flatted units to the south. Immediately to the east of the site lies parking associated with adjacent commercial premises.

Proposal

The application seeks permission for the construction of 12 parking bays on the amenity green. These would be laid out in two sections of six bays. There would also be the construction of a new associated vehicular crossover.

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.

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

1. 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 are 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 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.

2. 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 would not cover the entirety of the piece of amenity land 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, and as the applicant may remove this existing vegetation without consent from the Local Authority, it is considered that the proposal would be acceptable in this regard.

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

3. 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.

4. 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 12 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, this section of Maddox Road is not highway maintainable at public expense, and therefore works may be facilitated without highway authority agreement. However, Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) have been consulted and consider that the development would not prejudice vehicular or pedestrian safety. As such, the proposal is considered acceptable in this regard.

6. 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 the proposal would not result in risk in this regard.

(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, submitted plans indicate the inclusion of a soakaway system and a drainage channel. 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/015/031 Rev. A & DBC/015/031 Rev. A (scale of 1:500).**

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 in accordance with approved details.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies CS11 and CS12 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.