

**ITEM NUMBER: 5c**

<b>4/02277/19/FUL</b>	<b>Install 13 parking bays on amenity land</b>	
<b>Site Address:</b>	<b>Amenity Green Opp. 7 Elm Green Hemel Hempstead HP1 3PX</b>	
<b>Applicant/Agent:</b>	<b>Update Record</b>	
<b>Case Officer:</b>	<b>Colin Lecart</b>	
<b>Parish/Ward:</b>	<b>No Parish</b>	<b>Chaulden And Warners End</b>

**1. RECOMMENDATION**

1.1 That planning permission be GRANTED.

**2. SUMMARY**

2.1 This application is part of the 'The Verge Hardening Project' that has highlighted and prioritised the areas of extreme parking stress in the Borough. The application is not considered to have a detrimental impact on the street scene or the amenity of neighbouring properties and would help to alleviate the on street parking stress that is prevalent in the surrounding area.

**3. SITE DESCRIPTION**

3.1 The application site comprises a strip of amenity green that is located adjacent to the properties located along Elm Green, Hemel Hempstead. The Open Land Designation of Spring Fields is located to the north and north east of the site. Elm Green is a small road accessed off Daggs Dell Road which leads straight onto a small car parking area that serves the adjacent properties.

**4. PROPOSAL**

4.1 The application seeks permission to install 13 new car parking spaces on the existing amenity green.

**5. PLANNING HISTORY**

Planning Applications (If Any):

4/01018/17/FHA - First floor extension over existing side extension & loft conversion with rear dormer  
*GRA - 15th August 2017*

4/00750/03/FHA - Single storey front/side extension  
*GRA - 21st May 2003*

Appeals (If Any):

**6. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

CS4  
CS11  
CS12  
CS31

Saved Appendix 5

Saved Policy 99

## **7. CONSTRAINTS**

15.2m Air Dir Limit  
Community Infrastructure Levy  
Residential Character Areas  
SSSI Impact Risk Zones  
Source Protection Zone

## **8. REPRESENTATIONS**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## **9. CONSIDERATIONS**

### 9. Main Issues

9.1 The main issues to consider are:

- ☐ Policy and Principle
- ☐ Impact on Street Scene and Surrounding Area
- ☐ Impact on Residential Amenity
- ☐ Impact on Highway Safety
- ☐ Trees

### 10. Principle of Development

10.1 The application site is located within an established residential area of Hemel Hempstead wherein accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable.

10.2 Policies CS11, CS12 and CS13 seek to ensure that development avoids large areas dominated by car parking, preserves attractive streetscapes, avoids disturbance to surrounding

properties and retains important trees or replaces them with suitable species if their loss is justified.

10.3 Character Appraisal Area HCA3 (Warners End) states that the use of parts of areas of amenity land for car parking may be acceptable if the resulting visual impact does not adversely affect the character and appearance of the area and established landscaping.

## 11. Quality of Design / Impact on Visual Amenity

11.1 The amenity green is visible from the top of Elm Green but sits behind an area of existing car parking. Whilst the soft grass verge would be replaced with hard surfacing, the two trees on the green would be retained thus maintaining a degree of landscaping. Two areas of grass verge at either side of the access to Elm Green would also be maintained.

11.2 A neighbouring comment has referred to another application for verge hardening on a verge close to the access with Elm Green (4/02275/19/FUL) and questioned the need for both schemes. Whilst this scheme should be assessed on its own merits, it should be noted that the scheme on Daggs Dell Road would not incorporate the entire grass verge. Again a strip of verge and the tree located on it adjacent to the access to Elm Green would be retained. The verge and associated trees directly adjacent to the access to Daggs Dell from Polehanger Lane would also remain under 4/02275/19/FUL. Landscaping further down Daggs Dell to the west would also remain and an amenity area on Maple Green would be maintained.

11.3 The amenity area on Maple Green was considered a potential site for a new car parking area, but following communication between the applicant and the Trees and Woodlands Department, the site at Elm Green was preferred as no trees would need to be removed to make way for the development.

11.4 Another comment has queried the potential use of another site. However, this application should be assessed on its own merits and acceptability in policy terms.

11.5 Due to the above, it is considered the loss of the amenity green on Elm Green would not unduly impact upon the surrounding area. Thus, the application complies with Policy CS11, CS12 and the Character Appraisal for HCA3: Warners End (2004).

## 12. Impact on Residential Amenity

12.1 The proposal would not have an adverse impact on residential amenity in terms of loss of light or privacy.

12.2 Spring Fields playing fields is located directly north and north east of the site and is available for use by local residents in combination with their rear gardens. Therefore, it is not considered the proposal would result in a lack of amenity space provision for residents within the area.

## 13. Impact on Highway Safety and Parking

13.1 Hertfordshire County Highways Authority have no objections to the proposal. The manoeuvring distance behind the bays is 4.8m. This is below the 6m standard as set out in Saved Appendix 5 of the Local Plan (2004). However, all of the bays are 3m in depth which exceeds the 2.4m width as set out in Appendix 5.

13.2 It is the view of the applicant's engineer that this increased width allows for a reduced manoeuvring distance behind the bays and guidance notes have been provided with respect to this. A tracking plan has also been submitted to show that vehicles can successfully manoeuvre out of the bays.

#### 14. Impact on Trees and Landscaping

14.1 The Trees and Woodlands officer has no objection to the proposal. It has been advised that protective fencing should be in place during construction to protect the root protection areas of the properties. This would be secured by condition.

#### 10. **CONCLUSION**

10.1 The application is recommended for approval.

#### 11. **Recommendation**

11.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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 be carried out in accordance with the following approved plans/documents:

DBC/019/007

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

3. Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with Policy CS31 of the Core Strategy (2013).

4. No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
  - o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs).
  - o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable).
  - o The position and specification of ground protection in accordance with BS5837:2012 (as applicable).

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.

The works must then be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

**Informatives:**

1. Planning permission consent 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
<b>Trees &amp; Woodlands</b>	No trees are proposed for removal within this site and I have no concerns. I have discussed with Gill and advised protective fencing is required to protect the Root Protection Area.
<b>Hertfordshire Highways (HCC)</b>	<p>Proposal Installation of 13 parking bays on amenity land</p> <p>Decision 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 subject to the following conditions:</p> <p>CONDITIONS: 1. Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.</p>

	<p>Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.</p> <p><b>INFORMATIVES:</b></p> <p>1. 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 <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p><b>COMMENTS</b></p> <p>This application is for Installation of 13 parking bays on amenity land.</p> <p>The site is located opposite 7 Elm Green, which is an unclassified local access road.</p> <p><b>ANALYSIS</b></p> <p>The application is submitted by Dacorum Council, the LPA.</p> <p><b>ACCESS/PARKING</b></p> <p>The application site is surrounded by residential properties and while the proposed additional parking spaces will remove two off street parking spaces, it will provide 13 additional off-street parking spaces.</p> <p><b>CONCLUSION</b></p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
0	1	0	2	0

**Neighbour Responses**

Object (O), Support (S), Representation (R)	Comments
O	<p>Comments: I object to this application on two grounds; questionable necessity and environmental aspects.</p> <p>The area in question is currently an amenity green with no road passing through and is therefore the application is in a different category to simple verge hardening where a road already exists. There is currently an application for verge hardening in Daggs Dell Road, at the top of Elm Green, where eight new car spaces are to be created (4/02275/19/FUL). This will convert grass verges, on which cars already park, to parking spaces and is eminently reasonable. To obliterate an entire green, unless absolutely necessary, is not, especially as the Daggs Dell Road development may well ease parking in Elm Green. There is also potential to enlarge the current parking space at the top of Elm Green, making a further two or three spaces available to residents without harming the green itself. There are currently no plans to do this, although it might make sense to incorporate it into the Daggs Dell Road scheme.</p> <p>I would suggest withholding planning permission for the Elm Green development until the Daggs Dell Road verge hardening has been completed and its impact assessed. I have lived on Elm Green for twelve years and have never had a problem parking, and therefore question the necessity of the proposal, particularly as the Daggs Dell Road development may alleviate any difficulties perceived by others. Immediate access to houses from a car when unloading shopping (cited by some neighbours I have spoken to as a reason for supporting the proposal, rather than an inability to park), I do not believe is a sufficient justification, in these days of online grocery delivery, for the destruction of a green.</p> <p>With regard to environmental aspects, I note that the Supplementary Planning Document (SPD) to the Dacorum Borough Local Plan on Water conservation contains the following as the second bullet point in section 5.2:</p> <ul style="list-style-type: none"> <li>- Use of porous surfaces where possible.</li> </ul> <p>I understand that the proposal under discussion is to replace the green with a non-porous surface. Porous surfaces are perfectly acceptable for parking areas as they have to cope only with slow moving or stationary vehicles and do not have to withstand the physical punishment suffered by road surfaces. I submit that the current application goes against Council policy in this respect.</p> <p>Section 2.3 of the SPD on Energy Efficiency and Conservation contains the following:</p> <ul style="list-style-type: none"> <li>- Policy INF4 in RPG9 states that in planning the future development of the region and activities within it, priority should be given to energy</li> </ul>

	<p>conservation and to maximising the use of renewable energy sources as an alternative to fossil fuels.</p> <p>It seems to me that in order to comply with this policy, the Council should be providing Electric Vehicle Charging Points (EVCPs) when creating new car parking facilities. There are no plans to do so. I submit that the current application is remis in this respect.</p> <p>I should like the opportunity to address the Development Management Committee when it meets to consider this application.</p>
<b>O</b>	<p>What is the utilisation of the existing garage block opposite 27 Polehanger lane, a lot of these appear unused and subject to vandalism. Could this space be used as an alternative to losing amenity land?</p> <p>Would the existing boundary hedge/ fence be relocated to prevent vehicles accessing the remaining amenity green, which has been a problem until additional posts were installed adjacent to the above garage block.</p>