

**ITEM NUMBER: 5c**

<b>20/02168/FUL</b>	<b>Change of use of amenity land to residential curtilage to allow for vehicular access. Formation of vehicle crossover and block paved parking area.</b>	
<b>Site Address:</b>	<b>13 Sawyers Way Hemel Hempstead Hertfordshire HP2 4ED</b>	
<b>Applicant/Agent:</b>	<b>Mrs Clare Dempsey</b>	
<b>Case Officer:</b>	<b>Elsbeth Palmer</b>	
<b>Parish/Ward:</b>		<b>Adeyfield West</b>
<b>Referral to Committee:</b>	<b>Due to applicant being a DBC employee.</b>	

**1. RECOMMENDATION**

That planning permission be granted.

**2. SUMMARY**

2.1 The proposed formation of a vehicle crossover and block paved parking area will not result in a loss of visual amenity or a loss of integrity for the Open Land and will not have a negative impact on highways safety or parking.

**3. SITE DESCRIPTION**

3.1 The site lies on the eastern side of the cul-de-sac Sawyers Way within a designated residential area of Hemel Hempstead. The site comprises a brick two storey mid-terraced dwelling with pebble garden, a footpath and part of the triangular end of a much larger area of open amenity land to the front of the site and within the red line.

**5. PLANNING HISTORY**

Planning Applications (If Any): NONE

Appeals (If Any): NONE

**6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL3

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA22

Smoke Control Order

Town: Hemel Hempstead

**7. REPRESENTATIONS**

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. 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:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Saved DBLP Policy 116 Open Land

Supplementary Planning Guidance/Documents:

Parking Standards SPD 2020  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The impact on visual amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.2 The site is situated within the town of Hemel Hempstead wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy.

9.3 Part of the site is also included within the Open Land designation which will be protected from building and other inappropriate development by Saved Policy 116 of the DBLP. The integrity and future of the wider area of open land in which the new development is set must not be compromised.

### Impact on Visual Amenity

9.4 The segment of open land to be used as driveway access to No. 13 Sawyers Way is located on the southern end of a large piece of landscaped amenity land. It is not considered that the loss of this small wedge of land adjacent to an existing parking bay for 5 vehicles will result in a significant loss of visual amenity nor will it impact on the overall integrity and future of the wider area of Open Land.

### Impact on Highway Safety and Parking

9.5 The Highways Authority has no objection to this proposal subject to the conditions recommended.

### Impact on Trees and Landscaping

9.6 No significant trees will be affected by this proposal.

### Response to Neighbour Comments

9.7 There was only one neighbour comment which supported the application.

### Community Infrastructure Levy (CIL)

9.8 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

## **10. CONCLUSION**

10.1 The proposed formation of a vehicle crossover and block paved parking area will not result in a loss of visual amenity or a loss of integrity for the Open Land and will not have a negative impact on highways safety or parking. To conclude the proposal complies with Core Strategy 4, 12 and Saved Policy 116.

## **11. RECOMMENDATION**

11.1 That planning permission be granted.

### **Condition(s) and Reason(s):**

- 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. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans drawing number 01 and Location Plan in accordance with the current highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

- 3. Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 43m metres shall be provided to each side of the access where it meets the**

**highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

- 4. Prior to the first use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the footpath boundary, 0.65 metres into the site and 0.65 metres along the footpath boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

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

**Site Location Plan  
Driveway Dimension Plan**

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

#### **Informatives:**

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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.
3. 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.
4. 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, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<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>INSERT CONDITIONS</p> <p>1. Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans drawing number 01 and Location Plan in accordance with the current highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43m metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the footpath boundary, 0.65 metres into the site and 0.65 metres along the footpath boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between</p>

0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

#### INFORMATIVES

1. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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.

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or

	<p>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, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx</a> or by telephoning 0300 1234047</p> <p>COMMENTS This application is for: Formation of vehicle crossover and block paved parking area. This amendment submits drawings showing details of the proposed crossover and parking area. The site is located on Sawyers Way, which is an unclassified local access road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 3 years.</p> <p>ACCESS A new access is proposed which crosses a public footpath and the highway verge. These areas must be kept clear of all obstructions at all times.</p> <p>PARKING A new parking area is to be constructed in the front garden to allow parking for two cars.</p> <p>CONCLUSION 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, subject to the conditions and informative notes above.</p>
Hertfordshire Highways (HCC)	no comments

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
2	1	0	0	1

### Neighbour Responses

Address	Comments
15 Sawyers Way	I am more than happy to support this application therefore, I have no

Hemel Hempstead Hertfordshire HP2 4ED	objections to the proposed plans.
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