

**4/00974/16/FUL - PERMEABLE VEHICLE ACCESS AND HARD STANDING.
REMOVE HEDGE AND EXCAVATE GROUND..
7 NUNFIELD, CHIPPERFIELD, KINGS LANGLEY, WD4 9EW.
APPLICANT: .**

[Case Officer - Jason Seed]

Summary

The application is recommended for approval as it is considered the proposal complies with Policies CS5, CS12 and CS29 of the Core Strategy, Saved Policies 99, 51 and Appendix 5 of the Dacorum Borough Local Plan and the National Planning Policy Framework.

Site Description

The application site comprises a small area of land which is situated within the residential curtilage of 7 Nunfield, Chipperfield and also an area of land outside of it which is currently being used for the purposes of informal parking. The surrounding area comprises mainly residential uses with fields present within the wider area. A footpath (No. Chipperfield 009) is situated to the immediate north of the site.

The site is subject to the following relevant designations: Small Village, Green Belt.

Proposal

The application seeks planning permission for the creation of two areas of permeable hard standing to facilitate disabled access for one of the occupants who is a Blue Badge holder. The proposal area is accessible by an existing drop kerb immediately adjacent.

Referral to Committee

The application is referred to the Development Control Committee as the land is owned by Dacorum Borough Council (Certificate B application).

Planning History

4/04089/15/FH VEHICLE CROSSOVER AND HARDSTANDING
A

Withdrawn

Representations

Highway Authority

No objection (subject to conditions)

Chipperfield Parish Council

Supports this application

Considerations

Policy and Principle

With regards to the proposed permeable hard surfacing within the curtilage of 7 Nunfield, it is considered that this could be constructed without planning permission by virtue of the provisions provided by Class F of the General Permitted Development Order (2015). The removal of the hedges which forms part of the proposal also falls outside of the control of the Planning Department. As such, the focus of this assessment is largely on the aspects of the proposal which falls outside of the residential curtilage.

Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Whilst not directly related to this proposal, Policy CS6 states that within Chipperfield, house extensions are permitted which indicates that small-scale development within this area is considered acceptable.

Paragraph 89 of the National Planning Policy Framework (NPPF) states that certain forms of development are not inappropriate development within the Green Belt, one of which being engineering operations which the formation of hard standing is considered to be.

It is unclear how long the grassed area has been used for parking although aerial imagery from 2010 shows no evidence that the parking was in use at that time. The Council have seen no evidence that this area has been used for parking for a period of 10 years or more (at which point it would have become lawful) so it is considered that the application constitutes a change of use from amenity land to parking area. The NPPF nor any of the Core Strategy / Dacorum Local Plan Policies consider parking to be an acceptable form of development in the Green Belt and as such, very special circumstances are required to justify a departure from Green Belt policy.

Impact on Green Belt and Very Special Circumstances

Given that there are to be no buildings created as a result of the proposal, it is considered that the impact on the Green Belt needs to be considered with regards to the openness / character of the proposal and the use of the land.

With regards to the former, it is considered that the hard standing will not adversely impact on the open character of the Green Belt to any noticeable extent and would be sympathetic to the site's surrounds and adjoining countryside. The area outside of the curtilage is currently in informal parking use, so the regularisation of this use, for the parking of one vehicle, is not considered to adversely impact upon either the openness of the Green Belt nor conflict with the purposes for including land within it to any greater degree than at present.

It is considered that there are very special circumstances to justify the departure from Green Belt policy in this instance. The nature of the proposal (to facilitate disabled access) is considered to lend substantial weight in favour of the application, as is the improvement to the overall aesthetics and street scene and the reduction in damage to the highway (as acknowledged by the Highway Authority later in this report). Taking these matters into consideration, in combination with the very limited impact that the proposal would have on the Green Belt, it is considered that there is sufficient

justification for a departure of Green Belt policy in this instance. As such, there are very demonstrable very special circumstances in this case and as such, the proposal is considered to comply with the NPPF and Policy CS5 of the Core Strategy.

Impact on Street Scene

It is considered that the proposal would result in an overall benefit to the street scene. At present, the informal parking arrangement is causing the existing grassed area to become heavily disturbed which has resulted in both a loss of grass and the spread of mud and other debris into the wider area.

The formalising of the parking area by laying a small area permeable hard standing, adjacent to two existing hard standing footpaths, will minimise further occurrences in the future and will result in an overall aesthetic enhancement at the site. It is therefore considered that the proposal will not harm the existing streetscape character and as such, complies with Policy CS12 of the Core Strategy in this respect.

Impact on Trees and Landscaping

The proposal plans illustrate that the hedge which is situated at the front of 7 Nunfield will be removed to ensure that sufficient driver visibility is provided. As previously stated, the removal of the hedge falls outside of planning control.

There is a tree present within the curtilage of the dwellinghouse and this is to be protected and retained during construction. No protection measures have been provided with the application and it is considered that the retention of the tree can be secured by condition.

It is therefore considered that the proposal will comply with the requirements of Policy CS12 of the Core Strategy Saved Policy 99 of the Dacorum Local Plan.

Impact on Highway Safety

The Highway Authority has been consulted on the application and have raised no objection to the proposal. A condition has been recommended in respect of the positioning of the proposal which would be secured through the standard imposition of an 'approved plans' condition.

A number of advisory notes have also been provided in respect of construction standards, the storage of materials during construction and the need for a post-planning Section 278 Agreement due to the works falling within the highway boundary.

The Highway Authority have also commented that the access to Number 7 Nunfield is via an existing crossover. The crossover is on the outside of a bend yet it affords adequate visibility. The parking which is already occurring is causing damage to the grass verge. The grass verge between the road and the property boundary is considered to be highway land, therefore the damage could be subject to enforcement action, and therefore the crossover is seen as a general benefit to the Highway Authority.

The proposal therefore complies with Policy CS12 of the Core Strategy and Saved Appendix 5 (which provides general support for facilitating disabled driver access) and

Saved Policy 51 of the Dacorum Borough Local Plan.

Right of Way

Right of Way Chipperfield 009 is situated to the immediate north of the proposal. The Rights of Way Officer has been consulted on the application and has stated as the plan shows that the proposal is just missing (but abutting) the public footpath, there should only be minimal effect on the path. It is therefore considered that the proposal complies with Policy CS12 of the Core Strategy.

Impact on Neighbours

The proposal is of a scale which will not adversely impact upon neighbouring properties. The current parking area which is being used informally is currently causing damage to the land which is resulting in displaced debris and is considered unneighbourly. The proposal will ensure that these matters are remedied and will enhance the street scene which is considered to provide a benefit to neighbouring properties and their occupants. The proposal is therefore considered to accord with the requirements of Policy CS12 of the Core Strategy.

Sustainability

The proposal provides a permeable surface which fully accords with the requirements of Policy CS29 of the Core Strategy

Conclusions

It is considered that the proposal constitutes an inappropriate form of development within the Green Belt by virtue of its use. However, it is further considered that there are very special circumstances which justify a departure from Green Belt policy in this instance. The proposal would facilitate disabled access to the subject property and would result in a positive enhancement of the street scene and the highway through the regularisation of the parking space using permeable materials. As such, the proposal is considered to comply with Policies CS5, CS12 and CS29 of the Core Strategy, Saved Policies 99, 51 and Appendix 5 of the Dacorum Borough Local Plan and the National Planning Policy Framework.

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 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.

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

NUN01
NUN02

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

- 4 **The tree which is illustrated within Drawing Numbers NUN01 and NUN02 hereby approved shall be protected for the duration of the construction period and retained hereafter.**

Reason: To ensure that the tree is adequately protected in accordance with Saved Policy 99 of the Dacorum Local Plan.

- 5 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and application form.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS12 and CS29 of the Core Strategy.

INFORMATIVES

S278 Agreement: Any works within the highway boundary will need to be secured and approved via a s278 Agreement. The grass verge between the road and the property boundary is considered to be public highway. Work on this land will be subject to a s278 Agreement. It should be pointed out that, at this stage, HCC is NOT approving the materials / construction details. This will be included within the s278 Agreement. It is possible that the materials which HCC requires in the highway will be different from those within the property. In determining the materials, HCC will consider the long term maintenance costs.

Advisory Note 1: Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advisory Note 2: 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

ARTICLE 35 STATEMENT

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) (Amendment No. 2) Order 2015.