

<b>4/03226/18/FUL</b>	<b>DEMOLITION OF EXISTING RESIDENTIAL DWELLING AND CONSTRUCTION OF 4 X 2-BED FLATS AND ANCILLARY WORKS</b>
<b>Site Address</b>	<b>LAVENDER COTTAGE, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7BA</b>
<b>Applicant</b>	<b>Ms L Kimmance, Kinsway Farm</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Called in by Cllr Bhinder on grounds of overdevelopment</b>

## **1. Recommendation**

- 1 That planning permission be **REFUSED**

## **2. Summary**

2.1 By virtue of the side access and rear parking arrangements of the proposed development future occupiers of the application site and neighbouring residents at Little Orchard would experience unacceptable living conditions in terms of noise and disturbance from vehicular comings and goings. The proposal would therefore conflict with Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy, which collectively seek, amongst other things, to ensure that new development respects adjoining properties and that the impact of noise is minimised by careful attention to layout. The scheme would also conflict with Paragraph 127 of the National Planning Policy Framework (2018) which seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.

## 3. Site Description

3.1 The application site is situated on the north-west side of Redbourn Road and comprises a detached 1930s bungalow situated on a generous plot. The immediate area comprises residential properties to the north of Redbourn Road and predominately commercial and industrial uses on the south side.

## 4. Proposal

4.1 The application seek permission to demolish the existing dwelling and construct an apartment block comprising four, two bed flats.

4.2 Parking provision and site access would run along the side of the property and wrap around the rear. There would be sufficient provision to accommodate at least 6 domestic cars.

## 5. Relevant History

4/02355/04/FUL	CONSTRUCTION OF FOUR 2-BED FLATS (AMENDED SCHEME) Granted 21/02/2005
4/01561/04/FUL	CONSTRUCTION OF SIX FLATS Withdrawn 16/09/2004
4/01119/03/OUT	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TEN FLATS WITH ASSOCIATED PARKING Refused 17/07/2003
4/01847/98/FHA	SINGLE STOREY REAR EXTENSIONS AND ALTERATIONS Granted 22/01/1999

## **6. Policies**

### **6.1 National Policy Guidance (2018)**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### **6.2 Adopted Core Strategy – (2013)**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 – New Housing  
CS18 - Mix of Housing

### **6.3 Saved Policies of the Dacorum Borough Local Plan (2004)**

Policy 10 - Optimising the Use of Urban Land  
Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 57 - Provision and Management of Parking  
Policy 58 - Private Parking Provision

Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100 – Tree and Woodland Planting  
Appendix 3- Layout and Design of Residential Areas  
Appendix 5- Parking Provision

#### 6.4 Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area (Redbourn Road HCA30)  
Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Dacorum Urban Design Assessment – Hemel Hempstead (2010)  
The Grovehill Future Neighbourhood Plan (2017)  
Refuse Storage Guidance Note (2015)

### **7. Constraints**

Grovehill Neighbourhood Plan Area  
Residential area of Redbourn Road HCA30

### **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**

#### Main issues

9.1 The main issues to consider are:

- Principle of Development
- Impact on Street Scene
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Trees and Landscaping
- Impact on Protected Species
- Presumption in Favour of Sustainable Development
- Consultation Response
- Community Infrastructure Levy

## Principle of Development

9.2 The application site is a windfall site located within the residential town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

9.3 Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.4 Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.5 The proposed development will provide small, two bed flats in accordance with Policy Theme 2: Housing of The Grovehill Future Neighbourhood Plan (2017) which requires new housing to provide provision for smaller households.

9.6 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004), the NPPF (2018) and The Grovehill Future Neighbourhood Plan (2017).

## Impact on Street Scene

9.7 Paragraph 127 of the NPPF (2018) states that, decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

9.8 In addition, paragraph 130 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

9.9 Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms

of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies of 10, 18, 21 and Appendix 3.

9.10 The Grovehill Future Neighbourhood Plan (2017) requires new housing development to be of high quality design with an appropriate height to reflect the local character, maintain a low skyline and to preserve areas with existing open characteristics.

9.11 The Area Character Appraisal for HCA30 Redbourn Road is described as a small corridor of small to medium sized, mainly detached to semi-detached dwellings fronted by well-landscaped wide grass verges. Redbourn Road leads out towards open countryside but also serves as access to the residential areas of Woodhall Farm (HCA33) and Hunters Oak (HCA31). The area is characterised by a variety of house types which possess very little architectural homogeneity or merit, with the majority of dwellings dating from the 1930s but with examples of 1980s infill and redevelopment at a higher density on St Agnells Lane. Spacing between dwellings vary, but is typically in the medium range (2 m to 5 m). There is a clear, although not totally rigid building line. Properties on Redbourn Road are characterised with generous front gardens, which feature a strong landscaped boundary to the street scene, providing an wide, open and well landscaped character to the area. Redevelopments of plots is stated as being unacceptable if it results in a development that is unduly prominent and visually intrusive in the street scene, when viewed in the context of surrounding and nearby low-rise, small scale existing development.

9.12 The application site is located within the new town neighbourhood zone in accordance with the Hemel Hempstead Urban Design Assessment (2010) where a range of building types is encouraged, although detached buildings should be discouraged. Densities should range from medium to very high. The existing buildings generally have medium setbacks, providing private front gardens; these patterns should continue.

9.13 The application seeks to demolish the existing dwelling, which is a detached bungalow, and construct one new detached building comprising four 2xbed flats. No objection is raised in regards to the loss of existing bungalow, which is of little architectural merit.

9.14 The proposed replacement building would maintain the strong linear front build line of the street scene. The proposal would also maintain a 3 metre separation distance to site boundary with Little Orchard, which would to some extent maintain the open verdant character aspect the immediate area. The immediately adjacent properties comprise a mix of bungalows and two storey dwellings, with range both in terms roof forms, sizes and architectural appearance. Therefore, the replacement of the existing bungalow with a 7.6-metre (approximately) two-storey high building is not considered to appear overtly incongruous within the street scene; although some concerns are raised regarding the bulky design and emphasis of the two front gables, especially when viewed in the context

of the immediately adjacent bungalows. There are other examples of infilling on Redbourn Road such as, The Skep (4/1179/99/FUL) and The Mead (4/00909/00/FUL), where the variety in both design and size of properties within the street scene has added further differentiation between properties in the street scene, in a similar manner to the proposed.

9.15 Concerns are also raised regarding the removal of a section of front boundary hedging and paving over the entire front garden of the application site, in order to create a parking area for the proposed development. This would reduce the verdant aspect character of the street scene and deplete the strong landscaped front boundaries of properties to the north of Redbourn Road. Nevertheless, the Redbourn Road Area Character Appraisal (2004) highlights that in the case of redevelopment, front areas may be used for vehicle parking where effective landscape screening to the road and adjacent sites is provided. Some landscaping would be retained to the front of the property and the LPA acknowledged that this could be further enhanced by way of a landscaping condition. The loss of rear garden to hardstanding parking provision would not be read from the street scene.

9.16 The proposed scheme would have a density of 50 dwellings/ha, which is in-line with both the Hemel Hempstead Urban Design Assessment (2010) and HCA30 Redbourn Area Character Appraisal (2004) which states that redevelopment proposals should have a high density of (35 to 50 dwellings/ha (net)) and very high exceeding 50 dwellings/ha (net) densities. Similarly, both national and local policy seek to maximise the optimum quantum of development on site. This is highlighted within Saved Policy 10 of the Local Plan (2004) which requires optimum use of the land available and Saved Policy 21 of the Local Plan (2004) which states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Policy CS10 of the Core Strategy (2013) outlines that new development should promote higher densities in and around town centres and local centres. National planning policy also seeks effective use of land in meeting the need for new homes and planning decisions should avoid homes being built at low densities and ensure developments make optimal use of the potential of each site.

9.17 Overall, the placement, scale and design of the proposed development would on balance, appear in character and keeping with the surrounding street scene. The proposal is considered in compliance with Policies CS10, CS11 and CS12 of the Core Strategy (2013) and Saved Policies 10, 18 and 21 and Appendix 3 of the Local Plan (2004), the NPPF (2018), the HCA30 Redbourn Road Area Character Appraisal (2004) and Hemel Hempstead Urban Design Assessment (2010).

#### Impact on Residential Amenity

9.18 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure

that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.19 The proposed development would not breach the 45 degree line as drawn from the closest rear habitable window of neighbouring property Little Orchard, which indicates that the proposed development would not impact upon the outlook or daylight serving these neighbouring residents.

9.20 The flank elevation of the proposed development would be located approximately 21 meters away from Nos. 16 – 25 St Agnells Court. This is considered a sufficient separation distance to maintain outlook and daylight levels to these properties. It is also important to note that DBC have no side to rear separation policy distance standard. The proposal would also be located 22 metres away from Nos. 7-21 St Angells Court, which is considered to fall just shy of the minimum 23 metre rear-to-rear separation distance standard outlined within Saved Appendix 3 of the Local Plan (2004). Therefore, this relationship is also considered acceptable, especially considering the oblique relationship these neighbours have with the application site.

9.21 No property resides to the immediate rear of the site. No flank elevation windows are located on neighbouring property Little Orchard, therefore no loss of privacy to adjacent neighbours would result from the proposal.

9.22 Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building. The majority of the rear garden of the application site would be converted to built form (comprising the dwellinghouse) and hard standing parking provision. An approximate 285 sq.m garden area would remain to serve the 140 sq.m footprint of the development. This garden size is therefore considered acceptable however, the quality of amenity enjoyed within this garden area would be extremely poor due to the resultant noise and disturbance from the proposed parking arrangement. The proposed loss of the rear boundary hedging would also decrease the noise barrier and protection to the rear amenity area of St Agnells Court.

9.23 Addressing the parking arrangement, this would run directly adjacent to both the application site and neighbouring residents at Little Orchard. The negative impact of this arrangement would then be heightened by the wrap around nature of the parking area which would run directly to the rear of the application site and Little Orchard's rear garden. Cars would also be required to turn within this parking area in order to be able to exit and enter the site in forward gear, and therefore a number of different maneuverers would take place within this rear amenity area. Noise disruption as a result

of this parking arrangement would be very evident from proposed side kitchen windows and rear bedroom windows of the application site and rear windows of Little Orchard. The proposed parking arrangement would be particularly poor around the ground floor right hand side unit, which would have all three external elevations immediately adjacent to parking provision. This could also result in loss of outlook from parked cars in addition to resultant noise and disturbance. It is therefore considered that by virtue of the close proximity of vehicles parking and entering and exiting the site and the resultant range of awkward manoeuvres that would be necessary, significant noise and disturbance would result to the future occupants of application site and neighbouring residents, particularly at warmer times of the year when windows are kept open.

9.24 Moreover, the noise of vehicles using the private access and parking area would require cars travelling at a slower speed and lower gears with a potentially higher engine revolution, which would differ from the traffic noise on Redbourn Road, which is of cars using higher gears and making more consistent progress. Furthermore, the sound of traffic on Redbourn Road should be mitigated somewhat to the side and rear amenity area of the application site, which would not be the case as a result of the proposed development. As a consequence, the noise events associated with vehicle movements on the access road and parking area would be much more intermittent, distinct, irritating and intrusive.

9.25 It is appreciated that a previous consent was in place for a very similar development (albeit granted over 10 years ago), with the same rear parking arrangement however, this has subsequently lapsed and a fresh planning policy framework and recent appeal decisions, such as appeals ref: APP/A1910/W/18/3211726 and APP/A1910/W/17/3170787, are new material considerations. The new National Planning Policy Framework is materially different in so far that there is an increased emphasis on good design which secures a high standard of amenity for existing and future users. Policy CS12 of the Core Strategy states that site design, amongst other things, should respect adjoining properties in terms of layout and site coverage and Policy CS11 states that developments should avoid large areas dominated by car parking. The poor access/parking arrangements of properties Nos. 6 – 10 Redbourn Road is also acknowledged however, the parking area is located to the very rear of the site and therefore would result in less noise and disturbance to neighbouring residents as a result of car manoeuvres and egress and ingress.

9.26 Thus, future occupiers of the application site and neighbouring residents at Little Orchard would experience unacceptable living conditions in terms of noise and disturbance from vehicular comings and goings utilising the access road and parking area of the proposed development. The proposal would therefore conflict with Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy, which collectively seek, amongst other things, to ensure that new development respects adjoining properties and that the impact of noise is minimised by careful attention to layout. The scheme would conflict with Paragraph 127 of the National Planning Policy Framework (2018) which



seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.

#### Impact on Highways Safety

9.27 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) 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 adequate provision of spaces for ultra-low emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.28 The proposal seeks permission for 4x 2 bed units which would require 1.5 spaces per unit, totally a requirement of 6 parking spaces at maximum standard. The proposed development seeks to accommodate provision for at least 6 domestic cars to the front and rear of the application site, which would meet this maximum standard. According to the submitted Design and Access Statement 1 bicycle space per flat would be provided within the development. Details of this bike store could be requested by condition.

9.29 Hertfordshire County Council Highways who were consulted on the planning application and proposed intensification of site use provided the following summative comments:

- The proposed new property will use the existing access onto Redbourn Road.
- Redbourn Road is a "B" classified numbered road, the B487, which is 40 mph, so vehicles are required to enter and exit the site in forward gear.
- 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.

9.30 Hertfordshire Fire and Rescue were also consulted on the planning application and raised no objection on fire safety grounds subject to the provision of fire hydrants within the site.

9.31 Therefore, the proposed development is unlikely to result in significant impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Policies CS8, CS9 and CS12 of the Core Strategy (2013), the NPPF (2018) and Policies 57 and 59 and Saved Appendix 5 of the Local Plan (2004).

#### Impact on Trees and Landscaping

9.32 Saved Policies 99 and 100 of the Dacorum Local Plan (2004), Policy CS12 of the Core Strategy (2013) and The Grovehill Future Neighbourhood Plan (2017) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.33 The proposed scheme has the potential to provide soft and hard landscaping on site. The appearance of the development would be softened through the provision of front landscaping and reinforcement of side boundary treatment, which could be secured through a landscaping condition. All trees to be removed from the site are considered of low amenity value, which do not significantly contribute to the verdant aspect character of the area. The storage of the bins would be located within a dedicated compound within the private rear garden area, details of this could be requested by condition.

#### Impact on Protected Species

9.34 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

9.35 Hertfordshire Ecology were consulted on the proposed demolition of the existing property and confirmed that there is no evidence of bats within the immediate area. An informative has been suggested to be attached to the grant consent as a safety precaution.

#### Presumption in Favour of Sustainable Development

9.36 Paragraph 8 of the NPPF (2018) identifies three aspects of sustainable development: social, economic and environmental. Due to the fact that the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply, paragraph 11 of the NPPF (2018) is engaged. Paragraph 11 of the NPPF states that decisions should apply a tilted presumption in favour of sustainable development unless policies in protected areas of particular importance provide a clear reason for refusing the development proposed.

9.37 Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date" when the LPA cannot demonstrate a five year supply of deliverable housing sites. The most important policies for determining a housing application are considered to be Policies CS1 (Distribution of Development), CS4 (The Towns and Large Villages) and CS17 (New Housing).

9.38 It must therefore be considered whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, as outlined in paragraph 11 of the NPPF (referred to as 'the tilted balance' in favour of sustainable development). Policies for the supply of housing should be given less weight where these circumstances apply.

#### Environmental

The proposal would be located within a sustainable area on a brownfield site within a built up residential area.

#### Social

The proposal would make a contribution to the Borough's housing supply, thereby facilitating the Government's aim of boosting the supply of housing.

#### Economic

The proposal would result in economic benefits during the construction of the units, although this would be for a limited period. In addition, it is likely that future residents would support the local economy such as using the amenities at the Town Centre.

#### Conclusion

The social, environmental and economic benefits of the proposed development outlined above are not significant enough to outweigh the harm the proposed development would cause to living conditions.

#### Consultation Response

9.39 Several concerns were received as a result of the application. The main concerns are addressed below:

*Harm caused from parking area in terms of noise and fumes:* This has been acknowledge and is considered harmful enough to result in the refusal of the planning application. Please see Impact on Residential Amenity section for full assessment.

*Congestion on road/ makes road unsafe:* Hertfordshire Highways were consulted on the planning application and have raised no objection on highway safety and operation grounds. Please see Impact on Highways Safety section for full assessment.

*Loss of outlook, privacy and daylight and sunlight to neighbouring residents:* Please see Impact on Residential Amenity. The proposed development is not considered to result in a significant loss of outlook, daylight or privacy to neighbouring residents.

*Inadequate amount of parking provision:* The development provides adequate parking provision which meets maximum standards. DBC maximum standards incorporates

provision for visitor spaces.

*Side boundary hedging to be removed and replaced with a chain link fence-* The existing side boundary hedging is proposed to be cut back only, and would be maintained within the boundary of St Agnells Court.

### Community Infrastructure Levy

9.40 Policy CS35 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 the 1st July 2015. This application is CIL Liable.

## **10. Conclusion**

10.1 By virtue of the side access and rear parking arrangements of the proposed development future occupiers of the application site and neighbouring residents at Little Orchard would experience unacceptable living conditions in terms of noise and disturbance from vehicular comings and goings. The proposal would therefore conflict with Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy, which collectively seek, amongst other things, to ensure that new development respects adjoining properties and that the impact of noise is minimised by careful attention to layout. The scheme would also conflict with Paragraph 127 of the National Planning Policy Framework (2018) which seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.

**11. RECOMMENDATION** – That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:

### Reasons for Refusal

No	Condition
1	<p>By virtue of the side access and rear parking arrangements of the proposed development future occupiers of the application site and neighbouring residents at Little Orchard would experience unacceptable living conditions in terms of noise and disturbance from vehicular comings and goings. The proposal would therefore conflict with Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy, which collectively seek, amongst other things, to ensure that new development respects adjoining properties and that the impact of noise is minimised by careful attention to layout. The scheme would also conflict with Paragraph 127 of the National Planning Policy Framework (2018) which seeks, amongst other things, to ensure that development provides a high standard of amenity for existing users.</p> <p>Article 35 Statement</p>

<p>Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## **Appendix A**

### **Consultation responses**

#### **Comments received from consultees:**

##### Building Control

Thank you for your email. Building control have taken a look at the proposal. I comment are limited at this stage. We may not get this application under building regulations but please mention building control will be happy to over see the project.

Approved document B volume 2 fire Safety

- General note means of escape from within the flats to the communal hall will need to be addressed at building regulation phase.

Approved document M – Disabled Access

- Confirmation that access and use of the flats will be provided

##### Amended Comments

#### **No Comment**

##### Herts Property

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within **Dacorum's CIL Zone 3** and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team ([growth@hertfordshire.gov.uk](mailto:growth@hertfordshire.gov.uk)).

##### HCC Highways

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:

#### CONDITIONS:

1. Provision of Parking and Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

#### INFORMATIVES:

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: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. 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 <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### COMMENTS

This application is for Demolition of existing residential dwelling and construction of 4 x 2-bed flats and ancillary works

#### PARKING

6 Parking spaces will be provided on the new hard standing.

#### ACCESS

The proposed new property will use the existing access onto Redbourn Road.

Redbourn Road is a "B" classified numbered road, the B487, with 40 mph, so vehicles are required to enter and exit the site in forward gear.

#### WASTE

Provision has been made for the storage and collection of waste.

## 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.

### Herts Fire and Rescue

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:  
[www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit

Herts Ecology

Lavender Cottage is a bungalow with rendered walls and what appears from aerial photos and Streetview to be a well-sealed slate roof. Hertfordshire Environmental Records Centre has no ecological data for this property and there are no known bat roosts within 150m of the site. On considering the buildings style, condition of the roof, age and its urban setting I advise that there is not the need for any bat surveys in this instance.

The back garden of the property and associated shrubs, fruit trees and border hedges link to a line of similar gardens which back onto an extensive open space within the centre of Hemel Hempstead. This open space is composed mostly of sport fields but also includes Woodhall Wood Local Wildlife Site (LWS). This area would provide moderate commuting and foraging habitat for bats and although I do not think the building is likely to be a roost site, it is likely that bats forage around the house.



As a precaution against the unlikely possibility that bats are roosting with in the roof of this building I suggest the following **Informative** is included in any permission given.  
*“In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”*

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
14 St Agnells Court,,,	<p>As the owner of 14 St Agnells Court a flat adjacent to the proposed development I wish to raise my concern regarding the parking.</p> <p>It appears that the existing hedge on the boundary between the communal gardens for the flats and the proposed car park is to be removed and replaced with chain link fencing. This will be detrimental to the privacy and enjoyment of the gardens by the residents. Also the noise and fumes from vehicles turning and parking in the area will be very close to a place where people sit and children play.</p> <p>I would appreciate your consideration for an amendment of the proposed plans .</p>
THE MILLSTONE,REDBOURN ROAD,HEMEL HEMPSTEAD,,HP2 7BA	<p>I live approx. 150yds down Redbourn Rd so have classed myself as neighbour since this potential development may have implications for properties down the road ,in both contexts.</p> <p>Whilst it does not directly affect me, I can't object to increased vehicle usage and noise and a certain loss of private rear garden areas.</p> <p>However, Redbourn Rd is very busy especially in rush hour, and having extra vehicles trying to turn right so close to the proximity of the roundabout is asking for trouble.</p> <p>If any development is to go ahead on this site I could only support the building of a larger single dwelling property, much like all the others down this road .</p>
24 St Agnells Court,,,	<p>I wish to raise an objection as should this development be allowed to go ahead it would have a direct impact on my quality of living as my lounge and bedroom directly overlook that site.</p> <p>My objections are:</p> <p>The proposed structure is a two storey building and not a one storey building which is currently in situ so therefore clearly higher and would block out some of the natural</p>

	<p>light into the my property and subsequently compromise my view.</p> <p>Allowing for six car park spaces would mean an increase in vehicular emission fumes but could also mean an increase in noise pollution at any time of the day or night which would have a debilitating impact on my quality of living.</p> <p>As the entrance/exit to this location is directly off the main road this extra vehicular activity entering and exiting the location in my personal opinion would be hazardous. Whilst writing, and lastly, on the application planning map and in the design and access statement it shows and mentions there is a group dense of trees forming the frontage (within the St Agnells Court back garden amenity space), this is not the necessarily the case as some of the trees were cut down by DBC in recent years so it is misleading as it suggests to me there is sufficient planting and landscaping along the boundary line.</p>
<p>KYNSBRI HOUSE, REDBOURN ROAD, HEMEL HEMPSTEAD,, HP2 7BA</p>	<p>We are opposed to this planning application because we feel that using what is now a family garden is using up yet another valuable green space.</p> <p>Access to these properties is very close to the roundabout with limited view of the fast moving traffic leaving the roundabout. Which obviously could lead to some very serious accidents.</p> <p>Also, most families these days seem to have two cars and visitors with cars. There is only parking for six cars, this would seem to be insufficient off road parking spaces. Where will the extra cars park?</p>
<p>LONSDALE, REDBOURN ROAD, HEMEL HEMPSTEAD,, HP2 7BA</p>	<p>Inadequate parking.</p> <p>The new development has inadequate parking space. It is not unlikely that there will 8 vehicle owners in residence whereupon two cars, if not to box in their neighbours, will have to park outside the property. This situation would be further aggravated if there were any visitors. Cars come off the roundabout at speed and it would be a serious hazard to have cars parked in the road. All the other houses in Redbourn road have adequate parking spaces. So I object to this development on the basis of inadequate parking.</p>
<p>WIDMER, 1 REDBOURN ROAD, HEMEL HEMPSTEAD,, HP2 7BA</p>	<p>I have received a copy of a letter concerning the above where planning application has been made for 4 x 2 bed flats and ancillary works.</p> <p>I am very opposed to this as Redbourn Road is a lovely road with character properties dating back since 1930 which is one of the houses I moved here. Having flats in this area will spoil the view of the road and not to mention the neighbour who will have to put up with a large</p>

	<p>building overlooking his property to say nothing of the vehicles say 2 vehicles per flat would be 8 extra vehicles plus additional for guests would add more pollution into the environment in such a small area so this would spill out onto the road where at that particular place has been the scene of many an incident which would make it worse with more vehicle per square metre.</p> <p>Also clearly the person is doing this purely for profit before the welfare of the neighbourhood and his immediate next door neighbour. In the future potential buyers could be buying to let which does attract problems potentially in the vicinity.</p> <p>I noticed the owner of Lavender Cottage applied in 2003 for 10 flats, 2004 twice for 6 flats and 4 x 2 bedrooms flats all refused so residents clearly do not want this in their neighbourhood.</p> <p>If we allow this to go ahead who knows where it will end and give way to other owners or future owners to build high density flats - this type of property I feel is not wanted in this road perhaps we show say to the council that we should get council tax refunds if we are not happy with decisions that are made - I suspect the council would not be so happy to grant planning applications if it affected them or their purse.</p>
<p>21 ST AGNELLS COURT,HEMEL HEMPSTEAD,,,HP2 7AT</p>	<p>I am objecting to this planning application on the grounds that it would have an effect on my day to day living. Our communal garden would be adjacent to the proposed new car park. And as my only access to outside space along with my balcony, the increase in air pollution would deter me from enjoying these spaces as it could have serious health implications. My bedroom would face this proposed site, and I feel my sleep would be affected by the noise that a car park would bring, doors slamming, engines reving etc. When I moved into this property, your literature promised me 'quiet enjoyment of the property'. You have since granted permission to erect 9 houses with parking and access on the St Agnells Lane side of my property. With this proposed property on the other side of me, my privacy will be seriously compromised. The exiting from the proposed property on to an extremely busy road, opposite the entrance/exit of the council depot, and so close to the roundabout would bring obvious dangers. Where I understand for the need for more housing, I feel this act of shoe horning a property into a small space, has such an enormous effect on those already living in the area. And I am sure some trees and shrubs would be removed to make way for this</p>

	property, affecting local wildlife.
Little Orchard,Redbourn Road,Hemel Hempstead,,HP2 7BA	<p>Objection (as summarised)</p> <p>Access to and from a shared double driveway onto a busy B road will exasperate the situation on an already dangerous road. Noise and pollution from road is unbearable.</p> <p>A precedence may be set in residents have to put up with more noise and pollution in their gardens. Peace and quiet enjoyed will now disappear if parking in rear gardens is allowed.</p>
CATKINS,REDBOURN ROAD,HEMEL HEMPSTEAD,,HP2 7BA	<p>This is a duplicate of our letter delivered by hand to The Forum reception on 25-Jan-2019</p> <p>-----</p> <p>We live two homes away from the site and object to this planning application on the basis that it is over development. The site would have a cramped appearance and be unneighbourly to surrounding properties.</p> <p>There will be increased vehicular activity adjacent to neighbouring back garden areas resulting in disturbance and loss of amenities to adjoining occupiers. If taken as a whole, the combined dwelling and car park would breach the established building line by a large margin. It would result in a considerable loss of amenity for local residents and the vehicle access would create a death trap on an already known highway blackspot. With the obvious increase in traffic from the large scale new housing projects, Redbourn Road traffic levels will be much greater and pose greater dangers for vehicles accessing the proposed development. Traffic risks should not be based on the current road use.</p> <p>In 1992 the Government Appeals Inspector (regarding a planning application at Hazel End) stated that the back garden area at the rear of properties along Redbourn Road are "An Oasis of Peace and Quiet" and rejected the Appeal. In the Lavender Cottage application it was commented that this only referred to a Meeting Hall and was not relevant, but this comment misses the point completely. The fact is the rear gardens are an "Oasis of Peace and Quiet" regardless of specific planning applications. The semantics and context of his statement are proof enough and still hold true today.</p> <p>The proposed access road and car turning area is little different from a single lane road and cul-de-sac into the back garden. Many types of vehicles could use this parking space including vans motorcycles and cars and</p>

the placing of any restrictions could not be effectively enforced. For example; higher sided vans with brightly coloured logos would be visible all the way down the back gardens.

There is no reason to use the back garden area if the property is sized accordingly. Such a loss of amenity caused by noise, diesel and petrol fumes, revving and turning at any hour of the day and night is wholly unneighbourly and out of keeping with the back garden amenity in local common use. Many homes have bedrooms and living areas facing the back garden and in the hotter weather many windows are open. But with cars starting up and manoeuvring, the sound and fumes will come directly into the homes which could result in direct health issues and possible litigation.

The existing site has a small discreet garage and driveway at the property edge for a single vehicle towards the rear and does not include a turning area. The existing rear patio area is a common and recognized recreational amenity. Converting both driveway and patio into a vehicular parking and turning area is a fundamental change of use to the detriment of others.

Regarding the point of access which would be a short distance from Grovehill roundabout, we would like to point out that Herts County Council Highway Dept records regarding accidents at this location may not be reliable. There are a number of eyewitnesses who have observed accidents at this location with vehicles coming well onto the pavement, crashing into telephone poles and hedges - many such incidents have not been reported. There is also a Bus Stop without a layby and waste collection vehicles manoeuvring at this dangerous point. The camber on the Grovehill roundabout entering Redbourn Road results in vehicles swerving towards the left at speed as they come off the roundabout. With vehicles turning into the new property serious incidents are wholly likely to occur during the slowing down and manoeuvring at that particular point from the Grove Hill roundabout. There have already been deaths along this road and we as neighbours do not want to endanger ourselves or loved-ones nor live with the memory of preventable deaths having occurred close by. We urge you to recognise local knowledge of this black-spot in addition to any HCC records.

The result of the Hazel End development was 2 houses with front-only shared parking and access which has set an example for such development in Redbourn Road.

	<p>This application is a clear case of over-development and the application should be rejected in favour of a development more in keeping with the area and protecting important back garden amenity for all</p> <p>This application is nothing short of contempt for the people living their lives in neighbouring homes.</p>
17 ST AGNELLS COURT,HEMEL HEMPSTEAD,,HP2 7AT	Invasion of privacy,blocking out light sleep disturbance as on shift work lovely quiet area don't need works unit,making noise day and night
WIDMER,1 REDBOURN ROAD,HEMEL HEMPSTEAD,,HP2 7BA	<p>After received your letter dated 06.02.19 I still stand by my previous comments plus additional below:-</p> <p>Access to and from a shared double driveway onto a busy B road will exasperate the situation on an already dangerous road. Noise and pollution from road is unbearable.</p> <p>A precedence may be set in residents have to put up with more noise and pollution in their gardens. Peace and quiet enjoyed will now disappear if parking in rear gardens is allowed.</p>

### Supporting

Address	Comments
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### Commenting

Address	Comments
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