

<b>4/03026/18/MFA</b>	<b>DEVELOPMENT OF SITE TO PROVIDE 84 DWELLINGS WITH ACCESS FROM DURRANTS LANE AND PROVISION OF AMENITY SPACE, LANDSCAPING AND OTHER ASSOCIATED WORKS INCLUDING DRAINAGE INFRASTRUCTURE</b>
<b>Site Address</b>	<b>LAND AT JUNCTION OF DURRANTS LANE &amp; SHOOTERSWAY, BERKHAMSTED</b>
<b>Applicant</b>	<b>Taylor Wimpey North Thames, C/o Agent</b>
<b>Case Officer</b>	<b>Robert Freeman</b>
<b>Referral to Committee</b>	<b>The application was deferred at the committee meeting of the 21st February 2019</b>

## **1. Recommendation**

1.1 That planning permission be **DELEGATED** to the Group Manager for Development Management and Planning with a **VIEW TO APPROVAL** subject to the completion of a legal agreement.

## **2. Summary**

2.1 The proposals would deliver the remaining key planning objectives of the Policies SS1 and MU/6 of the Core Strategy and the Land at Durrants Lane/Shootersway Masterplan including a substantial proportion of housing identified in the housing programme and forming an important element of the Council's housing land supply.

2.2 The scheme is considered to represent a high quality residential scheme in accordance with Policies CS1, CS12 and CS13 of the Core Strategy and Saved Appendix 3 of the Local Plan. The layout and arrangement of residential units, landscaping and amenity space is considered to strike an appropriate balance between the need to make best use of urban land and provide a soft, landscaped and defensible boundary at the edge of the settlement of Berkhamsted. The proposals would provide a reasonable level of residential amenities for future occupants in accordance with Saved Appendix 3 of the Local Plan.

2.3 An alternative access to the site from that shown in the site Masterplan has been provided in accordance with the views of committee members. This has been considered by the highway authority and would not have any detrimental impact upon matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. The internal layout of the site reflects highways standards and should allow safe movement both within and through the site for vehicular traffic. Adequate parking is provided for new residents as have pedestrian routes in the interest of sustainable transport. Such an approach reflects national and local planning policy embedded in the National Planning Policy Framework (NPPF) and Core Strategy.

2.4 A high quantum and range of landscaping and amenity spaces (both formal and informal) would be provided within the residential layout reflecting and exceeding the requirements in Policy CS12 and CS26, Saved Policy 76 and Appendices 3 and 6 of the Local Plan. The proposals will also deliver better maintenance and management of the adjacent woodland in the interests of ecology and biodiversity as encouraged under Policy CS26 of the Core Strategy.

2.5 Appropriate infrastructure works will be secured through planning conditions, a legal agreement and the payment of Community Infrastructure Levy (CIL) in accordance with Policy CS35 of the Core Strategy, the CIL Regulations 2010 (as amended) and the Councils CIL policies.

### **3. Background**

3.1 The application was considered by members of the committee at the Development Management Committee meeting of the 21st February 2019. Members requested that the consideration of the application be deferred in order that the applicants and the case officer could;

- a. consider an alternative means of access to the site via Durrants Lane in consultation with Hertfordshire County Council as highway authority (paragraphs 9.16-9.20),
- b. consider the design of traffic calming measures along the current proposed access (paragraph 9.21) ,
- c. provide additional information regards the management of the existing woodland (paragraphs 9.31-9.33),
- d. clarify the position in relation to education provision within the locality (paragraphs 9.40-9.43) and
- e. provide additional time for discussions between the applicants and the County Council in respect to land originally marked for housing in the Masterplan

### **4. Site Description**

4.1 The application site is located on the corner of Durrants Lane and Shootersway, Berkhamsted and comprises 3.96 ha of vacated agricultural land and woodland. The site is located on the south-western edge of Berkhamsted and adjacent to Egerton Rothesay School (ERS).

4.2 Beyond the north east boundary of the site is ERS and associated playing fields. A car park and drop off area for the school has been recently constructed on the north eastern boundary of the site. To the south eastern boundary of the site there is a woodland beyond which there are residential properties. The remainder of the site is bounded by Durrants Lane and Shootersway.

### **5. Proposal**

5.1 The application is for the construction of 84 residential units with associated parking, landscaping and drainage works on land on the corner of Durrants Lane and Shootersway. This would provide the following housing mix:

Market Homes (60%)  
4 x 2 bedroom houses  
12 x 3 bedroom houses  
27 x 4 bedroom houses  
7 x 5 bedroom houses

Total - 50 houses

Affordable Dwellings (40%)  
3 x 1 bedroom flat

16 x 2 bedroom flats  
3 x 2 bedroom houses  
12 x 3 bedroom houses

Total - 34 dwellings

5.2 An amended highway report and site layout was submitted to the Council on the 1st March 2019 and has been consulted upon in full. The application site will now be accessed off Durrants Lane in a location broadly central to this road frontage. A pedestrian and cycle access would be provided between Elizabeth II Avenue and the site to the south of a woodland area between ERS and Shootersway. The remaining elements of the layout remain unchanged.

5.3 The application incorporates an area of open space around the southern and western boundaries of the site ranging from a minimum of 7.5m to over 25m in width and with a typical width of around 8.5m adjacent Durrants Lane and some 11.5m to Shootersway. The application also provides for green spaces within the layout including a 'village green' with Local Area of Play (LAP), landscaped amenity spaces for flats, attenuation basins and public access improvements within the woodland. The management company associated with Phase 1 of the development will undertake the long term management and maintenance of these areas.

## **6. Relevant Planning History**

The application site was initially identified as a housing site in the Dacorum Borough Local Plan 1991-2011 (H37) and was phased for delivery between 2006 and 2011. It has subsequently been rolled forward as a housing site in policies in both the Core Strategy (SS1) and Site Allocations DPD (MU/6). The first phase of SS1 has already been implemented and the current proposals seek to bring forward additional land within site allocation MU/6 for residential purposes.

The first phase of residential development secured the provision of new formal leisure space in the form of three sports pitches on the opposite side of Durrants Lane to the application site and to the rear of 'The Lodge' Durrants Lane. This is identified as site L2 in the Site Allocations DPD and is allocated for community recreational use. It also secured the provision of a parking and drop off area for the Egerton Rothsay School with dual use for recreational users outside school hours.

The site was subject to a Development Brief in 2012 and is to be considered in accordance with the advice therein. The Masterplan envisages the site coming forward in phases with the development of land to the rear of Egerton Rothsay School (ERS) forming a second phase of residential development and with the replacement of sports pitches occurring on the corner of Durrants Lane and Shootersway (the application site). Residents subsequently launched an application to register this land at the rear of ERS as a village green. This application for Village Green status for this land was refused in 2015.

Despite the refusal of the Village Green application some time ago, there has been no progress on the delivery of a second phase of the development in accordance with the masterplan and in partnership with Hertfordshire County Council (HCC) as landowners. The delivery of Phase 2 of the development, in accordance with the Brief, is dependent on access being secured through land within Taylor Wimpey's ownership with an

associated land swap delivering land for replacement playing pitches. As we understand matters, no agreement can be reached with HCC regards this matter.

## **7. Policies**

### 7.1 National Policy Guidance

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

### 7.2 Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - 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  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS18 - Mix of Housing  
CS19 - Affordable Housing  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
Proposal SS1  
CS35 - Infrastructure and Developer Contributions

### 7.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58, 73, 76, 86, 99, 100, 101, 111, 116 and 129  
Appendices 3, 5, 6 and 7

### 7.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013) Environmental Guidelines (May 2004)
- Energy Efficiency & Conservation (June 2006)
- Land at the Durrants Lane/Shootersway Masterplan (2012)
- Planning Obligations (April 2011)
- Water Conservation & Sustainable Drainage (June 2005)

### 7.5 Advice Notes and Appraisals

- Refuse Storage Guidance Note (February 2015)
- Sustainable Development Advice Note (December 2016)

## 7.6 Other Policy Documents

- Community Infrastructure Levy - Charging Schedule (2015)
- Community Infrastructure Levy - Regulation 123 List (2015)
- Infrastructure Delivery Plan
- Parking Standards Review (2017)

## 8. Representations

Consultation responses

8.1 New comments have been added in full at Appendix A.

Neighbour notification/site notice responses

8.2 New comments have been added in full at Appendix B

8.3 Previous consultation responses have been included at Appendix C

## 9. Considerations

### Policy and Principle

The Core Strategy

9.1 The site forms part of the mixed use scheme SS1 within the Core Strategy and is fundamental to the delivery of the Berkhamsted Place Strategy within the Framework. The Core Strategy sets a local objective for Berkhamsted to deliver some 1,180 homes between 2006 and 2031. A significant amount of the future housing for the town will be delivered from the strategic housing proposal at Durrants Lane/Shootersway including the provision of some 180 homes (15%), improvements to the school and both replacement playing fields and community playing fields

Proposals Map

9.2 The proposals maps associated with the Core Strategy were altered at the time of the adoption of the Core Strategy and indicates that the land subject of this application is designated public open space. This reflects the earlier identified need to protect this area as replacement playing fields for ERS as identified in the Masterplan for the site. Open space is protected under Policy CS4 of the Core Strategy and the primary planning purpose is to maintain the open character of such sites.

Site Allocations Development Plan Document (DPD)

9.3 The Site Allocations DPD is an important element of the statutory development plan upon which planning decisions should be based. The site is identified in the Site Allocations DPD as site MU/6. Site MU/6 identifies the land at the junction of Durrants Lane and Shootersway as the location for a mixed use development comprising around 150 new homes, improvements to the existing school, replacement playing pitches and new leisure space. Site MU/6 is connected to proposal L2 for the provision of formal and informal playing pitches on the opposite side of Durrants Lane.

## The Masterplan

9.4 The Land at Durrants Lane/Shootersway, Berkhamsted Masterplan was adopted in 2012 and covers a wider area than the application site. The masterplan envisages the delivery of up to 180 homes, the expansion of ERS and the provision of community pitches and replacement school pitches. Figures 5.2, 5.3 and 6.1 of the masterplan illustrate a preferred arrangement of uses for the site. This includes the provision of housing to the rear of ERS with replacement dual use school playing fields to the south of the school and on the corner of Durrants Lane/Shootersway.

9.5 Both Policy SS1 of the Core Strategy and the Masterplans set out in some detail the guiding principles for the development of the site which amongst matters includes the provision of 2/2.5 storey residential development, a requirement to secure 40% affordable housing, provision a soft edge to the development providing informal leisure space, access from Shootersway and securing a drop off area for the school

### Housing Supply and Delivery

9.6 The housing target in Policy CS17 sets a level of housing which the Council expects to achieve and exceed. As members will be aware this target is for the provision of an average of 430 dwellings per annum between 2006 and 2031. This is anticipated to increase as progress is made on a new Single Local Plan (SLP) and as a result of the governments housing projections. Tables 8 and 9 of the Core Strategy make it clear that the towns and strategic sites have an important role in the delivery of the housing strategy.

9.7 The development of this site was expected to deliver 180 new homes and other uses by 2014/15 as set out in the Masterplan. Some four years later, the provision of 92 homes on the allocated site SS1 represents a significant shortfall against this target and a failure to deliver additional housing clearly undermines the delivery of the Council's housing programme. It is prudent to expedite the delivery of allocated sites in the interests of maintaining a housing land supply and the supply of affordable homes and to address causes of under delivery as required under paragraphs 67, 75 and 76 of the NPPF.

9.8 The Council is not at present able to demonstrate a 5 year supply of deliverable housing sites as required by the NPPF and as a consequence one must consider the proposal against the Frameworks presumption in favour of sustainable development (paragraph 11) The proposals would clearly deliver social and economic benefits in terms of new homes and local employment during the construction process which would outweigh any neutral/negative impact on the local environment.

9.9 Policy NP1 of the Core Strategy requires the Council to take a positive approach to the consideration of development proposals and work pro-actively with applicants to find solutions for development proposals that help to improve the economic, social and environmental conditions in Dacorum. This would extend to addressing blockages in the delivery of housing sites such as SS1/ MU/6 where it can be demonstrated that there is unreasonable delay in the delivery of homes or where sites are identified as being unlikely to come forward within a reasonable timescale

9.10 Officers are of the view that the current impasse with the development of phase 2 of this housing site requires intervention by the Council in order to secure the quantum

of development envisaged in the housing programme and other planning benefits associated with the development of the site. The current application has been encouraged through the pre-application process. The resulting proposal has the potential to deliver the broad objectives of the Masterplan albeit not as envisaged therein. The delivery of new homes and affordable homes should weigh heavily in favour of development.

### Open Space

9.11 It is important to understand that the open space designation of this site was added to the proposals maps in 2013/14 to safeguard the provision of open space to be provided under the Masterplan for the development of the SS1 site. This need for open space is driven by a requirement in the Masterplan to replace any pitches lost through the development of land at the rear of ERS and does not extend to meeting the needs arising as a result of new development and growth. It is not reasonable for the development to provide for any existing shortfalls in open space provision within the settlement of Berkhamsted nor if development is unlikely to occur at the rear of ERS is it necessary for the scheme to provide dual use sports pitches on this land as set out in the Masterplan.

9.12 Phase 1 of the SS1 development has already secured the provision of three sports pitches on site L2 and opposite the application site together with the provision of car parking for users of this site. This provision clearly meets and exceeds the requirement for sports pitches as a result of the totality of development on SS1. As a result of this development a contribution towards providing an associated changing facility will be secured.

9.13 In this context, the loss of open space and associated conflicts with policy CS4 of the Local Plan are considered to be outweighed by the benefits arising from the scheme.

9.14 An important element of the proposed layout is the green corridor around the site boundaries with Durrants Lane and Shootersway. This provides a soft edge to the residential scheme and given its width, inclusion of pathways and seating provides an area for informal recreation in accordance with the objectives of the Masterplan. Additional open space is provided for residents in the form of a central green surrounded by residential properties and through improvements in public access to the existing woodland. This would provide a satisfactory level of public open space associated with the development proposals.

### Affordable Housing

9.15 The proposed development will deliver the provision of 40% affordable housing on the site fully in accordance with Policy CS19 and SS1 of the Core Strategy and in accordance with the Masterplan. The mix, size and tenure of these affordable housing units has been agreed with the Strategic Housing team and will be secured via a legal agreement

### Access and Parking

9.16 A new transport assessment and site layout (P18-1593\_01K) was submitted on the 1st March 2019 superseding the previous proposals to access the site from Elizabeth II Avenue and proposing a new primary vehicle access off Durrants Lane. This access has

been proposed to address members' clear preference for a new access to the application site. The amended transport assessment provides details of a new junction onto Durrants Lane approximately 80m from its junction with Shootersway and updated assessments of the impact of development upon a number of junctions including that at the juncture of Durrants Lane and Shootersway.

9.17 The proposed access has been designed in consultation with the highway authority and is supported by them as set out in their consultation response. It has been designed to achieve appropriate visibility splays of some 43m along the Durrants Lane frontage and provide a safe access point into the development site. Its construction will require the removal of a number of small trees on the Durrants Lane frontage. These are young trees, but ones which would be classified as poor quality, Category C, specimens. The removal of these trees to facilitate the construction of the access is not considered to result in harm to trees of significance nor significant harm to the character and appearance of the Durrants Lane frontage in accordance with Policy CS12 of the Core Strategy and Saved Policy 99 of the Local Plan. The retained amenity corridor around the perimeter of the site and to the Durrants Lane frontage allows space to mitigate the loss with replacement planting, alleviating wider concerns with the erosion of tree cover in this locality.

9.18 The impact of development on the junction of Durrants Lane and Shootersway has also been tested with the Transport Assessment showing that the junction operates within its design capacity. The Transport Assessment provides evidence that the additional traffic associated with the proposed development would not affect the operation of the Shootersway and Durrants Lane junction and will be imperceptible to other road users. The highway authority do not consider it appropriate or necessary to test the impact of works on other junctions in the locality.

9.19 Although the highway authority have historically raised some concerns regards the over provision of parking spaces such matters have been subject to more detailed analysis by the applicants. This analysis reveals that the scheme provides a total of 10 parking spaces above the recommended parking standards arising from the Parking Standards Review (October 2017) Although this is not adopted policy of the Council and at present can be afforded very little weight in the decision making process it is consistent with the NPPF in terms of a movement away from maximum parking standards and consistent with committee members views on the need to increase residential parking provision. The majority of the over provision results from those five bedroom properties on the scheme being provided with double garages and two on-site parking spaces. The result is a net gain of 1 space against the standard of 3 spaces per 4 bed+ property in each case; five in total. The general provision for 3 bedroom units has been rounded from 2.3 spaces to 3 spaces in the submitted scheme and the 1.75 spaces need for a 2 bed property has typically been rounded to 2 spaces per property.

9.20 This analysis has demonstrated that the parking provision on the site would appear to be appropriate and is not considered to be excessive to the detriment of other more sustainable forms of transport. Indeed the provision of pedestrian links through and around the perimeter of the site should encourage local trips by foot or by cycle in accordance with Policies CS8 and CS12 of the Core Strategy.

#### Other Highway Works

9.21 As the proposals are no longer dependant on access via Elizabeth II Avenue, it is

not considered to be reasonable or necessary to undertake any works to Elizabeth II Avenue to provide for traffic calming along this route.

### Layout, Design and Scale

9.22 The proposed development strongly reflects the urban design and layout principles established in Saved Appendix 3 of the Local Plan and the site Masterplan. The site is laid out to provide a range of good quality, private residential units, with a high level of residential amenity, garden space, sunlight and daylight. The units are laid out to provide a series of perimeter blocks that provide a strong frontage to the public realm and attractive street scenes, whilst providing a good level of amenity space and sufficient back to back distances between new properties in the interests of privacy.

9.23 The height and massing of the proposed development varies across the site according to the nature of the public realm. The majority of units are two storey in height with occasional 2.5 storey dwellings in key locations to produce attractive and interesting street scenes. Some three storey apartments are added towards the north eastern boundary of the site.

9.24 The layout has three distinct character areas; a central space character, a lower density green fringe area and the northern edge character. The central space character area encompasses the central village green and the primary access route into and through the site from Phase 1. Dwellings are set, in strong uniform building lines around the central village green with larger detached units located along the street 1 reinforcing its importance in the hierarchy of access routes within and through the site.

9.25 A quieter more spacious form of development is provide to the south western and eastern edges of the development as part of the green fringe character area, whilst there is an increase in density to the northern edge of the application site comprising a mix of semi-detached, terraced and apartment blocks. It is upon this northern boundary and against the backdrop of the woodland that the opportunity arises for taller three storey development in the form of apartments. The smaller affordable housing units are located within this area reflecting the need for this type and size of property. The height of these larger units and the apartments is considered appropriate given the backdrop of the woodland and the size and tenure of units provided. A number of alterations have been made to the design of Blocks A and B to improve their appearance and reduce the bulk and mass of the apartments.

9.26 An average net density of some 38 dwellings per hectare is achieved (the developable area is some 2.19 ha) as the density of development is gradually increase across the site and this would appear to strike an appropriate balance between providing a soft edge to the development that reflects the surrounding edge of settlement housing and the need to optimise the use of the land and provide an appropriate supply of new homes in accordance with Saved Policy 10 of the Local Plan, Policies CS12 and SS1 of the Core Strategy and the objectives for the Masterplan.

9.27 The design of individual units within the site builds upon the phase 1 development and has been carefully considered in accordance with the comments of the case officer and design team. Minor amendments have been submitted including the provision of additional windows, better articulation of some elevations to break up the massing and bulk and the inclusion of design details including chimneys to relieve roof forms. These changes have been agreed with the developer through a design review of the scheme.

## Impact on Trees, Landscaping and Ecology

9.28 The application is accompanied by an Arboricultural Impact Assessment and Tree Survey. This has been updated to include information on the impact of the new access off Durrants Lane on landscaping and trees to this boundary. The original report identifies that tree cover within the influence of the application site is typical of the sites locality and former use. The south eastern boundary of the site contains the sites principle tree coverage which comprises the deciduous woodland and a separate group of fir, pine, field maple, Silver Birch and Sycamore trees. The development of the site results in limited tree losses upon and adjacent to the site. The main impact of development is the removal of a single low-quality Sycamore tree and the partial clearance of low quality species at the margins of the woodland in order to form a pedestrian and cycle link to Phase 1, although some trees will be removed to facilitate the new access (see 9.17). The loss of this trees is not considered to be significant and will clearly be outweighed by replacement planting both within the site and to the wooded fringe as part of a comprehensive landscaping scheme and woodland management plan.

9.29 The site has also been subject to Ecological Surveys by Aspect Ecology. This assessment indicates that the habitat to be lost as a result of these proposals is dominated by bare and re-colonising ground, together with areas of shrub and amenity planting. These are not considered to form features of ecological importance. The features of ecological importance on the site include mature trees, tree lines and woodland on the perimeter of the site. The proposals would involve some minor loss of woodland associated with works to create the site access but in the long term these losses will be mitigated through the enhancement of the woodland and additional native planting. As such the proposals would be considered in broad accordance with Policy CS26 of the Core Strategy.

9.30 The site generally offers limited opportunities for protected species and no evidence of such species was recorded in survey works. A single inactive outlier badger sett was found in August 2018 and the woodland is likely to provide good foraging habitat for birds, bats and badgers. The woodland habitat should be protected during construction in accordance with the recommendations in the ecological report. Badgers and nesting birds are protected by other legislative frameworks so a number of recommendations including additional survey work and mitigation strategies will be required prior to the commencement of works and in accordance with the ecological report. Such surveys should be secured by condition.

## Woodland Management

9.31 The applicants have provided the following response to address the concerns raised at the previous committee regards the woodland adjacent to Phase 1

"A site investigation has been completed with regards to the complaints over this matter. The limited waste items observed have been removed. The management company responsible for continual management of the area has been contacted to review its procedures for the site. The current application provides a further opportunity to control and specify the maintenance of this area. We consider that whilst this is a relevant matter locally it is not one which should hold back the positive determination of the planning application. As you are aware the wooded area is included within this planning

application boundary and hence approval of this application provides the opportunity to control the future use of this area for the benefit of residents"

9.32 Officers have discussed the claims of anti-social behaviour (ASB) within the woodland with the relevant Council departments. The area is not identified as a particular hotspot for anti-social behaviour suggesting that such activity has not generated complaints to Hertfordshire Constabulary or the Council's ASB team. This issue has however been escalated to the neighbourhood policing team and will be monitored. There is little evidence to suggest that the additional residential use of the site would give rise to any increase in anti-social behaviour and as such there would be little planning grounds for objection.

9.33 It would be reiterated that there are currently no planning requirements in relation to the woodland area and as such there is little onus on the applicants to maintain the area. This application will secure the provision and implementation of a management plan through the associated planning conditions and as such should deliver wider open space benefits for the local community.

### Infrastructure

9.34 In accordance with Policy CS35 of the Core Strategy all new development should provide or contribute to the provision of the on-site local and strategic infrastructure required to support the development either directly or through financial contributions.

9.35 The Council has an adopted Community Infrastructure Levy (CIL) under which financial contributions are secured from all new residential development towards on site, local and strategic infrastructure works necessary to support development. The site would be located within Zone 1 (Berkhamsted and Surrounding Areas) wherein a charge of £250 per square metre of new residential development (as increased by indexation) will be levied in accordance with the CIL Charging Schedule. The Council's adopted Regulation 123 list sets out how such sums will be spent on infrastructure.

9.36 The site is an allocated Strategic Site and as such the Council or County Council may also require separate contributions towards social infrastructure (youth facilities, libraries and indoor sport) as set out in our Regulation 123 list and where such sums are justified.

9.37 The need for indoor sports provision has been assessed having regard to the likely population of the new development and in accordance with the standing advice and Sport England Sports Facility Calculator. This has resulted in a request for a contribution of £75,000 towards the provision of indoor sports facilities. Such sums are capable of being secured on Strategic Sites having regards to the exemptions for community facilities in the Council's Regulation 123 list. It is suggested that this contribution be used towards the provision of a changing facility for the associated playing fields at L2 either on site or adjacent to it.

9.38 It is considered that a contribution towards the monitoring of a Green Travel Plan would not meet the tests at Regulations 122-124 of the CIL Regulations and as such could not be secured. Such contributions are not supported by planning policies of the Council and there are several examples of such sums being considered unlawful by the Planning Inspectorate and the Courts (see Oxfordshire County Council v SOS for Communities and Local Government - EWHC 186 - January 2015)

9.39 A condition has been suggested to secure the provision of fire hydrants to the site

#### Education Provision

9.40 The County Council have been contacted with regards to the provision of education provision within the settlement of Berkhamsted and the content of the County Council's published education forecasts have been discussed directly with the County Infrastructure planning team. The County Council also publishes regular policy statements on 'Meeting the Demand' both in terms of primary and secondary education provision across the County. The latest published forecasts are from Summer 2018/19 and are based on both demographic data and actual school intake data for the locality.

9.41 The town of Berkhamsted changed from a three tier education system to a two tier education in 2013 in line with the wider delivery of education services within the County. This was accompanied by an enlargement of several schools at primary level including Swing Gate School, Greenway and Victoria C of E in 2012 and St Mary's C of E and Greenway from 2014. The latest forecasts indicate that for the settlement of Berkhamsted that there would be a surplus of primary education places for the period 2019/20 till 2021/22. This surplus would equate to around 2 forms of entry (60 pupils) and is equivalent to the demand arising from some 500 dwellings. A development of this scale is unlikely to have a significant or detrimental impact upon the supply of primary education places within the town. The town appears to be well equipped to deal with the demand for primary education places in the short/medium term.

9.42 In terms of secondary education provision, the County Council are forecasting a deficit in places at Ashlyns secondary school from 2019/2020 despite having increased capacity at the school by a single form as recently as 2018. The school currently operates at around 8 forms of entry (240 year 7 places) although it is understood that around 10 forms of entry could be accommodated at the site. This deficit will reach a peak in 2022/2023 at just below 2 forms of entry before trailing to a deficit of approximately a single form without any further investment of increase in pupil places and capacity. The County Council has indicated that the increased capacity should be sufficient to provide places for local children and there are plans in place to increase capacity in neighbouring school areas in 2019; particularly those in Hemel Hempstead. The child yield associated with the proposals will not dramatically alter the position in relation to secondary education.

9.43 The development is an allocation site within the Core Strategy and Local Plan and as such the growth associated with the proposals has been planned for and accommodated in the local plan process. The Core Strategy and Site Allocations DPD clearly provide reserve sites within the town of Berkhamsted (EZ/2 and EZ/3) for primary education provision and to provides the policy basis and opportunity for the expansion of Ashlyns (a site within the Green Belt) under Site Allocation MDS/3. Members would be reminded that the Council acts as a facilitator in this process of delivering infrastructure and as such it is not appropriate to unreasonably delay the grant of planning process as a result of concerns with the delivery of actual infrastructure by the County Council. The developer will be meeting their obligations in accordance with Policy CS35 of the Core Strategy through the payment of CIL contributions towards such works.

#### Drainage

9.44 The Lead Local Flooding Authority has confirmed that the drainage strategy for the development would be appropriate. The drainage of the site is a Sustainable Urban Drainage system incorporating a number of surface attenuation basins. This is considered appropriate in accordance with Policies CS26 and CS32 of the Core Strategy.

#### Sustainable Construction

9.45 The Design and Access Statement indicates that a combination of sustainable construction methods will be utilised to provide a sustainable form of development in accordance with Policies CS28, CS29 and CS31 of the Core Strategy. The general approach is to improve the energy efficiency of the development through the siting of properties, choice of construction fabric and materials, control over construction waste and recycling and through improvements in green infrastructure upon the site itself.

#### Other Matters

9.46 A number of local residents have historically expressed concerns with regards to the masterplanning of the area; particularly as Hertfordshire County Council issued a press release and consultation relating to the relocation of the ERS to the designated primary education site at Bridle Way and adjacent to Bridgewater school contemporaneous with the submission of this application. This proposal is not identified in the Core Strategy or Site Allocations DPD and does not form part of the initial SS1 proposal or Masterplan. At this stage there is no definitive proposal for the ERS site to be considered by the Council nor would it be appropriate to give any weight to proposals to develop this site.

9.47 The County Council concluded at its Cabinet meeting of the 17th December 2018 that it would be premature to make any decision regards the land at Bridle Way and Durrants Lane pending the Borough Council's review of its local plan. It is not appropriate to delay consideration of the development of this site until such time as the future of ERS has been determined by the County and given the already substantial delay in the provision of housing.

9.48 One resident has expressed concerns regards the impact of development upon its residential amenities (The Lodge) The Lodge is located on the opposite side of Durrants Lane at its junction with Shootersway. Their main amenity concerns are that a number of plots within the development would look over their property to the detriment of privacy. The front windows (first floor and dormer) of plot 29 are located approximately 30m from the flank/front elevation to The Lodge whilst a distance of some 25m has been measured between the front elevation of plot 30 and the garden of The Lodge. Between these properties there is the main road at Durrants Lane. These distances are far in excess of our privacy standards.

9.49 Two residents have submitted comments since the previous meeting of DMC. There points are covered above except in relation to the impact on infrastructure (health)

9.50 The Council has determined that it will utilise CIL funding to address any health infrastructure needs arising from development as set out in its Regulation 123 list and it is thus not appropriate to consider such matters further in relation to this application. In doing so it should be noted that no response has been received from the Clinical

Commissioning Group to the consultation on the proposals.

## 10 Conclusions

10.1 The proposals would deliver the remaining key planning objectives of the Policies SS1 and MU/6 of the Core Strategy and the Land at Durrants Lane/Shootersway Masterplan including a substantial proportion of housing.

10.2 The new access is considered to be safe and the residential development is considered to be acceptable in terms of its layout and design. For these reasons the proposals are considered to be in broad accordance with the Development Plan.

11 RECOMMENDATION – That planning permission be **DELEGATED WITH A VIEW TO APPROVAL SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT** for the reasons referred to above and subject to the following conditions:

### Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p> <p>Reason: To safeguard the character and appearance of the Listed Building.</p> <p>Reason: In the interests of the visual amenities of the Conservation Area.</p>
3	<p>No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials;  means of enclosure;  soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;  trees to be retained and measures for their protection during construction works;  A landscape management plan setting out how the landscaping of the site will be managed in perpetuity  A woodland management plan setting out how public access will be provided</p>

	<p>to the woodland and how the woodland will be managed in perpetuity  proposed finished levels or contours  minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);  proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>The landscape management plan and woodland management plan will be implemented fully in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
4	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018 supporting information. The surface water drainage scheme should include;</p> <ol style="list-style-type: none"> <li>1. Implementing the appropriate drainage strategy based on attenuation and discharge to deep borehole soakaway</li> <li>2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event for both the northern and southern sites.</li> <li>3. Undertake the drainage to include tanked permeable paving, swales/filter strips and basins as indicated in drawings 9662-D-02.</li> </ol> <p>Reason: To ensure that the drainage of surface water does not provide an unacceptable flood risk to the proposed dwellings or adjacent development in accordance with Policy CS31</p>
5	<p>No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018. The scheme shall also include:</p> <ol style="list-style-type: none"> <li>1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.</li> <li>2. All calculations/modelling and drain down times for all storage features.</li> <li>3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.</li> <li>4. Incorporate the use of catch pits, interceptors and additional swale features etc. for highway drainage.</li> <li>5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event</li> </ol>

	Reason -To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Core Strategy.
6	<p>Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;</p> <ol style="list-style-type: none"> <li>1. Provision of complete set of as built drawings for site drainage.</li> <li>2. Maintenance and operational activities.</li> <li>3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</li> </ol> <p>Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy CS31 of the Core Strategy</p>
7	<p>No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.</p> <p>Thereafter, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:</p> <ol style="list-style-type: none"> <li>a) Construction vehicle numbers, type, routing</li> <li>b) Traffic management requirements</li> <li>c) Construction and storage compounds (including areas designated for car parking)</li> <li>d) Siting and details of wheel washing facilities</li> <li>e) Cleaning of site entrances, site tracks and the adjacent public highway</li> <li>f) Timing of construction activities to avoid school pick up/drop off times</li> <li>g) Provision of sufficient on-site parking prior to commencement of construction activities</li> <li>h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.</li> <li>i) Construction or Demolition Hours of Operation</li> <li>j) Dust and Noise control measure</li> <li>k) Asbestos survey and control measure where applicable</li> </ol> <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way as well as in the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policies CS8 and CS12 of the Core Strategy.</p>
8	<p>The dwellings, hereby approved, shall not be occupied until a scheme for the control and fighting of fire (the fire scheme) has been submitted to and approved in writing by the local planning authority. This scheme shall incorporate the provision of fire hydrants where necessary.</p> <p>The development shall not be occupied until the fire scheme has been implemented fully in accordance with the approved details</p> <p>Reason: To ensure the provision of appropriate infrastructure in accordance with Policy CS35 of the Core Strategy</p>

	<p>INFORMATIVE - 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.</p>
<p>9</p>	<p>No development shall take place until a Phase II contamination report has been submitted to and approved in writing by the local planning authority. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For the purposes of this condition:</p> <p>A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.</p> <p>A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy.</p> <p>4). Un-expected Contaminated Land Informative  In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p>
<p>10</p>	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 9 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.</p> <p>For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.</p> <p>Informative:  Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing</p>

	<p>with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></p>
11	<p>No development shall take place until a detailed air quality assessment report assessing the impacts of the proposed development has been submitted to and approved in writing by the Local Planning Authority</p> <p>The air quality assessment shall have regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance and should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.</p> <p>Any mitigation measures shall be agreed in writing by the local planning authority prior to commencement and shall thereafter be implemented fully in accordance with the agreed mitigation strategy.</p> <p>Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).</p>
12	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>[Amended Plan numbers and documents to be listed]</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

11.1 That the following matters are secured via a legal agreement

- the provision of 40% affordable housing
- a payment of £75,000 towards the provision of a changing room on land on the opposite side of Durrants Lane (L2) or adjacent to the site.

## **Appendix A**

### **Northchurch Parish Council:**

The description of works is no longer accurate as the site is now to be accessed from Durrants Lane.

### **Berkhamsted Town Council (adjacent Electoral Ward):**

Comments:                      Objection

The Committee object to the application as it is contrary to saved Policy 116 of the Local Plan (Open Land in Towns and Large Villages) and is not in accordance with the

Masterplan (Development Brief) for this site, dated 2012. The site is designated as Open Land in the present Local Plan and confirmed in the Masterplan for the site. Policy 116 was not superseded in the Core Strategy and consequently is a 'saved policy' and is still in force.

Policy 116 (Open Land in Towns and Large Villages) states that open land will be protected from building and other inappropriate development. In the supporting text for this Policy it is stated (para 116.24) that, '... Berkhamsted is deficient in terms of leisure space provision, with only 1.5 ha per 1000 population compared with the standard of 2.8 ha per 1000.' The Framework Masterplan Document for this site (adopted in revised form in 2012) identifies this piece of land as Open Land. This site should be retained for playing fields in accordance with paragraph 2.18 of the Masterplan.

The Case Officer, in paragraph 8.13 of his (old) report states, '...the loss of open space and associated conflicts with Policy CS4 of the Local Plan are considered to be outweighed by the benefits arising from this Scheme.' In other words, the Case Officer is arguing that the loss of the benefits of Open Land is outweighed by the benefit of the additional housing. The Town Council strongly disagrees with this view. The Town has a shortage of Open Space as recognised in the statistics quoted.

The proposed taller structures would over dominate and be detrimental to views over the adjoining fields. The lack of a traffic assessment from the development to the town is also a strong concern.

In addition, there was concern that the private driveways in the proposed scheme would make the development a gated community. This was considered to not be good practice as the driveway maintenance would be the responsibility of the residents and would not be able to be adopted as highways in the future.

P116, CS11, CS12, Appendix 3 (v)

## **Hertfordshire County Council - Highways Section**

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:

**1) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**

- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

## 2) Residential Travel Plan

**At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.**

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

## 3 Electric Vehicle Charging Points

**Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.**

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

I should be grateful if you would arrange for the following notes to the applicant to be appended to any consent issued by your council:-

## Informatives

1. The Highway Authority requires the alterations to the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant should apply to HCC Highways (Telephone 0300 1234047) to arrange this, or use link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

### **Hertfordshire County Council - Lead Local Flood Authority:**

We maintain our position as stated in our letter of the 21st December 2018 namely:

Following our review of the Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018 submitted with this application we can confirm we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

We note that the development forms Phase 2 of the residential development in this area. The proposed drainage is based upon infiltration with the use of deep-bore soakaways to support the scheme. Shallow infiltration testing has been carried out as part of Phase 1 which identified that shallow infiltration is not feasible. We acknowledge that there are no watercourses or public surface water sewers within the vicinity of the site.

The proposed development drainage arrangement for the site will comprise traditional drainage networks that will direct surface water to two attenuation basins; one in the north and one in the south. The northern basin already exists and has 7no. deep bore soakaways located within and around it. This basin currently takes surface water runoff from the highways within the northern section of Phase 1 to the east of the site. It is proposed that this basin is to remain as is within the proposed scheme. The southern basin is partially existing with the existing part currently having 2no. deep bore soakaways located within and around it. This basin currently takes surface water runoff from the highways within the southern section of Phase 1 to the east of the site. It is proposed that this basin will be increased in size with the depth remaining constant, as well as having 7 new deep bore soakaways being installed for a total of 9.

MicroDrainage modelling has been provided for the whole site and shows the volume of attenuation in each basin. Surface water runoff will be attenuated on-site for events up to and including the critical 1 in 100 year storm rainfall event plus 40% allowance for climate change. To provide additional levels of surface water pre-treatment prior to discharge via infiltration, it is proposed that surface water is to be taken through a swale and filter trench prior to discharging into the northern basin. It is also proposed that the southern basin is to have a sediment forebay installed. Permeable paving areas have been proposed for private car parking areas and footpaths and will be used for the purpose of pre-treatment and sediment removal.

We therefore recommend the following conditions to the LPA should planning permission be granted.

### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018 supporting information. The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on attenuation and discharge to deep borehole soakaway
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event for both the northern and southern sites.
3. Undertake the drainage to include tanked permeable paving, swales/filter strips and basins as indicated in drawings 9662-D-02.

### Condition 2

No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018. The scheme shall also include:

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. All calculations/modelling and drain down times for all storage features.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
4. Incorporate the use of catch pits, interceptors and additional swale features etc. for highway drainage.
5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event

Reason -To prevent the increased risk of flooding, both on and off site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### Condition 3

Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**Environmental Health - Noise, Pollution and Contamination:**

No objection to the proposed development in relation to Air Quality and Land Contamination (see previous response)

**Berkhamsted Citizens Association (BCA):**

The Group wishes to object to the new access proposed to Durrants Lane, as its impact on the traffic system towards the station and Bridgewater School via Durrants Lane will affect both this narrow land adversely and the Westfield School junction. The group continues to object to the piecemeal development of the Master Plan and a lack of concurrent commitment to new educational infrastructure when places are already lacking at local schools both currently and in projections.

**Sport England:**

Sport England have no further comments to make on this particular application.

**Thames Water:**

Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

**Appendix B**

Neighbour notification/site notice responses

Objections

**Local Residents/Neighbours/Publicity:**

86 Cross Oak Road

I still feel that the entrance/exit onto Durrants Lane will be unsafe and should not be allowed. Cars come too fast to the junction of Durrants Lane and Shootersway and in my view the access is likely to result in accidents in the locality, particularly at school time.

The removal of habitat to facilitate the access will endanger wildlife through the removal of their natural habitat.

Berkhamsted does not have room to accommodate any more houses or flats given insufficient services; particularly doctors, dentists and care homes. It is impossible to get a GP appointment with the current practices overloaded. There are large waiting lists for care homes.

I am also concerned with the extra traffic generated by the development which will result in congestion in the town. The town centre is at a standstill and a number of streets are effectively one way due to the volume of vehicles on street. This is detrimental to highway safety.

I disagree with the conclusions of the highway assessment for this proposal.

### 3 Chalet Close

1) The site forms part of Strategic Site SS1 for which there is a Masterplan. This should ensure that the site is considered as a single entity. The Masterplan proposed 180 houses and an area of open space. Waiting in the wings we have HCC's proposals for a further 100 dwellings on the SS1 site which has been deferred until the new local plan is issued and that the educational requirements for the town can be assessed in the light of any new development proposals. With all this uncertainty I would request that the application is deferred until the new local plan is issued so that development of the site can be considered as a whole and in the context of a new Masterplan.

2) At the previous Development Management meeting Councillor Birnie requested information on the impact of this development on school places. Of the nearest schools Westfield and Greenway are full, Thomas More has places but is a catholic faith school. The other primary schools have places but all involve significant car journeys on heavily congested roads and there is little or no parking available around them. Ashlyns secondary school shows a rising deficit and this year not all children in the town who wished for a place at Ashlyns could be accommodated. Ashlyns is a 8 f.e school and there are 11 f.e in the primary schools. This does not add up and requires a drop of 3 f.e to other schools. Traditionally the Collegiate school, Tring school (C of E) JFK (catholic) and Bucks Grammer schools have taken the additional children however there are indications the Bucks County Council will be tightening its criteria for out of area applications. The catchment area for Chesham High school this year was 3.8 miles excluding large areas of Berkhamsted and Northchurch. The catchment area for Tring was just over 5 miles excluding Berkhamsted and half of Northchurch. Another reason to defer the application until after the local plan is issued is that there is a clear need to consider how school places will be met.

3) There is no assessment of the traffic impact on the junction of Durrants Land and the High Street or the roundabout at the junction of Westfield Road and Durrants Lane or the junction of the High Street and Billet Lane. These would be the default route to other primary schools in the town as people head to Bridgewater, St Mary's or Victoria schools via Durrants Lane and the High Street. It would also be the default route for commuter traffic rat running via Billet Lane and Bridgewater Road to the train station.

### **Appendix C**

Original Representations

**Northchurch Parish Council:**

Northchurch Parish Council object to the access to the site via Phase 1 of the development. This access on to Shootersway is unsuitable as it will probably double the number of traffic movements through that junction, especially at rush hours and school times. Parents whose children attend Northchurch schools, Westfield and St Mary's, will have unnecessary difficulty turning right on to Shootersway. The Parish Council would prefer an exit onto Durrants Lane. There is also a lack of street lighting at the top of Durrants Lane from the school up to Shootersway

**Berkhamsted Town Council (adjacent Electoral Ward):**

We would object to this proposal.

There would be 100+ extra cars from this development and we would be concerned that this would result in accidents on Shootersway. We request that a second access be considered between Durrants Lane and the existing egress onto Shootersway from Phase 1. It was suggested that a mini roundabout and a 20mph speed limit would reduce traffic speed.

The proposed taller structures would be over dominate and be detrimental to views over the adjoining fields.

The Council's understanding is that where Phase 2 as proposed is designated as playing fields. There is a shortage of public, accessible open space in the town, and the Committee objects strongly to this. It is understood that when SS1 was taken out of greenbelt, the Masterplan that emerged was for 240 houses, then reduced to 150, which should have gone to the site adjoining Egerton Rothesay school.

The proposals are contrary to Policies CS10 and CS12 of the Core Strategy and Saved Appendix 3 (v)

**Hertfordshire County Council - Growth and Infrastructure Unit:**

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 1 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.

**Hertfordshire County Council - Highways Section**

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 recommends that permission be refused for the following reasons:

Hertfordshire County Council (HCC) as Highway Authority wishes to object to the proposed application due to the following issues:

- Further details are required regarding the trip generation methodology and justification for the exclusion of sites from the TRICS database is required, per the

comments contained herein.

- The trip distribution methodology should be outlined within the Transport Statement.
- Swept path analysis required which demonstrates the safe passage of a car and a refuse vehicle in the internal layout.
- Car parking provision is 32 spaces above the recommended maximum outlined in Dacorum parking standards. An over-provision is not in line with Hertfordshire County Council's Local Transport Plan 4 and does not promote the use of sustainable transport modes (walking, cycling, bus, train) over the private vehicle.

### Description of the Proposal

The proposed scheme forms 'Phase 2' of the wider Taylor Wimpey development. The site is located on the western corner of Durrants Lane and Shootersway.

The development proposals include the provision of 84 dwellings and forms part of the residential masterplan development of 176 residential dwellings between 'Phases 1' and '2'.

### History

Phase 1 of the Taylor Wimpey development delivered 92 residential units under DC permission (4/0324/14/MFA). Preapplication discussions on the scope of the transport study for the site were held with HCC Highways in August 2018.

### Site Description

The site is located west of Berkhamsted and is greenfield. The site is bound to the northeast by Egerton-Rothesay School, to the northwest by Durrants Lane, to the southwest by Shootersway and to the south east by woodland and Phase 1 of the wider development.

Durrants Lane is a local access road subject to a 30mph speed limit. Shootersway is a local distributor road subject to a 30mph speed limit.

### Analysis

A Design and Access Statement and Transport Statement have been provided by the applicant in support of the proposed development.

A Design and Access Statement is a requirement of all proposed developments which may have an impact on the highway, in line with the requirements set out in Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide 3rd Edition. A DAS has been submitted, this is acceptable.

For a proposed development of this size, a Transport Assessment is required per the guidance set out in Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide 3rd Edition. The document submitted is titled a 'Transport Statement'; however, the content of the document is in line with a Transport Assessment and this is considered acceptable.

A Travel Plan is required for all developments over 80 units; however, this can be

conditioned as part of any permitted scheme.

## Policy Review

A policy review has been undertaken and the development's compliance with relevant local and national policies summarised in Chapter 4 of the Transport Statement produced by WSP. The following policy documents have been reviewed in the Transport Statement:

- National Planning Policy Framework (NPPF), July 2018;
- Hertfordshire Local Transport Plan 3 (2011-2031) - the policy review has not considered the latest Local Transport Plan 4. This is not appropriate as the LTP4 has been available since July 2018 and should have been considered as part of this application submission.
- Dacorum Borough Council (Adopted Core Strategy, 2013)

HCC typically requires that the applicant provide evidence of review of the following documents as well:

- Planning Practice Guidance (PPG);
- Manual for Streets (2007);
- HCC Active Travel Strategy (April 2013);
- HCC Rail and Bus Strategy.

Additionally, in the preapplication advice HCC requested for reference to be made to the Tring, Northchurch and Berkhamsted Urban Travel Plan.

## Trip Generation and Distribution

### Trip Generation

Trip generation analysis is presented within the Transport Statement.

### Proposed Trip Generation

The applicant provides a comparison of the existing turning counts resultant from the existing 'Phase 1' dwellings (92 units) and the trip rates generated by TRICs. The applicant states that the comparison shows that there is a difference between the TRICS assumed trip generation of a similar site and the trip rates calculated based on the observed flows from Phase 1 of the development. Clarification is required to show which/ how the trip rates were generated for the comparison exercise.

The Transport Statement does not include any methodology on the process used for the TRICs trip rate assessment. Appendix I includes the Full TRICS Reports, which include trip rates for Affordable/ Local Authority Flats, Affordable/ Local Authority Houses, and Houses Privately Owned. However, the document does not state which trip rate was used in the assessment.

The applicant should provide justification regarding why sites have been omitted from the TRICS exercise. For instance, the Affordable Flats and Houses is based on one site, this is not typically considered acceptable, and justification is required for why only one site was selected. Further to this, there is no information detailing the composition of the neighbouring site. Is the composition similar to that of the site which is the subject of this application? Is the ratio of affordable to private and houses to flats the same or similar?

This information has not been provided and would be required for HCC consideration of the acceptability of using the calculated trip rates.

#### Trip Distribution

Appendix J shows the Flow Diagrams Proposed and Future Scenarios which shows the distribution of the proposed traffic. The diagrams show the proposed traffic applied to the following junctions:

- Shootersway/ Elizabeth II Avenue (site access)
- Durrants Lane / Shootersway
- Durrants Lane / School access
- Durrants Lane / Durrants Road / Westfield Road

However, no methodology has been provided explaining how the traffic has been distributed. The applicant is required to provide this information.

#### Impact on the Highway Network

##### Junction Assessment

The applicant has modelled the impact of the development traffic on the following junctions:

- Shootersway/ Elizabeth II Avenue (site access)
- Durrants Lane / Shootersway
- Durrants Lane / School access
- Durrants Lane / Durrants Road / Westfield Road

Baseflows were derived from ATCs and MCCs in 2018. TEMPro 7.2 has been used to apply a growth rate to the baseflows from 2018 to 2023. The output files from Junctions 9 have been included in Appendix J. The turning counts and geometry of the junction used in the modelling has been reviewed and considered appropriate.

The results of the junction modelling suggest a very minimal impact upon the operation of the junctions, with the junctions continuing to operate within capacity with the addition of vehicle trips associated with the development. However, before this can be accepted additional information related to the trip generation and trip distribution methodology should be provided.

#### Delivery, Servicing and Refuse Vehicles

The Transport Statement states that refuse collection will be undertaken on-street within the internal road network. Bin collection points and storage locations have been strategically situated to ensure they are within 25m from the kerb for bin operatives and from the bin collection point for residents. A swept path analysis is included within Appendix H and illustrates the movement of a 10.2m refuse vehicle within the internal road network. However, additional swept path analysis is required to demonstrate that a car can safely pass the refuse vehicle within the network.

#### Road Safety

Collision analysis has been provided by the applicant for the past 5 years within 500m of the site. The analysis revealed that four collisions occurred within the five-year period and no collisions were recorded at the site access. Three of the four collisions were slight in severity, one serious and no fatal collisions were recorded during the period. The collisions are not clustered and no collisions occurred at the Durrants Lane/ Shooterway Junction.

The analysis has been based upon data obtained from Crashmap.co.uk; it is preferable that information on road traffic collisions in the vicinity of the site is obtained from HCC. However, as there are no clusters observed and five collisions occurred over the five-year period, it is considered that the proposed development would not likely impact on the safety of the highway.

#### Highway Layout

##### Access Arrangements

The proposed access to Phase 2 of the development will be taken from the access road of Phase 1 of the development, Elizabeth II Avenue. Elizabeth II Avenue provides access to Shootersway. Use of the access to the main highway network via the Phase 1 development is considered acceptable.

##### Swept Path Assessments

Swept path assessments have been provided for a refuse vehicle accessing the proposed development site and using the internal road network and is shown in Appendix H of the Transport Statement. However, additional swept path analysis is required to demonstrate that a car can safely pass a refuse vehicle within the internal network.

#### Accessibility

##### Public Transport

Bus - Berkhamsted has two main routes which operate at least hourly - route 500 and 54/354A. Route 500 is the main bus route that links Aylesbury to Watford and all the main towns and villages within the district. This route travels via Apsley, Hemel Hempstead, Berkhamsted and Tring. Routes 354 is a local route operating between Tring and Wigginton, and Chesham and Berkhamsted respectively. The closest bus services to this site run along Tresco Rd/Ridgeway, Westfield Rd/Durrants Rd and the lower part of Durrants Lane. The nearest bus stops are well over the recommended 0.25 miles accessibility criteria. The site is approx. 1.8 miles from Berkhamsted rail station and 1.5 miles from the town centre. The bus stops on Westfield Road lack infrastructure, with no shelter, timetable, or real-time information.

This development is not of a size that would generate developer contributions that would facilitate a bus service diversion, nor patronage to make any such diversion viable in the long term. Parts of Durrants Lane are also not currently suitable for bus operation. This potential for this site to be sustainable appears limited.

Rail- Berkhamsted railway station is located 1.7 miles from the site and provides direct services to London Euston, East Croydon, Milton Keynes, Northampton, Hemel Hempstead and Watford. It is considered that the site is therefore well served by rail services, but access to the station by public transport, walking, and cycling is limited.

##### Walking and Cycling

The Transport Statement details the pedestrian and cycling infrastructure on Shootersway and Durrants Lane, the main pedestrian access points. Footways are provided on Shootersway intermittently, with only a grass verge in some locations. Durrants Lane has a continuous footway on the eastern side of the carriageway. To promote active travel, and make walking a viable option from the site, developer contributions should be put forward for improvements to the footway provision. This will

support Hertfordshire County Council's Transport User Hierarchy which supports greater and safer use of sustainable transport modes.

Within the vicinity of the site, the Chilterns Cycleway (Local Cycle Network) routes on Shootersway and Durrants Lane providing on-road and off-road (along the Grand Union Canal located approximately 0.9 miles to the north of the site) access to nearby locations. The Transport Statement identifies local facilities and services and their distances from the site but omits to mention the local topography which would discourage walking and cycling.

## Parking

### Car Parking Provision

Dacorum Borough Council set out the following parking standards for C3 residential developments outside of zones 1 and 2:

- 1.25 spaces per one-bedroom dwelling;
- 1.5 spaces per two-bedroom dwelling;
- 2.25 spaces per three-bedroom dwelling; and
- 3 spaces per four-bedroom dwelling.

Based upon the above, a maximum of 196 spaces should be provided. The Transport Statement does not state the number of parking spaces provided. The document only states that parking has been provided in accordance with the Dacorum parking standards and is illustrated on the Architect's layout plans, which include the required visitor parking spaces. However, the Planning Statement available states that 228 parking spaces will be provided on site, this is 32 more spaces than the maximum provision outlined in Dacorum's car parking standards. HCC does not support an over-provision of car parking as it promotes the use of a private vehicle for travelling and is counter to HCC's LTP4 which aims to reduce the reliance of the private vehicle and encourage the uptake and use of sustainable transport.

Dacorum Borough Council Car Parking Standards require that for residential use 1 disabled space is provided for every dwelling built to mobility standard. The TS does not state how many of the spaces at the proposed development would be designated disabled spaces. It is ultimately the decision of DC to determine the suitability of disabled parking provision.

The TS has not confirmed how many bays would be for electric vehicle spaces at the development. Dacorum parking standards require 20% active and 20% passive electric charging bays for all schemes with sites larger than 10 dwellings.

### Car Parking Layout

The majority of allocated parking will be provided on-plot and is generally located to the side of dwellings within an individual parking bay and/or garage set just back from the building line to allow ease of access to dwellings. The applicant states that the proposed garages will be generous in size and therefore large enough to fit a modern family sized car which will allow the driver to get out of the car easily.

### Cycle parking provisions

Dacorum Borough Council Car Parking Standards for residential use state that 1 cycle parking space should be provided per unit if there is no garage or shed provided. The Design and Access Statement states that the rear gardens will provide the opportunity

for residents to securely store bikes.

#### Travel Plan

A Travel Plan has not been provided as part of the application. A Travel Plan is required for a residential development of this scale and would be conditioned as part of any permitted scheme. A fee of £6000 will be secured by S106 agreement for the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

#### Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure that construction vehicles will not have a detrimental impact in the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety.

#### Planning Obligations / Community Infrastructure Levy (CIL)

Dacorum Borough Council has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes would be sought via CIL if appropriate. Hertfordshire County Council would seek for S106 developer contributions to support improvements to pedestrian infrastructure on Shootersway and Durrants Lane. S106 contributions should also be provided for travel plan monitoring.

#### Summary

HCC as highway authority has reviewed the application submission and wishes to object to the development on the basis of the above matters.

#### **Hertfordshire County Council - Lead Local Flood Authority:**

Following our review of the Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018 submitted with this application we can confirm we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

We note that the development forms Phase 2 of the residential development in this area. The proposed drainage is based upon infiltration with the use of deep-bore soakaways to support the scheme. Shallow infiltration testing has been carried out as part of Phase 1 which identified that shallow infiltration is not feasible. We acknowledge that there are no watercourses or public surface water sewers within the vicinity of the site.

The proposed development drainage arrangement for the site will comprise traditional drainage networks that will direct surface water to two attenuation basins; one in the north and one in the south. The northern basin already exists and has 7no. deep bore soakaways located within and around it. This basin currently takes surface water runoff from the highways within the northern section of Phase 1 to the east of the site. It is proposed that this basin is to remain as is within the proposed scheme. The southern basin is partially existing with the existing part currently having 2no. deep bore soakaways located within and around it. This basin currently takes surface water runoff from the highways within the southern section of Phase 1 to the east of the site. It is proposed that this basin will be increased in size with the depth remaining constant, as well as having 7 new deep bore soakaways being installed for a total of 9.

MicroDrainage modelling has been provided for the whole site and shows the volume of attenuation in each basin. Surface water runoff will be attenuated on-site for events up to and including the critical 1 in 100 year storm rainfall event plus 40% allowance for climate change. To provide additional levels of surface water pre-treatment prior to discharge via infiltration, it is proposed that surface water is to be taken through a swale and filter trench prior to discharging into the northern basin. It is also proposed that the southern basin is to have a sediment forebay installed. Permeable paving areas have been proposed for private car parking areas and footpaths and will be used for the purpose of pre-treatment and sediment removal.

We therefore recommend the following conditions to the LPA should planning permission be granted.

#### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018 supporting information. The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on attenuation and discharge to deep borehole soakaway
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event for both the northern and southern sites.
3. Undertake the drainage to include tanked permeable paving, swales/filter strips and basins as indicated in drawings 9662-D-02.

#### Condition 2

No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by WSP reference 70049662 FRA001 dated 23 November 2018. The scheme shall also include:

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. All calculations/modelling and drain down times for all storage features.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
4. Incorporate the use of catch pits, interceptors and additional swale features etc. for highway drainage.
5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event

Reason -To prevent the increased risk of flooding, both on and off site.

The scheme shall be fully implemented and subsequently maintained, in accordance

with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### Condition 3

Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

### **Hertfordshire County Council - Property Services:**

The County Council would request that the applicant enter into a Section 106 agreement towards the provision of fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

We would seek the provision of fire hydrant(s) in accordance with Hertfordshire County Council'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 firefighting 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 firefighting 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 firefighting 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 firefighting 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

#### **Environmental Health - Noise, Pollution and Contamination:**

We have no objection to the proposed development in relation to Air Quality and Land Contamination.

However, having given adequate consideration to the submitted planning statement, Design and Access Statement, Sustainability Statement and Desk Study and Phase 1 Ground Investigation Report with reference J18037 prepared by Wilson Bailey

Geotechnical & Environmental Ltd dated 20 November, 2018; the following planning conditions and informative are recommend should planning permission be granted.

**1a). *Contaminated Land Condition***

Whilst we take note of the applicant submission in section 7, 8 and 9 of the submitted Phase 1 Ground Investigation Report however, with the proposed further testing on top soils, further ground investigation work in the vicinity of the relic well and with no information on the duration of ground gas measurements and number of monitoring results; further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

- Ø A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.
- Ø A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2018).

**Informative:**

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## 2). Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos survey and control measure where applicable

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way as well as in the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Core Strategy (2013) Policy CS8.

## 3). Air Quality Assessment condition

With the proposed development within 1.0 of one of the council AQMA, the number of proposed residential unit and car parking spaces, a detailed air quality assessment report assessing the impacts of the proposed development will need to be submitted to the Local Planning Authority having regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance.

The report should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.

The impact of the construction vehicles and machinery to the proposed development must also be consider in the air quality assessment report to be submitted. The post construction impact of the development to the existing development will also need to be consider in the report to be submitted whilst the applicant must also consider the installation of some electric vehicle charging point as part of the measure to mitigate the impact of any poor air quality having taken note of the applicant intention to install solar PV as the major source of energy to the development in the submitted sustainability statement.

Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).

## 4). Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved

development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

### **Berkhamsted Citizens Association (BCA):**

The BCA expressed concern over the density of housing proposed and the inclusion of 3 storey development. We are also concerned that infrastructure provision is not adequately addressed. The access from/to Shootersway, via Phase I, was inevitable, as the alternative from/to Durrants Lane would be unacceptable in terms of traffic volume and vision splays.

### **Sport England:**

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

[www.sportengland.org/planningapplications](http://www.sportengland.org/planningapplications)

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

### Supplementary Comments

Sport England was consulted on this application recently but we just sent a standard response as we do not usually provide full responses to developments of less than 300 dwellings where we are a non-statutory consultee.

If we had provided a full response to the consultation, we would have used the Sports Facility Calculator to estimate the demand for indoor sports facilities and artificial grass pitches and the associated cost of meeting this demand derived from the calculator which we would advocate be used as a basis for developer contributions. I would broadly support the approach that you have taken as I would also of assumed 2.4 persons per dwelling as a basis for calculating the estimated population unless there was alternative data provided which was more robust.

If you are just seeking a contribution towards swimming pools and sports halls, then a contribution of around £75,929 would be justified.

### Further Discussion

As you may know it was originally proposed that new changing facilities to support the playing fields could be provided as part of the previously proposed relocation of the Egerton Rothesay School's playing fields to the area that is now the subject of the phase 2 planning application. I understand that this is not going ahead now that the land swap between TW and HCC is not progressing. In the original planning permission for the new playing field, condition 5 was imposed to require details of ancillary playing field facilities (i.e. pavilion) to be submitted and approved but this condition was removed following the appeal Inspector's advice that the condition was defective. We were always concerned that this would result in no supporting changing facility provision being provided to support the use of the pitches.

I would totally agree that providing changing facilities to support the pitches is a priority but as a matter of principle we would not consider that this should be funded by the football club because changing facilities are an essential ancillary facility to support the use of any playing field and should be provided by those that are delivering the playing field especially where the playing field is being provided to help meet the additional demand generated by residential development i.e. the phase 1 and phase 2 developments of the Bearroc Park development. The cost of a conventional changing facility would be much more than the potential developer contribution so other funding sources would need to be explored.

### **Thames Water:**

### Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

#### **Neighbour notification/site notice responses**

##### Objections

#### **Local Residents/Neighbours/Publicity:**

##### 22 Cecily Close

I am a resident of the existing Bearroc Park development and would like to register an objection to the proposals made for the second phase of construction.

The proposed access point via Elizabeth II Avenue is of greatest concern, particularly during construction due to the noise, dust, safety and pollution. Long term this would also increase the pressure already in place on Shootersway due to increased traffic volumes which are already an issue. The turning into the existing development is on a partially blind corner which is a huge safety risk/concern as it stands and this would only increase.

Providing access to phase 2 via Durrants Lane would make far more sense and minimise disruption to existing residents, also providing a safer alternative long term to what will be a far larger community.

My other concern is that the proposed plans are not in keeping with the existing properties on Bearroc park phase 1 or Shootersway, where there are solely detached properties and no flats or terraced houses. The area is regarded as a popular and exclusive one for this reason and I feel that the proposals for phase 2 if granted would undermine this considerably. Phase 1 is made up solely of detached houses and I feel that phase 2 should mirror this in order for development to be considered.

##### 3 Chalet Close

The current proposal is not in accordance with the core strategy or SS1 Framework Masterplan.

Should you feel that the proposal can be approved please make it a condition that an equipped playground is included. A playground was requested by as part of Phase 1 but those of us requested it, were unaware that we needed to specify "equipped" and a token area of grassland was provided. An estate of more than 170 family houses with no play area for children is not acceptable. There is no easy access to other playgrounds in the town without driving, and the nearest one by the Sports Centre is not suitable for small children.

##### The Lodge, Durrants Lane

The proposals go against the planning guidance for the Egerton Rothsay site and adjoining TW land produced in 2009/10. Although an erroneous document in some details it did at least attempt to respect the impact of development on the Greenbelt boundary by keeping the current proposal site as open space. This new application completely goes against that principle.

In view of that breach of planning guidance for this site and the prospect of the ERS site becoming available at some time in the near future, the application should be refused and a proper site development brief drawn up by all interested parties including the school, the County Council, Dacorum and neighbouring landowners, which can then be put out to public consultation.

The development will completely undermine the quality of the Greenbelt the boundary of which runs down Durrants Lane.

The types of home proposed for the corner of Durrants Lane/ Shootersway will undermine the privacy of my home and the quality of the environment at this location. The house types used at the Durrants Lane corner are described as 5 storey 5 bed although the street elevations show plot 30 has a 3 storey home. Whether they have the appearance of 3 story or 5 storey, a pair homes of the size and scale shown on plot 30 on the Durrants Lane elevation plan at this prominent position is completely inappropriate, and they will overlook my home and my garden. It is likely that even a first storey window in one of these houses will be at a higher level than my own and it will be easy for someone to look into my home thereby damaging the privacy of my home. These houses should be deleted from the proposals together with the houses on plots 31 and 28 and the space used to provide an improved junction - away from my home which is now threatened by the traffic using it thanks largely to the "improvement" carried out as part of Phase 1 of the development.

The result of the road widening of Durrants Lane carried out earlier this year by TW contractors has resulted in significantly higher traffic speeds of the traffic turning into Durrants Lane from Shootersway, as well as increased traffic volumes. One result of which is that a car came through my fence on the Durrants Lane boundary recently, only missing the walls of my home by less than a metre. This is the first time this has ever happened. In addition the postman now refuses to use the letterbox on my front door because parking (as he had done for many years) on Durrants Lane is no longer safe for him. I pointed out to the council in the past that my property is still serviced from the Durrants Lane boundary but no notice has been taken of this. Dacorum should take more time to respect and ensure the safety and security of its existing residents than it has done thus far. My life, my freedom to enjoy my home and its garden, the safety and wellbeing of visitors to my home and those delivering to it have all been substantially put at risk by the poorly thought through attempt to improve traffic flow. However, this development could offer the opportunity to provide a much improved junction by moving it away from my home and into the development site, thereby also offering the opportunity to add traffic calming measures.

Alternatively Durrants Lane could be diverted through the development site along the line of Street 3, Street 2 and Lane 1. This would eliminate the risk of my home being demolished by an out of control car/ HGV/Bus, and support the principle of softening the impact of traffic noise and the visual impact of the dangerous road widening and density of development on the Greenbelt.

The development as proposed will add the pressure to provide street lighting along Shootersway and at the junction of Durrants Lane and Shootersway. This will damage the quality of the environment within my home (and my garden) during the hours of darkness and will not be acceptable to me under any circumstances, and it will greatly reduce the rural quality of the adjoining Greenbelt land

If permission is granted then access to the development site must be carefully controlled, the use of the field access on the Durrants Lane corner caused a huge amount of entirely unnecessary traffic disruption and was extremely unpleasant in terms of noise and disturbance to my enjoyment of my home. It must not be used for this new development.

The opportunity to extend mains drainage services and mains gas to all adjoining properties, mine included, should be expected from TW as part of S52 requirements.

Lambert Smith Hampton on behalf of HCC as Adjacent Landowner (ERS grounds)

The proposed development conflicts with adopted Local Plan Policy in the Core Strategy. It prejudices comprehensive development of the area, including of the playing fields associated with Egerton Rothesay School. The proposals would harm designated 'Open Land', and prevent development coming forward as envisaged in the agreed Framework Master Plan (2012) for the overall site (which Taylor Wimpey, Egerton Rothesay School, and HCC jointly prepared), and which was agreed by Dacorum BC as setting the appropriate masterplan framework for the site envisaged in the Local Plan allocation.

The Local Plan proposals map designated the site now being proposed for housing, which is located prominently on the edge of Berkhamsted with frontages to both Durrants Lane and Shootersway as 'Open Land', and this is protected through the adopted Core Strategy (2013) Policy CS4, which states:

*"... In open land areas the primary planning purpose is to maintain the generally open character. Development proposals will be assessed against relevant open land policies. ..."*

The existing masterplan clearly anticipated the site blending in to the countryside beyond the site through this portion of the site being retained in open use to better achieve a transition between urban land and the countryside beyond. Housing development does not meet the requirement to maintain designated 'Open Land' *"generally open character"*, and should be refused planning permission in accordance with the policy requirements of the adopted Core Strategy (2013).

The applicant states in their Planning Statement that the reason for the 'Open Land' designation is to safeguard land for the relocation of the Egerton Rothesay School playing fields, and argues that:

*"... however, as the proposals do not involve the development of the existing playing pitches, the designation of the site as open land is not required"*.

The applicant does not assess the alternative of development on the Egerton Rothesay playing fields (as planned through the agreed Masterplan Framework 2012), which in our view would have substantially less impact in landscape terms, as it is hemmed in by existing school buildings to the east, and existing housing on all other sides. It's development represented a logical rounding off of the existing urban area with housing

located no further west than the urban boundary represented by the westernmost parts of neighbouring existing housing in Marlin Close, Tresco Road/Ridgeway and those parts of the allocation already developed at Elizabeth Avenue and Cecilly Close.

The application site would, under the original Framework Masterplan (2012) and 'Open Land' designation on the Proposals Map, have been used for playing fields for Egerton Rothesay School, to be shared with the community, and would have created a soft edge to the development as envisaged, respectful of the surrounding area. The application site has a frontage to both Shootersway and Durrants Lane, being particularly visible and conspicuous from the latter by comparison with the intentions of the Local Planning Authority in the originally agreed masterplan. The development as proposed would have an adverse impact on the area making it appear far more urban in character, and creating a hard edge to development in this part of Berkhamsted.

The proposed development does not meet with the requirements set out in the adopted Core Strategy (2013) through 'Strategic Site 1 - Land at Durrants Lane/Shootersway, Berkhamsted (Egerton Rothesay School)'. This requires among other criteria (emphasis by LSH):

- *“The layout, design, density and landscaping must safeguard the amenities of nearby housing and create a soft edge with the proposed leisure space and adjoining countryside”*

The application proposals would create a hard edge to development on the junction of Durrants Lane with Shooters way, rather than playing fields as originally envisaged.

- *“A comprehensive planning framework is needed to link the three main land uses and their timing i.e. housing, school with playing fields and new leisure space.”*

The proposed development does not follow the existing Framework Masterplan (2012), and does not provide for comprehensive development of the overall site.

- *“The priority is to deliver the school playing fields, i.e. before the refurbishment of the school. Housing will be phased to allow the playing fields to be relocated first”.*

The proposed application would fail to achieve this.

- *“A master plan will provide a detailed planning framework, sufficient to take the scheme forward to a planning application”.*

No revised master plan has been agreed between the various landowners who control the overall allocation in advance of the application.

### 1 Elizabeth II Avenue

We are not opposed to the principle of housing development on the site and are conscious that as a local area we need to do more to increase housing numbers to provide for the local community.

However, as currently proposed, we object to the plans because of the increased traffic disruption, increased noise and exposure to pollution including airborne chemicals that the construction would cause to our young and expanding family.

The current proposals would see the new development's primary access at the junction of Shootersway and our home at No1 Elizabeth II Avenue. We moved into this home this year (2018) primarily to ensure that our children and future child and future children could benefit from a lifestyle away from London, surrounded by greenery and without a high number of motor vehicles passing by our front door throughout the day and night. Cars already enter from Shootersway at a fast speed and an expected doubling of current traffic volumes would not maintain a safe environment for the number of children currently living in the current development. Furthermore there seems to have been a lot of roadworks near to the Elizabeth II Avenue entrance this year since we moved in due to the waterways along Shootersway. If this is a regular maintenance requirement and double the amount of vehicles including work vehicles during a likely two year construction phase are using the current entrance to the development this will inevitable cause traffic congestion and high pollution levels.

These entrance proposals of bringing a significant increase in the number of cars past our home at peak times will disrupting our family's life and the reasons that we moved from London to Berkhamsted.

As far as I can see, the only legitimate reason to have access to the new development off Shootersway and onto Elizabeth II Avenue past our home is because of who owns which parcel of land nearby; Taylor Wimpey. To save them costs. However, given the plans to bring forward an adjacent development on the Egerton-Rothesay school site we believe that it would make more practical and considerate sense to current residents sense to masterplan these two sites together and ensure any new road access proposed would provide for both developments? We believe that Taylor Wimpey should work with the Highways Agency to work up a new access off Durrants Lane to serve this purpose.

An access from Durrants Lane would seem to make the most sense and minimise construction noise, dirt and pollution disruption to the already established communities and families in the Bearroc Park development and the local area beyond. This would make it a self-contained site and be much safer for the general public especially during the likely two year construction phase.

We are supportive of new housing and want to see the Berkhamsted community thrive, however we can only give our support to this proposed development if it comes forward without the perfectly avoidable disruption to our local community through a change in the proposed access from off Shootersway to off Durrants Lane.

#### 4 Elizabeth II Avenue

I believe that the access to phase 2, (which is in Northchurch) should be via Shootersway, at the point that it adjoins Durrants Lane.

Access via the establish housing estate is inappropriate, as during the construction period there will be an significant safety risk to children and adults from the construction vehicles and from the building staff and suppliers vehicles.

There will also be insufficient room for construction traffic to pass safely between parked resident and visitors vehicles.

Additionally I believe that once phase 2 has been compiled the established access

from Shooters Way to Elizabeth II Avenue will not cope safely with the increased volume of traffic egressing into Elizabeth II Avenue and onto Shootersway, coupled with the passing traffic along Shootersway.

Whilst assessing the volume of traffic on Shootersway it is essential to factor in the increased amount of traffic that is ongoingly using Shootersway (particularly during peak commuting periods and school runs) and also to factor in the proposal to build a further housing estate opposite the entrance to Elizabeth II Avenue.

### 5 Elizabeth II Avenue

Firstly, we are not opposed to the building of new homes, it's a wonderful place to live as a young family.

We are however very concerned and object the plans as they stand due to the new development using the same access as Bearroc Park phase 1. We live very close to the entrance and the traffic is already causing concerns due to the insufficient width of the road and speed of cars. Young children will be at risk and there is concern regarding access to emergency services and council waste collection. Bin men already struggle to pass parked cars on the road and this will only be worsened by adding traffic.

Furthermore, the junction of Elizabeth II Avenue and Shootersway is already proving to be hazardous with its blind bend near the junction. It would be recklessly unsafe for any developer to allow any more traffic to use this junction.

It would make perfect sense to build a separate access road further down Shootersway or on Durrants Lane.

### 6 Elizabeth II Avenue

As a resident of Bearroc Park phase 1, I am writing to outline my concerns and to provide detail regarding the objection I have recorded regarding the phase 2 development proposal.

#### 1. Noise and disturbance resulting from use

We are not opposed to the principle of housing development on the site and are conscious that as a local area we need to do more to increase housing numbers to provide for the local community.

However, as currently proposed, we object to the plans because of the disturbance, increased noise and exposure to pollution that they would cause to our young family and of course, to all residents on phase 1.

The current proposals would see the new development's primary access be off Elizabeth II Avenue, which is a small, narrow road, with a number of blind bends - one at the exact proposed point of access. The road is adjacent to our home. We have witnessed a number of near misses in the year that we have lived here even with the current traffic volumes and are very concerned that the risk to the public's and our children's safety will only increase further due to disruption and disturbance brought about by higher volumes of traffic using the road. Furthermore, the turning onto Elizabeth II Avenue to/ from Shootersway is also very dangerous it's a blind turning and extremely busy at peak

times. Additional traffic volumes will exacerbate these safety issues further and cause significant disturbance for existing residents and to my young family, not to mention traffic noise.

Furthermore, should Elizabeth II Avenue be the access point for works vehicles during the build of Phase 2, this would of course cause significant disturbance, noise and safety concerns for those (principally pedestrians and young children using Elizabeth II Avenue to access their homes) living on the Phase 1 development.

There are a number of clear and obvious alternatives which would mitigate all the above should planning on the area - which I understand is technically designated open space - be granted, such as building a new entrance for the phase 2 development further along Shootersway (before the junction with Durrants Lane) or on Durrants Lane itself. As far as I can see, the only legitimate reason to have access to the new development adjacent to our home is because of who owns which parcel of land nearby. Given the plans to bring forward an adjacent development on the Egerton-Rothesay school site it would surely make sense to masterplan these two sites together and ensure any new road access proposed would provide for both developments. An access from Durrants Lane would seem to make the most sense and minimise noise and disruption to the already established communities and families in the local area.

## 2. Adequacy of parking and turning

As stated above, Elizabeth II Avenue is already a narrow road. With limited parking on the existing state for the current residents, many residents have to park on the road.

Additionally, workman, delivery drivers etc also regularly park in the road, meaning that very often there is only one lane available for traffic. As an example, the dustbin men are often forced to drive over the grass outside our houses because they cannot manoeuvre their vehicles. This is already a concern for us as it makes turning in the road both difficult and dangerous.

With further traffic and more parked cars, this will make turning in the road even more difficult and dangerous; we're also conscious of how difficult it would be for the emergency services to access houses with additional parked cars and moving vehicles on the road.

Finally, and I appreciate this is a matter for the town planners to discuss, but we understand that the land adjacent was designated open space, which of course is in short supply in Berkhamsted. Again, I would urge you to masterplan the entire site in order to address not just the impact of the proposed access point but also to ensure that the protection of designated open space is considered.

We are supportive of new housing and want to see this community succeed. But we can only give our support to this proposed development if it comes forward without the perfectly avoidable disturbance, including safety, to our local community and a more considered approach to the entire plot of land surrounding Phase 1.

## 7 Elizabeth II Avenue

Whilst I do not object to the development of more homes on this site, but I do object to the access road for this development coming through the phase I site. Cars already

speed round the Shooterway corner approaching Elizabeth II Avenue, with many near misses when turning in both directions, this junction cannot support an additional circa. 150 cars from the proposed 84 new properties, therefore we object to the plans going ahead with the current proposed access road.

The road leading to the proposed entrance is not wide enough to support these additional cars and vehicles already speed round this corner of Elizabeth II Avenue. A new entrance either directly onto Shootersway or onto Durrants Lane via the Edgerton Rothsays new entrance would be a safer route to carry this traffic.

Blocks of flats are not in keeping with the original development or that of any other properties on the developments leading off Shootersway, this should be reconsidered before planning being approved.

### 8 Elizabeth II Avenue

I would like to comment as a residents of the Phase I development. Whilst were always aware that building of a Phase II was likely, this was (as indicated in your leaflet) to be at the North end of the site and no additional building or entrance was ever mentioned to us at the corner of the avenue near to our property. This land was I believe designated Open space. Planning information shared at time of purchase by Taylor Wimpey re Phase II related to land behind current phase I development not the adjacent land.

My primary objection to the proposed development is therefore change of location to original plan and the resultant additional volume of traffic through the current estate combined with lack of car parking spaces in the proposal.

Most houses in phase I are either 4 or 5 bedroom and, as a result, there are often more than two cars per house with no guest or visitor parking. Whilst the design of the road is obviously different for Phase II, there will be a similar problem unless more parking capacity is taken into consideration. What is already happening is that cars are being parked on the main access road through the estate due to the lack of parking spaces outside owners homes. The design of the some of the current drives (long but single width) is such that, in order to move cars, it is necessary to reverse onto what would become then the main access road for phase I and II and this will create further hazards and risk given the blind corner at the west point where access is proposed. I have witnessed several near misses because of people driving too fast around this junction and both my wife and I have been involved in minor collisions outside our house which is next to the proposed junction.

The main estate entrance onto Shootersway is already a dangerous place to exit as traffic moving along Shootersway towards A41 often travels well in excess of the 30mph limit. It is also on a partial blind bend from the perspective of vehicles coming from the west, which means anyone not pulling out quickly can cause cars to break sharply to avoid an accident.

Finally, a quick and non-scientific observation of existing traffic created by Phase I shows a significant percentage of traffic is turning right on exiting the estate and travelling to the west on Shootersway and/or down Durrants Lane. Durrants Lane between Shootersway junction and the school is so narrow that there are regular hold ups, made worse by continued parking by parents at the school despite the new car park. This will also only get worse once traffic develops to access the new football pitches.

Should you wish approve this proposal or a Phase II at the rear of the current development then I would also ask that the following be considered to mitigate my concerns :

1. Improvements to Durrants Lane so it can absorb more traffic between the Shootersway junction and Egerton Rothsay school, such as widening it allow proper dual lane traffic and double yellow lines to avoid parking.
2. Provide a second entrance for Phase II from Durrants Lane which could be same one as the current one to the new car park for the school.
3. School car park to be made available to residents after 5pm on weekdays and all day in holiday periods and weekends. (its always empty then) . If necessary, this could be permit based driving revenue for the school. It would also relieve car parking issues, especially in relation to the density of housing proposed.
4. Consider guest parking at the back of new development in lieu of some of the houses proposed there.
5. Rethink the Durrants Lane and Shootersway junction and replace with a mini roundabout. As well as directing traffic flow more efficiently it would slow down Shootersway traffic in such a way as to make it easier/safer to access the enlarged estate. It could also, if big enough, include an alternative access point for Phase II if it went ahead on the land currently designated Open space.
6. Introduce traffic calming measures on the current estate e.g installing sleeping policemen on main access road .
7. Consider a regular bus route (at least one per hour) that would provide a round route going up Durrants Lane and downs Kings road to the centre of town including the rail station. TW could be asked to sponsor this route as part of its 'community benefits'. and it would also would provide an ecological perspective and reduce pollution.

#### 11 Elizabeth II Avenue

I was fully aware when buying a property at Bearroc Park that further developments where planned. However, I strongly oppose to using Elizabeth II Avenue as access for building work and ultimately full access for residents once building is complete. Another option for access and consideration could be Durrants Lane

#### 12 Elizabeth II Avenue

I am a resident on Bearroc park and my main objections are associated with the

1. Amount of housing and loss of open spaces particularly the impact on the owls and wildlife in that area now [that the woodland] which is owned by taylor Wimpey and been left to neglect - trees fallen and died and not replaced

2. The proposed access point via E2A avenue is of greatest concern

I object to the plans because of the disruption, increased noise and exposure to pollution that they would cause to the estate, families and pets.

The current proposals would see the new development's primary access adjacent to our home.

This is an extremely narrow and busy entrance and would mean one way in and out for

over 170 houses which is completely unnecessary and dangerous. As you exit on to shooters from E2A the cars speed around the corner and it is a blind spot.

As far as I can see, the only legitimate reason to have access to the new development adjacent to our home is because of who owns which parcel of land nearby. However, given the plans to bring forward an adjacent development on the Egerton-Rothesay school site it would surely make sense to masterplan these two sites together and ensure any new road access proposed would provide for both developments?

An access from Durrants Lane or Durrants lane side of shooters would seem to make the most sense and minimise disruption to the already established communities and families in the local area and spread the risk in terms of traffic, noise and mitigate the chance of an accident. It would help slow down traffic and open up more access points for the two estates.

If the estate is built i would like to see TW held to account on the woodland area, ensuring it is built back up, with trees and allowing the wildlife to thrive again. It would also reduce noise pollution on the estate.

#### 14 Elizabeth II Avenue

I wish to object to the proposed plans on the grounds that access to the development is via Elizabeth II Avenue, a narrow road, unsuitable for the increased level of traffic that another 84 dwellings would create. I do not object to the development itself, as there is a need for more housing stock in Berkhamsted, but more careful planning around the access point is needed. Presumably reusing the road is more economical for Taylor Wimpey, but a small margin of profit should not be the deciding factor when the day to day lives of existing residents, many of whom, including myself, have young children, and who chose to live on the Bearroc Park development because of it's low traffic, local community feel.

Secondly, there is some uncertainty around the future planning for the land around Egerton Rothsay. It would make sense to have a master plan for the proposed use of the land so we as residents are not responding to proposals every few years for different plans.

#### 15 Elizabeth II Avenue

As residents of the Phase 1 development, next but one house to the proposed access to phase II, we wish to object to the planning application in its current form. Whilst we realise that additional housing is needed for the local community, we believe the proposed access to Phase II would significantly increase traffic noise, pollution & safety issues for existing residents of Phase I.

It would seem sensible to consider the proposed development together with the adjacent development of the Egerton-Rothesay school site to produce a joint plan including a shared access from Durrants Lane (possibly using the junction to the school's recently constructed car park).

This joint plan could include the widening of the approach to the Durrants Lane/Shootersway junction, allowing for installation of a roundabout. This would have the benefit of slowing the traffic at this increasingly busy junction, avoiding the many

'near misses' due to the narrow approach from Durrants Lane, speeding traffic on Shootersway, and the lack of lighting at this very dark junction. It would also facilitate safer access from Elizabeth II Avenue to Shootersway, and potentially improve pedestrian safety on the narrow, overgrown, poorly maintained pavements with poor drainage which currently encourages pedestrians (including many school children), into the road.

Key suggestions:

1. Develop a joint plan for Phase II to include the Egerton-Rothesay school site, with access from Durrants Lane (not from Elizabeth II Avenue);
2. Fully consider a scheme to widen the Shootersway end of Durrants Lane and install a roundabout (with lighting), at this junction, for improved safety and traffic flow;
3. Install traffic calming measures on Shootersway to alleviate the speeding traffic in both directions for the safety of motorists and pedestrians;
4. Improve pavements and drainage on Shootersway for pedestrian, and in turn, vehicle safety;
5. Provide a regular bus service from Shootersway to the High Street & Train Station to reduce the number of car journeys.

In conclusion we confirm that whilst we are not against the idea of the proposed development we cannot support the proposal to access phase II from Elizabeth II Avenue.

#### 16 Elizabeth II Avenue

My primary objection is based upon the access road to the site making use of the existing road onto Bearroc Park (PHASE 1).

The proposal in its current form would significantly increase the amount of traffic using Elizabeth II Avenue; this in turn would result in increased noise and pollution in a residential area. The section of road in Durrants Lane and Shootersway from where an independent access road could be created does not have any existing dwellings and thus would be far more appropriate.

I strongly object to the proposal in its current form on the following grounds:-

-The proposed access via Elizabeth II Avenue would significantly increase traffic noise, disruption and pollution in an established residential area.

-I see no valid reason why an independent access road cannot be created to directly access this new development from Shootersway or Durrants Lane.

-It is evident that the only reason Taylor Wimpey is proposing to access the new development from Elizabeth II Avenue is cost savings. It is my opinion that developer cost savings should not be at the expense of disruption to existing residents in the form of traffic noise and pollution.

For the aforementioned reasons I cannot support this development unless the proposal is amended to show an independent access road directly from Shootersway or Durrants Lane, and that the current access proposal should be removed from the planning application.

I am not opposed to the principle of development but I am strongly opposed to using Elizabeth II Avenue as an access road.

#### 17 Elizabeth II Avenue

As a resident of Elizabeth II Ave. we strongly object on highway safety grounds access through this road to access the applicants development due to the following reason.

Having lived on the estate for the last two years there have been numerous near misses and occasionally an accident of vehicles when leaving the estate to turn right. This is due to the bend approaching the access when driving South on Shootersway. No road access should be allowed to connect both phase 1 and phase 2 developments at Bearroc Park, but phase 2 should have it's own dedicated access off Durrants Lane.

By allowing this access as proposed would be an inappropriate over development for Berkhamsted as the two schemes would be combined, however by refusing the application will ensure that there is a continued substantial tree buffer separating the two developments and far more appropriate for new development in the town.

Should the committee give consent to the residential development I would respectively ask that access is conditioned on the straight section of road on Durrants Lane which would be much safer.

#### 18 Elizabeth II Avenue

As a "Phase 1" resident living at 18 Elizabeth Avenue HP4 3BF my objection is that the current proposals intend that the access to Phase 2 will be by funnelling all its traffic through the existing entrance to Phase 1. This will double traffic density on Elizabeth II Avenue and cause irreversible loss of amenity to the existing residents of Phase 1. The amenity loss would increase over the years as the developments mature.

The Elizabeth II Avenue estate road is not wide enough to safely accommodate a doubling of vehicle flow; both Shooters Way and Durrants Lane would also need to be improved to accommodate the new traffic flows generated by 84 new homes.

Therefore I would suggest that your traffic engineers look at the whole picture traffic implications of this planning proposal. They can advise on necessary improvements at the junction of Shooters Way and Durrants Lane that could incorporate an access to the proposed Phase 2 development of 84 homes off Durrants Lane.

This would relieve all existing Phase 1 residents and future Phase 2 residents of a tiresome, polluting and avoidable bottleneck at the junction of Shooters Way and Elizabeth II Avenue.

#### 19 Elizabeth II Avenue

The access route for the proposed development will be via the existing junction off of

Shootersway. This junction experiences high levels of traffic due to all houses on the Bearroc Park estate having an average of two vehicles per house. With over 80 additional houses being built this will add more cars, and thus a greater level of traffic, noise, air pollution and safety risk to children in the current development.

The current road design on Elizabeth II Avenue is extremely narrow, and does not allow for large plant/commercial vehicles to drive through with residents cars parked on the road. As a result access for the proposed new development via Elizabeth II Avenue does not offer a suitable route for site access for a new development. Potential risks include, but are not limited to:

- Damage to residents cars and front gardens.
- Additional congestion to road blocks when vehicles cannot pass

There are two existing access routes to the proposed development site - why are these not being considered to avoid additional congestion, safety concerns and disruption? - Egerton Rothesay overflow car park  
-Shootersway way access point when a metal barrow is located adjacent to the field proposed for new houses.

The revised master framework for land on Durrants Lane and Shootersways

([https://www.dacorum.gov.uk/docs/default-source/planning-development/spar-11.11.10-durrantslane\\_frameworkmasterplandocument-lowres.pdf?Status=Master&sfvrsn=0](https://www.dacorum.gov.uk/docs/default-source/planning-development/spar-11.11.10-durrantslane_frameworkmasterplandocument-lowres.pdf?Status=Master&sfvrsn=0)), confirmed that the following adopted:

- “Impact of the scheme on the local road network will need to be mitigated through promoting sustainable transport options, reinforcing pedestrian/cycle links through the site and funding improvement to the Shootersway/Kingshill Way and Durrants Lane/High Street junctions (as necessary).” The new planning application does not mitigate against the above, as existing infrastructure will be used, creating a greater burden and danger to cyclists and pedestrians.
- “Main access to be taken from Shootersway and this could include a secondary access from Durrants Lane”. If a secondary access exists on Durrants lane, why is an additional access route required through Elizabeth II Avenue?
- “On-street car parking should be catered for within the design of the new streets”. On-street parking will be disrupted by commercial vehicles who will want constant site access.

Further developments are also being proposed by Crest Nicholson adjacent to Blegberry Gardens off of Shootersway. With this in mind it would be unreasonable to have additional traffic flow via Elizabeth II Avenue.

The current footpath from Elizabeth II Avenue to Durrants lane will be demolished if the proposed plans are approved. This goes against the original planning appeal to improve sustainable transport routes, especially as Shootersway Way is increasingly more dangerous to walk along with high levels of traffic.

The Woodland area adjacent to Elizabeth II Avenue will be partially removed to create this new access road, and could create a risk to the existing habitat.

#### 56 Elizabeth II Avenue

I would like to register my objection to aspects of this application.

Across via the current Bearroc development raises the following concerns;

Safety for current residents that include a large number of young children.

Ongoing congestion once the new houses are built through the existing development and onto shooters way which already has been impacted by the Bearroc site.

Damage to the road of heavy vehicles during building.

I do not believe any new development should join the two developments as this with crest a large estate type development which is both inappropriate to Berkhamsted and will result in all the above issues.

I believed the corner plot was designated for green space which is in increasingly short supply in Berkhamsted.

I do support the need for additional housing in the area however I believe the concerns could be resolved by retaining the separation of the two sites using access from Durrants lane. If this encouraged a more joined up approach of the redevelopment of the Egerton Rothesay school site there are already excellent access routes for building and the new residents. It would also reduce the impact of the additional traffic on the bottleneck along shootersway and encourage walking by the new residents down Durrants Lane.

One final objection is that the Bearroc development was built with many very narrow roads and a lack of parking / the new plans seem to have the same issue.

#### 34 Elizabeth II Avenue

What we are objecting to is planned access to the proposed Site via Elizabeth II Avenue.

The disruption increased noise and exposure to pollution that it would cause to everyone on the development.

Currently young children cycle and skate around very safely. Also mums and elderly walk around the development for their daily exercise. This would all have to stop.

We moved to this house in 2017 primarily to ensure we could benefit from a lifestyle away from London surrounded by greenery and without motor vehicles passing our front door throughout the day.

It was the opportunities for this lifestyle that attracted us to this area.

An access from Durrants Lane would seem to make more sense and minimise disruption to the already established communities and families in the local area.

We are supportive of new housing and want to see this community succeed. But we can only give our support to this proposed development if it comes forward without the perfectly avoidable disruption to our community.

#### 59 Elizabeth II Avenue

We are alarmed at the plans showing the proposed development will share the existing entrance. We have no objections at all to the extended site, but cannot envisage how the existing entrance/exit will cope short term with the construction vehicles and site traffic, and longer term with the weight of traffic from the additional residents.

Please can a second entrance/exit be added to accommodate the new development? We can only envisage years of noisy lorries using pneumatic brakes outside our home, tyre mud, road sweepers, noise from additional cars, traffic queuing to turn into Shootersway, and additional cars speeding round.

### 18 Merling Croft, Northchurch

I wish to object to this planning application made by Taylor Wimpey for the building of 84 houses on Bearroc Phase 2 with the exit through Elizabeth II Avenue on Bearroc Phase 1.

There will be considerable difficulty in directing Phase 2 traffic through Phase 1. There is a circular road around the houses in Phase 1, both ends of which meet a short distance from the exit on to Shootersway. To add a considerable number of vehicles from Phase 2 to exit through this one junction will undoubtedly become a problem. At rush hours and school times there will be frustrated drivers trying to get on to Shootersway. Parents from Phase 2 with children at Westfield School or St Mary's School will be endeavouring to turn right to go down Durrants Lane which will be difficult.

The solution would be to exit Phase 2 on to Durrants Lane where there is a wide verge and footpath on a level and straight road with good visibility. I trust the Development Management Committee will see this as a sensible option.

### Addendum

#### **Hertfordshire County Council - Highway Section**

I have revisited the access and consulted our Road Safety team. There is concern over that the geometry suggests that the dominant route will be into Phase 2 rather than around the curve of the existing Phase 1 highway. The length of the through movement, in addition to the lack of deflection, may result in an increase in speeds. The layout of the access should be amended to include deflection from the Phase 1 route and / or introduce speed reducing features.

On this basis – we can condition amendments to the access and detailed design drawings to reflect the above?

We have no objection to access to Phase 2 being taken from Phase 1; however, the arrangement needs to be safe and suitable.

#### **Conservation and Design**

The majority of our suggested improvements to the design of the properties have been incorporated within amended plans.

However, we would continue to recommend that additional chimneys are provided to units 10, 35, 36, 41 and 42 as these units all face the green.

In relation to the block of flats (Block B) we would recommend that the porch to the single storey ground floor central unit be rotated through 90 degrees so that a pitched gable faces the car park. Detailing could be added to this to make it more of a feature. Dwarf walls etc.

## **Residents**

### 86 Cross Oak Road

I object to these plans as I feel a lot of habitat for wildlife will be destroyed and taken away for them to use thus endangering species.

There are far too many houses round the Berkhamsted area and our surgeries and schools are unable to cope. Do we really need more homes?

There are cars which come too fast along Shootersway and pulling out of these junctions will cause accidents

The proposals will ruin the town of Berkhamsted and our surrounding countryside.

### Ms Winmill

I am writing on behalf of the residents of Bearroc Phase 1 and in response to the case officer's report. I will be attending the meeting on Thursday to raise a number of points and concerns, which I have also captured below for ease of reference:

#### Access

The primary concern of residents in the area and something which is noted in all but one of the public and local council objections to this proposal, is the proposed point of access to Phase 2. This is planned to be via Elizabeth II Avenue, which is a small, narrow road, with a number of blind bends - one at the exact proposed point of access between Phase 1 and 2.

1. Elizabeth II Avenue is home to a large number of young children who ride their bikes and scooters around the circular Elizabeth II Avenue. We have serious concerns about the increased risk to their safety that would come from a doubling of cars using this road as an access point
2. The case officer's file notes that access to Phase 2 was always considered to be via Phase 1. While this may be the case, this is not something that was ever formally agreed - it was only ever a possibility - and we would therefore urge the committee to consider this in their decision making
3. While the Highway Agency has not objected to the overall access point to Phase 1 and 2 being at the junction of Elizabeth II Avenue and Shootersway, it fails to address the appropriateness of the junction that would also need to be created specifically between Phase 1 and Phase 2, which is situated on an already dangerous blind bend. This needs proper consideration, which has not thus far been looked at by the Highway Agency, given the serious safety implications of putting in a junction on such a narrow and dangerous blind bend

4. Furthermore, in the initial plan where the access point to phase 2 would have been at the back of the estate, traffic to phase 2 would have been able to split across the two sections of road (eastern and western sides of the estate) leading to the access point. Given the proposed placement of the new access point, all Phase 2 traffic will now travel down one small section of Elizabeth II Avenue, driving congestion, noise and safety concerns
5. A number of the reports and objections in the case file cite issues with traffic and congestion at the already busy junction of Shootersway and Elizabeth II Avenue. Traffic and congestion will be exacerbated with a doubling of cars using this junction to access phase 2 and is a particular concern for those using the road at peak times - school run and commuter times. Adequate TRIP data is essential and thus far missing in the Highway Agency report
6. Elizabeth II Avenue is a narrow road. With limited parking on the existing state for the current residents, many residents and guests have to park on the road. Additionally, workman, delivery drivers etc also regularly park in the road, meaning that very often there is only one lane available for traffic. As an example, the dustbin men are often forced to drive over the grass outside our houses because they cannot manoeuvre their vehicles. This is already a concern for us as it makes turning and passing in the road both difficult and dangerous
7. The proposal fails to consider the significant impact (noise, pollution, dirt, safety) and disruption that HGVs would have on existing residents during the build stage should the access point stay as is
8. Concerns about the access point were raised in all but one of the public and council objections to the proposal. Given the weight and consistency of this argument, irrespective of what policy and regulation says, we would ask the committee to give these concerns due consideration in their decision making. While on Phase 1, we are not against planning per se, we cannot support a proposal that shows such a careless disregard for existing residents

There are a number of clear and obvious alternatives which would mitigate all the above should planning permission be granted; such as building a new entrance for the phase 2 development further along Shootersway (before the junction with Durrants Lane) or on Durrants Lane itself (an option suggested by Northchurch Parish Council in fact). For example, a new access point further along Shootersway would not impact any existing residents as no one lives along this stretch of road, it would minimise disruption to existing and neighbouring residents, while also stemming the build-up of traffic at the current junction of Elizabeth II Avenue and Shootersway. We strongly urge the committee to consider the negative impact on local residents that the proposed point of access would create and consider the various common-sense alternatives.

Failure by Taylor Wimpey to meet planning conditions for Phase 1

We also urge the committee to consider that Taylor Wimpey has failed to deliver some of the conditions of the Phase 1 build. Surely we must satisfy ourselves that these have been met before further development is allowed to take place?

One of the original conditions was the provision of a Woodland area on Phase 1. The

case officer, who I can only presume has not visited the Woodland area himself, suggests that this provision “meets and exceeds” conditions. In reality, the Woodland has been left to disrepute by Taylor Wimpey - the area is characterised by fallen, dead trees, overgrown bushes, dumped concrete mix by the builders and unkempt pathways leaving it unsafe for use. Rather than being a place of beauty for existing residents to enjoy, its dilapidated state has encouraged drug dealing and it is, therefore, an unsafe and potentially incredibly dangerous spot for residents and young children. Such is the condition of the woodland, the management company that Taylor Wimpey appointed to manage the estate is refusing to look after the area as it believes Taylor Wimpey is yet to complete work in the Woodland area.

Similarly, Taylor Wimpey has failed to deliver the playing fields it was supposed to as part of Phase 1 planning conditions. As the case officer notes, changing facilities are still yet to be provided and the playing fields have been left incomplete. They are not therefore in use.

Before further planning permission is granted to Taylor Wimpey, we’d urge the committee to ensure that Taylor Wimpey delivers on the conditions it was already supposed to have met.

#### Drainage and flooding

The case file notes a number of conditions around the flooding and drainage plans for Phase 2 before permission can be granted. Again, the file assumes that flooding and drainage is adequate on phase 1. There had been a number of drainage issues on the site, which have been previously reported to the council and which have also resulted in Taylor Wimpey having to dig up and re-lay dozens of gardens on Phase 1. Furthermore, the soft landscaping screening around the pumping station - as promised to those residents who overlook it - has also not been completed. We urge the committee to ensure that adequate flooding and drainage provision is made for phase 1 and that adequate drainage plans are in place before, rather than as a condition, of future planning permission.

#### Timing

As the case file notes, Taylor Wimpey had originally planned to develop the land behind the estate, where Egerton Rothsay School currently resides. The document notes that Taylor Wimpey and Herts County Council (the owner of this piece of land) are failing to communicate and reach a conclusion on the “land swap”. Indeed the case officer concedes that “as we understand matters” the conversations are at an impasse, which is why this alternative proposal has been brought forward. The planning and discussion around this feels rushed and fails to consider the broader development discussions taking place on adjacent land (eg Crest homes development, ERS school move). Surely if we are to build on what is designated open space, this should be for better reasons than Taylor Wimpey and HCC not being able to agree a deal quickly enough? While we appreciate the need for more housing and are not against the principle of more development, the housing target is for 2031 which is some way off. It is critical that we understand the exact position and timeframe of negotiations between Taylor Wimpey and HCC before alternative plans of such magnitude are rushed through and approved. It would seem sensible and considerate to Berkhamsted residents - albeit not a regulatory requirement - therefore for all neighbouring sites under discussion for development to be properly master planned.

### *Officer Response*

Access – The access roads within the application site have all been designed to adopted highway standards in accordance with *Roads in Hertfordshire*. The internal junction between phases 1 and 2 has relatively recently been objected to by Hertfordshire Highways (see comment above) and will require an amendment or additional plan to be provided providing for a traffic calming feature or alternative alignment. Such matters could be addressed by condition.

Conditions on Phase 1 - An enforcement file has recently been opened (November 2018) seeking to review the approval of phase 1 and compliance with both the planning conditions (landscaping and drainage) and requirements of the legal agreement.

This is despite no breach of the landscaping condition being identified in similar enforcement cases in July 2017. One of these investigations specifically considered the landscaping to the pumping station and concluded that there was no breach of planning control.

Despite the assertion in the commentary above, there does not appear to be any planning conditions or obligations relating to the wooded area; which falls clearly outside the application site area to Phase 1. There is also no requirement to provide ancillary facilities to the playing pitches either under a planning condition or under the legal agreement.

We are aware that the applicants are in breach of the legal agreement in relation to the pitch specification and transfer. This matter is subject to on-going discussions with Taylor Wimpey and Hertfordshire County Council. It is understood that the works to provide the pitches were not properly maintained following delays in the transfer of the site to HCC. Further works will be undertaken to the pitches to bring them up to standard in time for the next football season.

Drainage – The drainage strategy provided is satisfactory in principle and should not prevent the grant of planning permission.

Timing – The decision to pursue this alternative scheme has been taken following a significant period of discussion with the County Council and following a significant delay in the delivery of housing in the locality (some 4-5 years) As indicated in the officer report there are no firm proposals to develop the ERS site nor at present would such a proposal be in accordance with the adopted development plan.

### *Taylor Wimpey Response*

In respect of the phase 1 planning obligations:

- Taylor Wimpey (TW) have not received any notification of enforcement from DBC but they could be seen as being technically not fully in accordance with the S106 because we have not yet transfer the car park or playing pitches.
- TW made the car park available to the school at the end of 2017. It is constructed to the approved standard.

- The transfer to HCC has been agreed and the engrossed version is currently circulating for execution. The car park will therefore be formally transferred shortly.
- The S278 access into the pitches was completed in January 2019. Delivery was delayed considerably by factors outside of Taylor Wimpey's control.
- The pitches have been laid in accordance with the approved method statement. The method statement was agreed by DBC and Sport England.
- Since being laid however, the maintenance regime has not been properly implemented resulting in the pitches becoming over-grown.
- TW has since appointed a new contractor who has produced a programme of works in order to bring the pitches up to the necessary standard. This programme of work includes regular maintenance from March 2019 onwards and will result in the pitches being ready for use in October 2019.
- HCC is fully aware of the programme of works and is expected to take transfer of the pitches in October 2019.

Additional condition:

**Condition 13 – No development shall take place until further details of traffic calming measures to be provided at the juncture of Elizabeth II Avenue and the proposed site access have been submitted to and approved in writing by the local planning authority. Such measures shall be implemented fully in accordance with the approved details and prior to the occupation of any residential unit.**

Reason: In the interests of highways safety and in accordance with Policies CS8, CS12 and CS13 of the Core Strategy