

4/02934/18/MFA	DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE LAND FOR 17 RESIDENTIAL APARTMENTS WITHIN A MANSION BLOCK WITH ASSOCIATED, VEHICULAR ACCESS, CAR PARKING, LANDSCAPING AND ENGINEERING WORKS.
Site Address	THE OLD ORCHARD, SHOOTERSWAY, BERKHAMSTED, HP4 3NG
Applicant	Woolbro Morris Ltd
Case Officer	Robert Freeman
Referral to Committee	The application has been referred to the committee meeting in view of the objections of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The proposals would deliver a substantial proportion of housing identified in the housing programme at Tables 8 and 9 of the Core Strategy and forming an important element of the Council's housing land supply upon the designated housing site, LA4 (Land at and to the rear of Hanbury's)

2.2 The scheme is considered to represent a high quality residential scheme in accordance with Policies CS11, 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 appropriate in the context of both the site and its surroundings. The building would not appear to be visually intrusive or harmful to the appearance of Shootersway. 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 The proposed development is not considered to be detrimental to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policy 51 and Appendix 5 of the Local Plan with appropriate arrangements being made for the safe access/egress into the site and sufficient parking provided within the site. This includes sufficient access for disabled residents, refuse vehicles and fire access.

2.4 Appropriate infrastructure works will be secured through planning conditions and the payment of Community Infrastructure Levy (CIL) in accordance with Policy CS35 of the Core Strategy and the CIL Regulations 2010 (as amended)

3. Site Description

3.1 The existing site is approximately 0.18ha in area and sits at the southern edge of Berkhamsted at the juncture of Kings Road, Kingshill Road and Shootersway. The site is neighboured by the British Film Institutes national film archives to the east and the large residential unit, Hanburys, to the west with a substantial tree and landscaped buffer between these properties and around the perimeter of the application site. To the south

of the site is a large area of open land associated with Hanburys. This land is designated for residential use.

3.2 The site comprises the large family dwelling, known as The Old Orchard, and a number of outbuildings associated with the residential use of the property, including garaging/car ports and pool house. The site is accessed via a drive opposite the traffic signals to Kings Road.

4. Proposal

4.1 The proposals involve the demolition of the existing dwelling and outbuildings and construction of 17 residential units. The scheme has been designed as a single two storey mansion house within which there would be a mixture of 1, 2 and 3 bed apartments including five units within the roofspace to the property.

4.2 A new access would be provided to the western edge of the site to serve the development together with a pedestrian footpath link to the east of the site. A total of 25 parking spaces and 18 cycle storage spaces would be provided. The bulk of the car parking (17 spaces) would be located within a basement to the scheme including 2/3 disabled parking bays. A separate refuse store would be provided opposite the entrance to the underground car parking area.

5. Policies

5.1 National Policy Guidance

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

5.2 Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
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
Berkhamsted Place Strategy
Policy LA4 - Land at and to the rear of Hanburys, Shootersway
CS35 - Infrastructure and Developer Contributions

5.3 Hertfordshire County Council Waste Core Strategy

Policy 1: Strategy for the Provision for Waste Management Facilities.
Policy 2: Waste Prevention and Reduction
Policy 12: Sustainable Design, Construction and Demolition.

5.4 Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the use of urban land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Obligations
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodland
Policy 118 - Important Archaeological Remains.
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision

5.5 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)
- Energy Efficiency & Conservation (June 2006)
- Environmental Guidelines (May 2004)
- LA4 Masterplan for Hanburys, Shootersway (July 2017)
- Water Conservation & Sustainable Drainage (June 2005)

5.6 Advice Notes and Appraisals

- Sustainable Development Advice Note (March 2011)

6. Representations

Consultation responses

6.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

6.2 These are reproduced in full at Appendix B

7. Considerations

Policy and Principle

7.1 The site was removed from the Green Belt through the local plan process and incorporated in the Core Strategy and Site Allocations DPD as a designated housing site. As part of the urban area there is a strong emphasis on the site being developed

for residential use as set out in Policies NP1, CS1, CS2 and CS4 of the Core Strategy. Site LA4 within the Core Strategy is fundamental to the delivery of the Berkhamsted Place Strategy within the Framework and the delivery of the local objectives 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 Local Allocation of Hanburys including the estimated provision of some 40-60 homes.

7.2 The Core Strategy sets out the following principles for the development of the site LA4:

- A mix of two storey housing including around 40% affordable homes,
- A contribution must be made towards educational and community facilities
- The layout, design, density and landscaping must create a soft edge with the adjoining countryside and secure a long term Green Belt boundary,
- Development must respect the setting of the adjoining British Film Institute (BFI) site
- The impact on the local road network will be mitigated by supporting sustainable transport measures and improvements to the Shootersway/Kingshill Way junction,
- The main access taken from Shootersway and
- Access to the rear of Hanburys to be considered to allow for allotments and other possible uses.

7.3 These planning requirements are expanded upon in more detail in the Site Allocations DPD and through the associated LA4 masterplan and include amongst other matters:

- Ensuring sufficient, well located parking,
- Taking the main vehicular access from Shootersway,
- Limiting built development to two storeys in height,
- Use good quality materials and provide gables to buildings,
- Arrange buildings/routes to achieve natural surveillance, good pedestrian access and an attractive relationship to open spaces,
- Carefully locate buildings, open space and landscaping to respect the setting and security of the neighbouring BFI site, and
- maintaining a semi-rural frontage and mature planting to Shootersway (retaining and reinforcing landscaping between the Old Orchard and Hanburys)

7.4 These requirements are generally met by the proposed development.

Housing Delivery

7.5 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 allocated sites have an important role in the delivery of the housing strategy.

7.6 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 or

expediting the delivery of housing sites such as LA4 where it can be demonstrated that there could be an unreasonable delay in the delivery of homes or where sites are identified as needing to come forward within a reasonable timescale. The development of the LA4 site is expected to deliver 40-60 new homes from 2021 as set out in the Masterplan. 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. 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.

Affordable Housing

7.7 The application site forms part of the designated housing site LA4 (Hanbury's) and as such there is an expectation that the site will deliver a total of 40% affordable housing in accordance with Policies CS19 and LA4 of the Core Strategy. Policy CS19 goes on to state that judgements as to the appropriate level, mix and tenure of affordable homes should consider the overall viability and any abnormal costs. Despite the viability of the site and its planning requirements being tested at the Core Strategy examination and the examination of the CIL Charging Schedule there are significant concerns that the delivery of such high levels of affordable housing upon the site is a deliverable planning requirement. This is due to the relatively high costs of developing the site and the value of the existing residential unit.

7.8 The applicants are not proposing any affordable housing as part of this development. The proposals have been subject to a viability appraisal which demonstrates that the site cannot deliver the 40% affordable housing requirements set out at Policy CS19 of the Core Strategy and within the LA4 Masterplan in the current climate. The viability appraisal reveals that the site would generate a residual land value (RLV) only marginally higher than the existing use value of the site (EUV). The RLV has been calculated by modelling the value of the completed development and subtracting the costs of the development (including profit) The developers have agreed a purchase price which does not reflect any significant uplift in the EUV of the site with its current owner and is prepared to proceed with this development at a significantly lower profit margin (10.5%) than the standard industry practice (15-20%)

7.9 The viability of the site has been independently sensitivity tested to account for potential changes in sales values within the locality. A significant increase in sales values would be required before a normal profit margin can be secured by the developer and a contribution towards affordable housing can be secured. In these circumstances it is considered that it would be otiose to enter into a legal agreement to secure any uplift in the value of the site for affordable housing; particularly as this would increase risk for lenders should the need for borrowing arise and ultimately could stall development of the site.

Density, Layout and Design

7.10 The Site Allocations DPD is very clear that the capacity figures shown for the sites should not be treated as a maxima with the final dwelling capacity being tested through

the planning application process. The inclusion of 17 units on 0.18ha of land has resulted in a number of concerns in relation to the density of the proposed development. It is not disputed that the density of the scheme will be high (94dph) but this in itself is a crude measure as to whether the proposals might be inappropriate or an over development of the site. Other factors such as the site coverage, built form, appearance and adequacy of parking arrangements will also be important factors. Furthermore the fact that the development would be high density is not in itself a reason for refusal of a planning application, it is the impact of such density upon the character and appearance of the surrounding area that needs more careful consideration.

7.11 Shootersway is characterised by a number of large two storey residential properties set back from the highway and in landscaped grounds. The footprint to these properties often extends across a significant proportion of the width to the site and this is reflected in the massing and height of properties in the locality. It is not uncommon for these properties to have accommodation within their roofspaces and this is reflected in the proposed scheme. The neighbouring building at the BFI is orientated perpendicular to the highway at Kingshill Way and is a vast sprawling building of significant scale, mass and bulk. In this context the provision of a large single two storey building such as that proposed is not considered to be particularly inappropriate or harmful to the character and appearance of the area as required under Policies CS11, CS12 and CS13 and in accordance with the LA4 Masterplan.

7.12 The Old Orchard is specifically referred to at paragraph 4.6 of the LA4 masterplan where it suggests that the Old Orchard site could be developed either as low density detached housing or as a single block of mansion apartments. The proposed development would provide for a single 'U' shaped residential building, in the style of a mansion house, and comprising 17 apartments with basement car parking. This would appear to reflect the intention of the masterplan for the use of this site and would provide a mix of single, two and three bedroom properties in accordance with Policy CS18 of the Core Strategy. This building would still be set away from the boundaries of the site with the bulk of the existing landscaping retained by the development and screening the property from the road. The layout of the site allows the majority of the dwellings to benefit from having a dual aspect in the interests of providing natural lighting and ventilation to the properties. The units are also often provided with small balconies and have easy access to external amenity space via communal areas. Communal amenity areas would be provided to the front and rear of the building thereby providing a range and satisfactory level of amenity space for the occupants of the building in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan.

Impact on Trees, Landscaping and Ecology

7.14 Prior to the adoption of the masterplan for LA4 a number of trees on the site were made subject to a Tree Preservation Order (TPO 560 - Hanburys, Shootersway, Berkhamsted (2016)) There are 45 trees, shrubs or hedges located within or within close proximity of the proposed development although the majority of these are located to neighbouring land to the north and south of the site. The Tree Preservation Order makes specific reference to 3 x Oak trees (G4 on the Order) identified as T10-T12 on the applicants plans and located in the southern corner of the site and adjacent to the boundary with BFI.

7.15 The proposed works would generally fall outside the Root Protection Area (RPA) of trees around the site. Tree protection measures are to be provided as set out in the

applicants Arboricultural Method Statement. There is a nominal incursion of the building on the RPA of two trees identified in the applicant's tree constraints plan. The building would extend over the RPA of an Oak tree (T11) and subject to the TPO. This is justifiable given the existing site features and topography and should not result in significant harm to the tree health or its amenity value. The building would also encroach on a nominal area (1.7%) of the RPA to tree T29 (Oak tree) within the grounds of Hanburys and part of a cluster of trees identified as G1 in the TPO. This is within acceptable limits and should not result in harm to the tree.

7.16 Although the applicants have indicated that two trees T2 and T4 are intended to be kept, the Tree Officer has doubts as to whether these would survive development in the longer term. Should the intention to keep these trees fail, there would be no objection to their removal and replacement as part of a detailed landscaping proposal.

7.17 The proposed development is not considered to result in any significant harm to any trees of significance either within or around the perimeter of the application site in accordance with Policy CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. Further details of tree protection and landscaping are needed and it is suggested that this is provided by condition.

7.18 An Ecological Assessment of the site indicates that the main dwelling displays suitable roosting features for bats as do a number of trees that are unaffected by the development. There is also a small area of habitat suitable for reptiles, but the probability of use of the site by reptiles is low. There is no direct evidence of use of the site by protected species at the time of survey and the potential of the site for accommodating species is considered to be low. Notwithstanding such matters, the applicant's ecologist recommends that further surveys are undertaken and appropriate mitigation measures put in place in the event of protected species being present. A licence from Natural England will be required if the proposals would have an impact on European Protected Species (such as Bats) The development must meet three tests in order to be granted a licence under the Habitat Regulations; namely that the proposals are in the public interest, that there is no satisfactory alternative and that such works would not prejudice the long term conservation status of the species.

7.19 The site is a designated housing site and it is therefore in the public interest to deliver housing on the site to meet the Boroughs identified housing target in Policy CS17 of the Core Strategy. Such opportunities should be optimised in accordance with Saved Policy 10 of the Local Plan in order to ensure the delivery of sufficient homes and to safeguard further erosion of the surrounding countryside. Although the existing building could be used more intensively I am not satisfied that such an approach would result in a satisfactory alternative to the proposed scheme. The first two tests are therefore met and subject to a mitigation strategy being developed to address the third test in the Regulations I am satisfied that a licence could be granted in the event that bats are present at the site. Further surveys and mitigation measures will be secured by a planning condition.

Impact on Highway Safety

7.20 The application was accompanied by a Transport Statement and its content has been expanded through an addendum.

7.21 The application proposes the closure of the existing dangerous access to The Old

Orchard on the junction of Kings Road, Kingshill Way and Shootersway and the provision of a new access onto Shootersway to the western end of the application site. The location of this new access point is located to ensure that good visibility can be provided between the access and Shootersway and to provide a safe means of access for vehicles in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policy 51 of the Local Plan.

7.22 The access to the site is considered by the local highway authority to be safe and sufficient for the scale of development being proposed on the site. Furthermore the local highway authority have acknowledged that there is to be an intensification in the use of the existing access to Hanburys as this site comes forward for residential development and that they are satisfied that both access may operate without severe detriment to highways safety.

7.23 The scheme has been designed to allow for access by larger vehicles including refuse collection as confirmed by the vehicle tracking exercises submitted with the application.

7.24 A total of 25 parking spaces would be provided for the 17 residential units in this scheme. This would be in accordance with the parking standards in Saved Appendix 5 of the Local Plan and must be considered to be adequate for the development. In addition a total of 18 spaces for cycles would be provided. The site is within an appropriate cycling distance of the train station and town and as such the provision of a single cycle space per property provides a reasonable alternative form of transport to the private car. A walking route is also provided to the east of the site, although it is acknowledged that the route to and from the town centre is relatively long and steep.

7.25 The number of planning conditions has been rationalised to ensure that they do not duplicate works required under the Section 278 agreement and other highways legislation. This would include more detailed Safety Audits of the access works to the site.

Impact on Archaeology

7.26 The site has been subject to a Desk Based Archaeological Assessment by CgMs Heritage. The site is not located within an area of archaeological significance and the surveys reveal that the site has limited archaeological potential given the historic uses of the site and extent of past ground disturbance. It is also likely that some historic uses of the site would have negatively affected any potential archaeological remains. As such it is considered that the proposals are unlikely to have a significantly detrimental impact on archaeology and as such would be acceptable under Policy CS27 of the Core Strategy and Saved Policy 118 of the Local Plan 1991-2011.

Drainage

7.27 A Flood Risk Assessment and Sustainable Drainage Strategy was submitted with the application. This demonstrates how the provision of a SuDs drainage system within the site will reduce the surface water outfall rates from the site and would reduce the risk of surface water flooding to off-site properties. Surface water run-off should be attenuated within the site to reduce run off to greenfield rates where practicable.

7.28 The site is located above a Principle Aquifer and on the boundary between a Minor

Aquifer with high leaching potential and a Minor Aquifer with intermediate leaching potential. Given the high vulnerability of the aquifer, it is important that the drainage strategy does not introduce a pathway for contaminants or pollutants to enter the groundwater.

7.29 A range of SuDs methods have been considered in the Drainage strategy. Poor infiltration rates at the site make a number of sustainable drainage techniques inappropriate or unviable. However given the constraints of the site and its surroundings (including geology) a combination of source control methods (green living roofs and gardens and lined permeable paved sections) and end of pipe treatments (oversized pipes or geo-cellular tanks to store water below ground level) are proposed to be utilised on the site to reduce run-off to greenfield run-off rates. These are shown on plan SK01 A - Surface Water Drainage Layout within the SuDS Drainage Report by EAS dated November 2018. There has been no objection from the relevant organisations to this approach and as such it must be considered to constitute an appropriate drainage system for the site in accordance with Policies CS28, CS31 and CS32 of the Core Strategy.

Response to Neighbour comments

7.30 The comments of local residents are generally addressed above. Comments on the other matters raised would be as follows:

7.31 Pollution - The junction of Kings Road, Kingshill Road and Shootersway is not within an Air Quality Monitoring Area and no adverse comments have been received from the Environmental Health team. As such the impact of the development upon the environment in terms of air quality would not constitute a reason for refusal of the proposals.

7.32 Unsustainable location - The sites selection through the development plan process has assessed the relative sustainability of the site against other proposals upon which residential development could be located. There is a clear indication that the site should be developed as a sustainable extension of the town. The proposals incorporate a number of measures designed to improve the use of sustainable transport measures to access the site, whilst a high quality and sustainable form of construction would be expected.

Infrastructure

7.33 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.

7.34 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 Councils adopted Regulation 123 list sets out how such sums will be spent on infrastructure and incorporates education and community facilities.

7.35 The site is a Local Allocation 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 and where viable. No additional contributions have been requested nor are they likely to be sustainable given viability concerns.

7.36 This generates a mandatory CIL charge of £549,315 which has been incorporated within the viability appraisal for the development of the site.

Conditions

7.37 Officers consider a less onerous materials condition to be appropriate given the siting of the application site and sensitivity of the proposals as set out in condition 2 below.

7.38 In view of the commentary at paragraphs 7.14-7.28 regards the landscaping and ecological constraints of the site, however two conditions are suggested to cover these matters. It is important that further ecological surveys and tree protective measures are finalised prior to the commencement of any development on the site as set out in conditions 3. Condition 4 builds upon the need for ecological information prior to demolition of the existing dwelling and requires an appropriate mitigation strategy.

7.39 Condition 11 does not extend to the approval of a bin store along the frontage of the site. Although the siting of this bin store is satisfactory there are concerns over its appearance. Further details are required by condition 3.

8. Conclusions

8.1 The proposed development is considered to provide a good quality development on a designated housing site within the Core Strategy and as such is recommended for approval.

9 RECOMMENDATION – That planning permission be **GRANTED** 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, other than demolition works, 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><u>Reason:</u> To ensure a satisfactory appearance to the development in accordance with Policy CS12 and LA4 of the Core Strategy.</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>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; measures for the protection of trees for the duration of demolition and construction works; further ecological surveys and details of appropriate mitigation measures; a programme for the implementation of any ecological improvement works; proposed finished levels or contours; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);and 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>Any ecological works to the site should be undertaken in accordance with an agreed programme for implementation.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS13 of the Core Strategy.</p>
4	<p>No building shall be demolished until further ecological surveys have been undertaken of the buildings to establish the presence or otherwise of protected species upon the site and an appropriate mitigation strategy to prevent any harm to said species has been submitted to and approved in writing by the local planning authority.</p> <p>Any ecological works or mitigation measure shall be undertaken in accordance with an agreed programme for implementation.</p> <p><u>Reason:</u> To ensure the adequate protection of ecology in accordance with Policy CS26 of the Core Strategy.</p>
5	<p>Soft landscape works 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; and an implementation</p>

	<p>programme</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
6	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS13 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011</p>
7	<p>Prior to the commencement of the development hereby permitted further details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it minimises discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.</p> <p><u>Reason:</u> To ensure that the site is subject to an acceptable drainage system serving the development in accordance with Policies CS28, CS31 and CS32 of the Core Strategy.</p>
8	<p>The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. SK01 Revision C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.</p> <p><u>Reason:</u> To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54 and Appendix 5 of the Local Plan 1991-2011.</p>
9	<p>Before the new access hereby permitted is first brought into use the existing access shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.</p> <p><u>Reason:</u> In the interests of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy.</p>
10	<p>No development shall take place until a Construction and Site Waste 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 and Site Waste Management Plan which shall include details of:</p> <ul style="list-style-type: none"> 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 and l) Details of the extent of construction waste and the means for its appropriate disposal including a strategy as to how construction waste will be minimised and where possibly recycled during all phases of development <p><u>Reason:</u> 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>
11	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <ul style="list-style-type: none"> PL001 - Location Plan PL003 Revision G - Proposed Site Plan PL004 Revision E - Basement and Ground Floor Plans PL005 Revision G - 1st and 2nd Floor Plans PL006 Revision C - Elevations PL007 Revision C - Street Scene PL010 Revision A - Roof Plan PL011 - Footpath Plan SK01 Revision C - Parking and Access Plan <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p>INFORMATIVES</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.</p>

Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Appendix A

Consultation responses

Berkhamsted Town Council:

Objection

The Council discussed the issues of access and safety. Cllr T Ritchie advised that it was difficult to assess the application in the absence of a Highways report. Notwithstanding, the access was too close to the Kings Road junction.

The proposals represent an overdevelopment of the site, with 94 dwellings per hectare. Furthermore, the development would be highly visible from the A41 and would adversely affect the landscape. Further, a mansion block would be out of keeping with the surroundings.

Cllr G Stevens stated that there is a lack of conformity with the Masterplan re. Hanbury site and suggested that perhaps the proposal should not have been put forward. Furthermore, the lack of a Highways report is a serious failing.

BCA12, Appendix 3, (v), CS10, CS11, CS25

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:

Condition 1: Construction Traffic Management Plan

Prior to commencement of the development, an amended Construction Traffic Management Plan (CTMP) is required. The following additional information is required

to be included in the amended document:

- Provision of sufficient on-site parking prior to commencement of construction activities
- Construction and storage compounds (including areas designated for car parking); and
- Cleaning of site entrances, site tracks and the adjacent public highway.

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).

Condition 2: New Access

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number SK17-Rev C. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

Condition 3: Road Safety Audit

Prior to the commencement of the development hereby permitted a Stage 1 Road Safety Audit, for the proposed highway improvements and access junction shall be completed and submitted for approval by the Local Planning Authority.

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).

Condition 4: Closure of Existing Access

Prior to the first occupation of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number SK17-Rev C only. Any other access(es) or egresses shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

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

Condition 5: Access - Gradient

The gradient of the vehicular access shall not exceed 1:20 for the first 5 meters into the site as measured from the near channel edge of the adjacent carriageway.

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

Section 278

Any works within the highway boundary (including alterations to the footway, reinstatement of existing access to verge and the proposed new site access) would need to be secured and approved via a S278 Agreement with the HCC.

The proposed mitigation measures for the following locations would be secured and approved via a S278 agreement:

- Proposed footway link from the proposed site access to the existing footway on Kingshill Way;
- Proposed new site access of 6m;
- Reinstatement of the existing access to verge; and,
- The gradient of the site access.

Section 106 Agreement 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.

Description of the Proposal

The proposed development will include 17 apartments comprising 4 one-bedroom apartments, 12 two-bedroom apartments and 1 three-bedroom apartment. The proposals include a new site access 12.5 metres west of the stop line on the Shootersway arm of the signalised junction.

History

The development site is designated as Local Allocation LA4 (Land at and to the rear of Hanburys and The Old Orchard, Shootersway, Berkhamsted) in the Adopted Dacorum Borough Council Core Strategy. A Master Plan for the site was adopted in July 2017. The applicant sought pre-application advice from HCC as Highway Authority in June 2018.

Site Description

The site is located at the south easterly end of Shootersway at the junction with A416 Kings Road and Kingshill Way. Currently there is an existing dwelling on the site with a large garden. Access to the site is taken from Shootersway. Shootersway is an unnumbered, classified, local distributor road and is subject to a 30mph speed limit.

Analysis

A wide range of documents has been provided by the Applicant in support of the proposed redevelopment, including a Design and Access Statement, Construction Traffic Management Plan, and Transport Statement.

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 Statement is required per the guidance set out in Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide 3rd Edition. A Transport Assessment has been provided as part of the submission, this is considered acceptable.

Following HCC's initial recommendation, the applicant has provided a letter to address additional information requested by HCC as highway authority to support the development.

Policy Review

A policy review has been undertaken and the development's compliance with relevant local and national policies summarised in Chapter 3 of the Transport Statement produced by Origin. The following policy documents have been reviewed in the Transport Statement:

- National Planning Policy Framework (NPPF) - the policy review has considered the updated July 2018 version;
- Hertfordshire's Local Transport Plan 4 (LTP4).
- Tring, Northchurch and Berkhamsted Urban Transport Plan (UTP), 2013

Whilst this is considered acceptable, 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.

Trip Generation

Trip generation analysis is presented within the Transport Statement.

Proposed Trip Generation

Proposed vehicle trip generation of the site has been calculated using TRICS. 'Flats Privately Owned' was selected as the land use category and sites in the areas of South East, South West, East Anglia, East Midlands, and Yorkshire & North Lincolnshire were selected. Sites of appropriate size (8-30 units) have been selected to generate the trip rates. TRICS has been reviewed and the site selection and filtering methodology is considered appropriate.

Therefore, the proposed vehicle trip generation is considered acceptable and is as follows:

- AM Peak (08:00-09:00): 2 arrivals, 6 departures and 8 two-way trips
- PM Peak (17:00-18:00): 6 arrivals, 2 departures, 8 two-way trips
- Daily (07:00-19:00): 38 arrivals, 36 departures, 74 two-way trips

Trip Distribution

A description of the trip distribution methodology has not been provided within the

Transport Statement. However, all proposed traffic has been applied to the Shootersway /Kingshill Way / Kings Road junction and modelled in LINSIG. This is considered acceptable.

Impact on the Highway Network

Junction Assessment

The applicant has modelled the signalised junction at Shootersway / Kingshill Way / Kings Road using LINSIG. A base model and development model have been assessed to compare the current performance of the junction to the performance post-development. The purpose of the comparison is to evaluate the expected impact on the capacity of the junction.

Baseflows and information about the phasing and signal timings was obtained from Hertfordshire County Council, but have not been included within the Appendices and a sensibility check has been unable to take place.

TEMPro 7.2 has been used to apply a growth rate to the baseflows from 2014. It should be noted that HCC would not typically agree to the use of traffic data over 3 years old; however, due to the scale and nature of the proposed development, this is considered acceptable.

The output files from LINSIG have been included in Appendix G. The turning counts and geometry of the junction used in the modelling has been reviewed and are considered appropriate.

The results of the junction modelling suggest a minimal impact upon the operation of the junction, with the junction continuing to operate within capacity with the addition of vehicle trips associated with the development.

Delivery, Servicing and Refuse Vehicles

The Design and Access Statement and Transport Statement both stated that bins will be collected from the roadside on Shootersway. A swept path of a 11.2m refuse vehicle accessing the site is shown in Appendix E. Within the HCC's response to a pre-application submission in June 2018, HCC had stated that servicing / refuse collection from Shootersway is not acceptable at this location as a refuse vehicle stopped at this location will impact the signalised junction. Clarification on delivery and servicing arrangements was sought by HCC and the applicant has addressed this in their response to HCC comments. The response states that servicing/ refuse collection will be undertaken within the confines of the site. This is considered acceptable.

Road Safety

No collision analysis has been provided. As part of any TS, Personal Injury Collision analysis is required, and therefore would be required for the proposed development. The applicant will need to obtain the most recent 5 years of collision data from Hertfordshire County Council and provide a summary of the data within the TS. However, a quick review of highway data reveals that there has been one slight collision on Shootersway in the vicinity of the site. Therefore, it is unlikely that the development would exacerbate any existing collision trends.

Highway Layout

Access Arrangements

The Transport Statement provides details of the proposed access. The proposed site access will be 12.5 metres west of the stop line on the Shootersway arm of the signalised junction. The proposed access would be intended to replace the existing access which is located at the stop line on the Shootersway arm of the signalised junction with Kings Road and Kingshill Way. Appendix C within the Transport Statement includes a drawing of the proposed site access and visibility splay. Visibility splays of 2.4m x 43m, in line with current MfS2 guidance, can be achieved from the proposed site access. The Transport Statement notes that the Kings Road stop line cannot be seen from the proposed site access; however, a visibility splay of 43 metres can be achieved into that direction, which is adequate for the speeds through the junction. HCC agree that this is adequate.

It is recommended that a Stage 1 Road Safety Audit is undertaken on the designs to ensure no new safety problems could potentially occur as a result of the new access. In the response from the applicant, the applicant agreed that this would be undertaken as part of Section 278 Agreement detailed design review. This is considered acceptable.

It should also be noted that as part of the development, the applicant would be required to reinstate the existing access to verge. The applicant agreed this within the additional information supplied. The applicant proposes a footway link on the eastern side of the development which would connect to the footway on Kingshill Way. The link would then connect to the controlled crossing point at the signal controlled junction. No details were provided regarding pedestrian provision within the site. HCC required additional information to support the proposed pedestrian footway from the site connect to the existing provision on Kingshill Way. This information was provided in the additional information submitted and is considered acceptable.

Swept Path Assessments

Swept path assessments have been provided for a refuse vehicle accessing the proposed development site. The drawing included within Appendix E demonstrates that a 11.2m refuse vehicle can enter and exit the site in a forward gear. However, as part of pre-application advice provided to the applicant, HCC requested that a 11.6m refuse vehicle is tracked, at a minimum. Correspondence has since been undertaken with HCC to agree that tracking 11.2m vehicle is considered to be a robust exercise. HCC also requested swept path analysis to demonstrate two-way movement at the site access, and within the site. Swept path analysis of two-way movement at the site access has been included within Appendix D of the response to HCC's consultation response. They are considered acceptable and demonstrate that two-way movement within the site is achievable.

Accessibility

Public Transport

Bus - The nearest bus stops are located on Chesham Road, 650m east of the site. These stops are served by the hourly 354 Northchurch to Chesham service. The infrastructure

at the north and southbound bus stop on Chesham road is basic with only a bus stop flag in place. There is no footpath leading to the northbound bus stop and no crossing facilities to reach it.

Rail - Berkhamsted railway station is located 1,250 metres 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.

Walking and Cycling - The Transport Statement details the pedestrian infrastructure on Shootersway. Shootersway includes a footway on the northern side, ranging between 1m and 1.3m wide in the vicinity of the site access. On the southern side, there is a short section of footway, between 1m and 2m wide, near the signal controlled junction which discontinues at the existing site access. The applicant has stated that a footway link would be provided to the east of the site access to connect to the existing footway at Kingshill Way. This is considered acceptable.

The Transport Statement does not mention any cycling provision in the area. However, it is noted that there are no existing cycling facilities in the vicinity of the site; however, Shootersway, Kings Road and Kingshill Way are all subject to speeds of 30mph and are therefore considered suitable for 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

The proposals include 25 car parking spaces which is in line with the parking standards.

Dacorum Borough Council Car Parking Standards require that for residential use 1 disabled space is provided for every dwelling built to mobility to 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 DBC to determine the suitability of disabled parking provision. 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 proposed car parking layout includes 8 spaces in front of the apartment block and 17 spaces in a parking basement. No details have been provided about the dimensions of parking spaces. This is required to ensure that the parking is safely accessible and that vehicles have sufficient space to manoeuvre within to depart the site in a forward gear. However, the applicant has provided swept path analysis of the car parking and it is demonstrated that a car can safely enter and depart the most difficult to access car

parking spaces. This is acceptable.

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 TS states there will be cycle parking for 18 bicycles provided in the basement which exceeds the minimum required standard. This is considered acceptable.

Travel Plan

Due to the scale and nature of the proposed development, a Travel Plan is not required.

Construction

A Construction Traffic Management Plan (CTMP) has been provided as part of the application. The CTMP provides details of the following:

- Construction vehicle numbers, type, routing;
- Traffic management requirements
- Siting and details of wheel washing facilities;
- Timing of construction activities (including delivery times and removal of waste); and,
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

However, the following additional information will be required and will be conditioned:

- Cleaning of site entrances, site tracks and the adjacent public highway;
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); and,
- Drawing demonstrating provision of sufficient on-site parking prior to commencement of construction activities.

Planning Obligations / CIL Contributions

Dacorum Borough Council has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes would be sought via CIL if appropriate.

Summary

HCC as highway authority has reviewed the application submission and wish to recommend approval of the proposed development, subject to suitable planning conditions.

Hertfordshire County Council - Minerals and Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage districts and boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its

National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

. the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

. new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less

developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

.the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan.

The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities.

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application, the council is urged to pay due regard to these policies and ensure their objectives are met.

The county council would expect detailed information to be provided separately for the demolition, site preparation and construction phases of development. The waste arisings will be of a different composition from each of these phases. Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arising and so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented. It will also help in determining the costs of removing waste for a project.

The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted

Conservation and Design

In general the designs have been reviewed and overall we would be comfortable with

the proposals. There are some minor details we would recommend be submitted including:

- 1 Section drawings of the elevations within the front courtyard. This needs to be provided to ensure that we have a full set of elevation drawings.
- 2 It would be recommended that although it can be conditioned that the windows to the property have a reasonable set back and are not flush with the elevation
- 3 The wall to the ramp approach road could be higher to the roadside. This could better conceal and disguise the underground car park element particularly from the road and ensure that the access element was not visible.
- 4 It is not clear what the planting to the bin store is but it would be useful if it was something that would grow up it to ensure that there remains a 'green' character to Shootersway

Please condition bricks, brick bond (not stretcher bond), mortar, roofing materials, stonework, window and door details and finishes, metalwork, landscaping details and materials.

Trees and Woodlands:

No objection to proposals in principle but more info is needed about how a few issues can be resolved. .

It doesn't look sensible to try to retain trees T2 and T4 (by the road junction) as a lot of surfacing and construction is due to be completed around them. I would advise that they should be removed and new trees planted along the frontage.

The removal of existing buildings and site structures would place machinery within the root protection areas of high value retained trees, especially T11. It would be necessary to carefully manage the demolition process and so we'd need to review a tree protection plan, outlining where tree protection measures are to be installed to minimise the potential for damage.

A lot of trees are due for removal but mostly are of small size so limited amenity value. Given the amount of tree and plant removal, it would be important to replace more than is currently indicated. The rear boundary of the site is shown as lawn but it isn't apparent whether a fence is to be installed. Shrub planting within a fenced area would provide aesthetic value.

Detail of species to be planted should be provided with planting size and location/spacing.

Affinity Water

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be

noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors"

Environment Agency

I can confirm that we have no comments to make in relation to the proposals.

Thames Water

Waste Comments

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Appendix B

Neighbour notification/site notice responses

Objections

Berkhamsted Citizens Association

The BCA wishes to OBJECT to the application on the following grounds: the proposed development is monolithic, dominant and overwhelming; the density is too great (individual houses would be more suitable); it affects detrimentally the setting of the listed buildings adjacent (the BFI); and the access on to Shootersway so close to the traffic lights at the junction with Kingshill Way/Kings Road is hazardous. The access on to Shootersway should be through the Hanbury's site, as originally proposed.

British Film Institute

I am writing regarding the above Planning application and wondered if a traffic impact assessment/survey had been carried out, as there doesn't appear to be one with the 'associated documents'?

I also appreciate that you don't list traffic or access as part of your criteria for comment, although there would be significant impact potentially, where the proposed access/egress position is marked.

The main points I have listed below:

1. Has any thought been given, to vehicles exiting the Old Orchard, trying to enter the southbound carriageway of Shootersway leading into Kingshill Way, apart from the KEEP CLEAR box for the property opposite ?
2. Since the Traffic System has been installed, many vehicles come off from the Lights heading up Shootersway, as if it were a 'Drag Race'
3. Although BFI & Archive Mews have a KEEP CLEAR box outside of the Site in Kingshill Way, it is often ignored and prevents both access & egress from the Site. There have also been several 'near misses' and a Collision, involving a BFI member of Staff , as they tried to exit through the KEEP CLEAR box and a vehicle entering it from the direction of the A41.
4. Obviously, there is still the Hanburys development of c.40 properties and the 2nd phase of Bearoc Park yet to come and will also have a huge impact on a very congested stretch of road.

2 Green Barn, Archive Mews

I significantly object to these proposals.

- an economic perspective
- a social perspective
- ecological aspect

- future pollution
- wrong location for housing

The housing market does not require more properties in this location. There are three properties for sale (neighbours) who have been on the market for over 6 months and not sold. The demand is closer to town not on the outskirts. Houses are not being sold here because there are no immediate amenities. The closest cafes and shops are in the centre of town, which unfortunately most people drive to rather than walk to. The pavement is not wide enough to accommodate an increase in footfall and the application implies there will be an increase (the footpath can't accommodate a pushchair at the top of the path so any more housing should be closer to town to avoid this).

In reality, this will increase cars as people will drive. This both has an impact on climate change as well as an impact socially as the residents of shootersway already have to compete with a high volume of traffic during rush hour, they cannot manage more.

This proposal would mean more roadworks would need to be completed to build cables to deal with electricity etc. There have already been 5+ sets of roadworks in approximately a year, which economically impacts the town and significantly affects residents who should not have to suffer through more of this.

Pollution will be caused both by the building and ongoing cars / house pollution. This cannot be mitigated and will have a significant environmental impact.

The BFI presently has bees who use the wildflowers in the field. These will be destroyed. There are other animals such as deer who will have their entire ecosystem destroyed. Please don't do that!!

Residents of Archive Mews use the communal garden as their significant outside space for children. This won't be possible during the building works due to the pollution. My younger daughter has respiratory issues and cannot cope with the increase in pollution.

They refer to housing benefit but again this is the wrong location. The only school nearby is already significantly oversubscribed. An increase in houses is much better suited to the station side of town as there are plenty of spaces at bridgewater, but the schools on this side of town have no space.

The proposal says that it is on top of current buildings, but the current house takes up a tiny proportion of the site. Therefore I disagree with this point.

I don't feel local residents have been respected as otherwise we would have been informed at the pre planning stage commencing in April, I don't feel they engaged locally.

The 17 residential units need to be situated closer to amenities otherwise the houses will not sell and the development will have been built and destroyed wildlife for nothing.

They have not explained the economic benefit. That is because there is no long term benefit. They will make a massive profit. There is no guarantee builders would be from Berkhamsted. Then after that there is no long term positive impact.

13 Doctors Commons Road

The proposed structure is overdevelopment of the site. There is only one car park space per dwelling which is not enough, and there is hardly any amenity space per dwelling. Every family needs a private place for their children to play in safety. The design is too high for the site, out of scale with the area and surrounding buildings.

8 Oxfield Close

Whilst the appearance of the proposed mansion block of 17 apartments is in itself not unattractive, I am seriously concerned about the massive increase in traffic on Shootersway that will be caused by the increase of residents on the land which presently has one owner with probably only 3 or 4 daily traffic movements. The increase of the number of residents in the proposed development to possibly 30 - 50 people with potentially 2 cars per apartment means that the traffic egressing onto and entering from Shootersway will be multiplied disproportionately to the current situation.

Shootersway is quite narrow and the access proposed, whilst further away from the junction with Kings Road than at present, the increased traffic will cause considerable overcrowding, especially at peak times, to an already busy road and I feel quite strongly this junction will become dangerously muddled especially at school and rush hour times. There is no bus service and few people will use the pedestrian path to the town as it is quite unpleasant to use the pavements with such high traffic

I feel more thought should be made into how the traffic flowing onto and off Shootersway should be managed. I understand further proposals are being made to develop to the rear of The Old Orchard and Hanbury's and it is accepted by the developers of the Hanbury site that a different access road would need to be made. Shootersway will be overburdened if both developments are allowed to have access onto what was once a narrow country road.

I object very strongly to this development purely on the topic of access and over occupation of this site without a radical rethink of the effects of traffic on Shootersway

9 Oxfield Close

1. Traffic : Shootersway is a very busy road, especially after the new houses up by Durrants Road and potentially more to be built up there. The access out onto Shootersway will cause problems especially as the traffic, in peak times, often queue upto the mini roundabout at the top of Crossoak road. Construction traffic will also cause major problems and disruption. If the Hanbury project is going ahead, is it not possible to have a combined exit somewhere higher up Shootersway or from the back?
2. Public transport: the closest bus stop is by Ashlyns school, a good walk away and one that you will not do with heavy shopping bags. The bus is every 1 to 1.5 hours. Likewise the walk into town is 20mins approx and at the top end the pavement is very narrow (single file). Also it is a steady uphill walk and you would not do this with shopping. Thus everybody drives, causing parking problems in town. If more houses are being built off Shootersway then a bus route should run along it making town more accessible.
3. Most families will have 2 cars so there is inadequate parking which will mean some will park in Oxfield Close/Tower Close, causing congestion there.
4. Shootersway mainly consists of large detached homes so an apartment block, high density building, will not fit in with the surrounding area.
5. The plans are for 2.5 stories high at the front so again, this will not fit in with the area.

10 Oxfield Close

The proposals would be a development of a high density building out of keeping with existing residential properties in the area of single houses on individual plots. A significant volume of traffic would inevitably be created too close to an already congested road junction at the top of Kings Road causing unacceptable disruption issues on the road. Turning right into Shootersway from Kings Road is already a gamble, which this development will make even more hazardous.

12 Oxfield Close

I object to this proposed development on the grounds of parking, traffic and access.

With 17 residences proposed here, the likelihood is that this will result in ownership of at least 35 cars. This is because of the type of development envisaged and its location: it is a 20-25 minute walk down to Berkhamsted town centre/station and a longer and more arduous walk back. The proximity of access to the A41 and M25 will encourage people who would live here to commute to work. It is extremely unlikely that residents would walk into Berkhamsted to do their shopping: the steep climb back and the narrowness of the pavement at the top of Kings Road will strongly encourage them to drive.

Parking - the proposed development envisages 25 residents parking places. While this may fit with planning norms, in practice at least 10 more are likely to be required and in addition adequate visitors parking will be necessary: say at the rate of 1 per every two residences.

Traffic - there is already quite some traffic congestion along Shootersway towards the traffic lights at the junction with Kings Road, particularly at peak times (0730 to 0900 in the mornings and 1530 to 1800 in the evenings). It is not unusual for traffic at these times to extend back along Shootersway to Cross Oak Road and beyond. Traffic from the proposed Old Orchard development would make this much worse and add to air pollution at exactly the times when children are walking to and from school.

Access - it would be very difficult (especially at peak times) for vehicles to enter from the Old Orchard into Shootersway and this would likely rely on the courtesy and patience of drivers already queuing for the lights at the Shootersway/Kings Road/Kingshill Way junction. This would be exacerbated because the majority of vehicles leaving the Old Orchard would be trying to turn right in order to get to Berkhamsted town centre/station or the A41/M25 and so need to cross one line of traffic to join the other line. The potential for frustration, impatience and lack of courtesy would make accidents and delays here more likely and also add to the air pollution in the area. Any delivery vehicles (internet shopping etc) would only add to these risks as drivers of such vehicles would not be so familiar with the neighbourhood and are generally in a hurry to make their delivery schedule and so be more inclined to exit less carefully.

14 Oxfield Close

I object on the following grounds

Access/egress to the development - The plans indicate that at some stage in the future some of the Hanbury land will be developed leading to another road onto Shootersway.

The two accesses onto Shootersway in such close proximity will be detrimental to highways safety. The Old Orchard site should be accessed via the access to the Hanbury's site.

Density and Parking - The scale and density of development is excessive being both three storey and comprising 17 units. The proposals for 25 parking spaces are likely to be insufficient resulting in an adverse impact to neighbouring roads.

16 Oxfield Close

My objections are based on the following:

- 1) The three floor buildings will be completely out of character for the area - there is no similar building on this side of the town
- 2) The exit will be onto a very narrow road (Shootersway) and only yards from the junction with Kings Road. HCC have in the last 18 months invested in three way traffic lights to control this junction and make it safer for children to cross the road on their way to school. For those turning right out of the complex, they will be yards away from the traffic lights. A car will be essential to access town as there are no other transport options
- 3) There is reference in the plan to fitting with the DBC plan for additional housing - is this the sort of development that was envisaged or was it referring to affordable housing? Given the location and specification, these flats will not be affordable.
- 4) There is also an issue of parking on site. The plan is to have 17 spaces underground but with a maximum occupancy of 31 people what happens if there is more than one car per flat. There is a lack of parking capacity within the scheme
- 5) The impact of development will be exacerbated by references to developments at the 'Hanbury' site
- 6) We are concerned with construction works and the number of vehicles that will be required to access the site for construction. This will be difficult and lead to congestion in the area.

75 Kings Road

This development of 17 flats will add between 17 and 35 cars to the congestion on the Kings Road, Kingshill and Shootersway junction, which will peak as students are crossing the junction on their way to schools. The issue of traffic-generated air quality issues should be taken into account, particularly when students are using the junction. This development needs to have its consequent traffic directed elsewhere, on congestion and health grounds.

I strongly oppose this proposal as it stands

Ballintrae, Shootersway

We are seriously concerned about the massive increase in traffic on Shootersway that will be caused by the increase of residents on the land which presently has one dwelling and will increase to 17 dwellings. The traffic approaching the junction with the Kings Road (from all directions) accelerates significantly to attempt to cross the traffic lights before they change. A new access so very close to the traffic lights will greatly exacerbate the situation and be extremely dangerous.

At peak times in the morning at the junction there is no break in the traffic on

Shootersway from one direction or the other, so it will be extremely difficult (and dangerous) for traffic exiting this site to turn right towards the Kings Road. Use of the Keep Clear area will not work, because it will be impossible for traffic to get across to it. Besides which that area was created to enable the inhabitants of Waysmeet to be able to exit/enter their driveway.

The original plan was to combine access to this site with the Hanburys development - that at least is further from the junction. Nonetheless, the increase in traffic at the junction on Shootersway from both these developments combined is untenable. The same arguments about joining the traffic flow will apply to that access also.

The provision of a pedestrian path will not change this situation. The number of people that walk down towards the town centre from Shootersway is extremely small.

We object very strongly to this development on the basis of the dangerous access and over occupation of this site.

Hollydene, Shootersway

We are worried about the impact this housing development will have on traffic flow along Shootersway. This area is extremely busy, especially in the mornings, with traffic turning out onto Kings Road and potentially 20 -30 extra cars will interrupt the flow and cause more traffic congestion. In addition, it could also be hazardous for pedestrians (mainly Ashlyns School children) who are crossing the road. We are also concerned about the huge increase in development along Shootersway without any increase in amenities or transport provision, this side of town.

Waysmeet, Shootersway

The transport statement documents says that `The Keep Clear marking will assist right turning traffic` from the new development. The Keep Clear marking is solely there to enable safe access to Waysmeet, Shootersway when travelling from Kingshill Way. It is also an aid for when exiting Waysmeet, Shootersway. If the Keep Clear marking is blocked by a vehicle not only does it make it more dangerous when trying to access and exit Waysmeet, it will also cause more traffic delays to an already over used junction.

Neutral

Lone Star/Savills (adjacent landowner/developer of land to the rear of Hanburys)

We have no comments to make regarding this development.