

ITEM NUMBER: 5a

20/02021/MFA	Construction of extra care (Class C2) development including associated highway access works, car parking, landscaping and other works incidental to the development.	
Site Address:	Land to the rear of Hanburys, Shootersway, Berkhamsted Hertfordshire	
Applicant/Agent:	Elysian Residences	
Case Officer:	Robert Freeman	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	The application has been referred to the Development Management Committee at the request of Councillor Symington. Councillor Symington raises concerns regarding the schemes compliance to the site masterplan and the delivery of affordable housing.	

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As amended)

2. SUMMARY

- 2.1 The site is allocated for residential use (LA4) comprising general needs housing (C3) and with a high proportion of affordable housing (40%) required. Despite a lack of affordable housing being provided on the site, the delivery of a purpose built housing scheme for elderly residents and those in need of care (C2 – Residential Institution) is considered to make a valuable contribution towards the overall housing needs identified in Policy CS17 of the Core Strategy and those emerging housing needs within the emerging Single Local Plan (SLP). Furthermore the provision of this form of residential development is permitted under the LA4 Masterplan.
- 2.2 The delivery of care facilities is considered to result in social, economic and environmental benefits which would outweigh the limited social harm resulting from the non-delivery of affordable housing. This harm to the supply of affordable homes would be further off-set through a contribution towards the delivery of affordable homes elsewhere within the Borough.
- 2.3 The scheme is considered to be a high quality proposal which allows for the delivery of a number of objectives of the LA4 masterplan. In the context of the NPPF policies the development would be a sustainable development

3. SITE DESCRIPTION

- 3.1 The Site is located on the southern outskirts of Berkhamsted, immediately to the south of Shootersway and north of the A41. It is a largely level site, comprising predominantly of open grassland located within the curtilage of the existing residential property known as 'Hanburys'.

- 3.2 Hanburys abuts the northwest boundary of the site and has an existing access onto Shootersway. A second residential property known as 'The Old Orchard' abuts the northeast corner of the site. The Old Orchard site is under separate ownership and does not form part of this planning application. Immediately to the east of the application site is the British Film Institute (BFI) National Archives and a small number of residential properties forming Archive Mews. The western and southern boundaries of the site abut open fields.
- 3.3 The BFI National Archive buildings rise to a height of approximately three storeys, but are well screened from the site by a number of mature trees. The BFI site contains a number of grade II listed buildings alongside a number of more modern office, light industrial and archives buildings.

4. BACKGROUND

- 4.1 Elysian Residences is a British business focussed on the ownership, operations and development of retirement communities in London and the Home Counties. Elysian provide accommodation for older people (65 and over) and those in need of care.
- 4.2 The Extra Care model of care housing provides large apartments that are adaptable to the increased care needs of owners as they progress in years. Communal social and care facilities within the development are provided to keep residents physically, mentally, and socially stimulated and promote a longer period of health. This does not extend to specialist care for people with dementia who need purpose built and secure accommodation.

5. PROPOSAL

- 5.1 The development will provide 103 x Extra Care (Class C2) homes, with ancillary uses including restaurant/bar, library, multi-purpose room, gym, 24-hour care trained staff, and treatment room on site. The restaurant will be available to both residents and the wider community to visit, whilst it is also proposed for the multi-purpose room to be made available for local community groups to use via a Section 106 agreement.
- 5.2 The proposals comprise a series of two groupings of three interconnected pavilions set within a landscape setting and interconnected to form a single community. The proposed buildings would be between 3 and 5 storeys in height often featuring a lower ground level. The main entrance pavilion is located centrally to the site with a double height lobby which drops down to connect with communal facilities and a courtyard amenity area. All communal facilities are arranged around a central sunken courtyard and a lower ground level which is partially excavated into the site. This amenity space links pavilion buildings together and allow residents to access all parts of the development through internal spaces. Either side of these spaces are residential units stepped at three and four storeys in height above ground level.
- 5.3 The development would comprise 15 x 1 bed units and 88 x 2 bed units each of which would be designed to be adaptable to the changing needs of elderly residents in case of deteriorating health, but allowing residents to live with a degree of independence. The units are all designed to significantly exceed the requirements of National Space Standards. In addition to communal facilities at the site, nearly all units have their own private amenity areas in the form of balconies or terraces.
- 5.4 The proposed building would be accessed via the existing site access to Hanbury's off Shootersway and shared with the existing residential property. 74 car parking spaces would be provided within the site for the extra care units, all of which will be provided with

Electric vehicle charging points and rapid charging infrastructure. 12 Cycle parking spaces will also be provided.

6. PLANNING HISTORY

6.1 The site forms the majority of the planning allocation at LA4 (Land at and to the rear of Hanburys) and has been removed from the Green Belt through the Core Strategy in favour of residential development.

6.2 The applicants commenced pre-application discussion with the Council in February 2019 (4/00232/19/PRE) It is evident from this discussion that there is a need to present a compelling case in support of the development for C2 purposes in view of the affordable housing requirements associated with the Local Allocation LA4 and in the context of the Council's 5 year housing land supply.

6.3 The applicants have worked positively to address the issues raised in relation to the application and in accordance with an agreed Planning Performance Agreement.

6.4 A previous planning application (4/02934/18/MFA) for a small proportion of the LA4 site and comprising land at The Old Orchard was considered by members on the 25th July 2019. Members resolved to refuse this application, contrary to the recommendation of officers and for the following reasons:

1) The application site forms part of the wider housing allocation of LA4 within the Core Strategy which, together with other matters, requires the delivery of 40% affordable housing. The proposed development does not make any provision for the delivery of affordable housing either upon the site or as part of the comprehensive development of the Site Allocation. As such the proposed development would be contrary to Policies CS19 and LA4 of the Dacorum Borough Core Strategy (September 2013), the Site Allocations Development Plan Document and the Local Allocation LA4 Masterplan SPD (July 2017).

2) The proposed access and parking arrangements/provision for the site would be inadequate to provide for safe and inclusive access to the site, taking into account the distance of the site to public transport connections and the town centre. Furthermore, the location of the access onto Shootersway is not considered to be practical or safe, especially when taken together with the cumulative arrangement of site accesses and recent development in the locality, and as such would result in significant harm to matters of highways safety. As such the proposals would be contrary to Policies CS8 (f) and (h), CS9 and CS12 (a) and (b) of the Dacorum Borough Core Strategy (September 2013), Saved Policy 51 and Appendix 5 of the Dacorum Borough Local Plan (1991-2011) and the Local Allocation LA4 Masterplan SPD (July 2017).

3) The proposed development, in view of its scale, bulk, density and design, in particular its three-storey height and coverage across the site, is considered to result in the over development of the site. The resulting building would be harmful to the character and appearance of the site and would dominate and be out of character with the area in which it would be situated. As such the proposals would be contrary to Policies CS10, CS11 and CS12 (f) and (g) of the Dacorum Borough Core Strategy (September 2013), and the Supplementary Planning Guidance 'Area Based Policies' (May 2004) for Residential Character Area BCA 12: Shootersway.

6.5 This application is currently subject to a planning appeal (APP/A1910/W/19/3243939). It is proposed to hold a hearing in relation to this appeal on the 18th November 2020.

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS4 – 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
CS23 – Social Infrastructure
CS26 - Green Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS30 – Sustainability Offsetting
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

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.

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

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)

Advice Notes and Appraisals

Affordable Housing Advice Note
Sustainable Development Advice Note (March 2011)

9. CONSIDERATIONS

Policy and Principle

- 9.1. The site comprises a designated housing site (LA4) within the Core Strategy and Site Allocations DPD. It is pivotal to the delivery of the Core Strategy and fundamental to the delivery of the Berkhamsted Place Strategy including the local objectives for Berkhamsted to deliver some 1,180 homes between 2006 and 2031
- 9.2 The Core Strategy sets out the following principles for the development of the site LA4:
- The delivery of around 60 new homes,
 - 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

- 9.3 These requirements are expanded upon in more detail through the masterplan for LA4 and in the Site Allocations DPD. The site is predominately allocated for C3 residential purposes although there are references within the associated masterplan for LA4 to the site coming forward as a retirement, care or sheltered housing scheme notably at paragraphs 4.10 and 4.13 of the masterplan document. Paragraph 4.13 states that “*alternatively the site could come forward as a retirement/care or sheltered housing scheme*”.
- 9.4 The allocation of the site for residential purposes indicates that foremost the site is a suitable and sustainable location for development supporting our wider ambitions for the development of Berkhamsted as a key town within the Borough

Housing Delivery and Housing Needs

- 9.5 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. 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
- 9.6 The housing target in Policy CS17 sets a level of housing which the Council expects to achieve and exceed of the Core Strategy. 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. It is important to optimise the use of allocated housing sites in accordance with paragraph 117 of the NPPF and Saved Policy 10 of the Local Plan not only to deliver the requisite housing in the plan but also to limit the allocation and loss of further land within the Green Belt or outside key settlements for residential purposes
- 9.7 Policies CS18 and CS19 of the Core Strategy place a great emphasis on the delivery of affordable homes with identified and larger sites such as LA4 responsible for delivering a high proportion of the overall supply of affordable homes over the plan period.
- 9.8 The underlying need for care provision has historically been less well identified through local plan process. Indeed it is arguable that these needs have been neglected in the knowledge of an aged population. The need to address such matters is recognised in the Government White Paper ‘Fixing our broken housing market’ (2017) The Ministry of Housing, Communities and Local Government published National Planning Practice Guidance on Housing for Older and Disabled People in June 2019 and on Housing needs for different groups in July 2019. These documents recognise that the need to plan for an increasingly aged population and indicates that local planning authorities should produce specific policy or targets for different types of housing in addition to the traditional targets for affordable and gypsy and traveller site provision.
- 9.9 A new general housing target and a number of housing typology targets are integral to the emerging Single Local Plan (SLP) and there is a substantial evidence base that sits behind the production of this document. The South West Hertfordshire Local Housing Needs Assessment not only identified the overall local housing need for the Borough, but also the

needs of different sectors of the community including for affordable housing and specialist accommodation (including care home provision). Therefore, in addition to the overall housing target, it is prudent to plan for the delivery of schemes that provide new bed-spaces to help meet the accommodation needs of older people needing residential or nursing care. Such needs are identified in the emerging and pre-consultation draft SLP

- 9.10 Although the Council's aim is to consult on the draft Local Plan towards the end of the year, and as such it can have only very limited weight in the planning process, much of its housing evidence base is based on the South West Hertfordshire Local Housing Need Assessment (LHNA). The LHNA highlights that the population of people aged 65 years and over is expected to rise by 45% by 2036 and with such a growth in the aged population there is likely to be an increased societal need for specialist accommodation. It identifies over the next plan period that a total of 614 housing with care (both rented and leasehold) will be required. An additional 1019 bed spaces are likely to be necessary within residential care homes and nursing homes over this period (2020-2036).
- 9.11 The proposed development would provide accommodation for the quickly changing and increasing needs for elderly care.
- 9.12 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) This requires a balancing of the economic, social and environmental impacts of development. This planning balance will be discussed in more detail later within the report.

Affordable Housing

- 9.13 The application site forms part of the designated housing site LA4 and as such there is an expectation amongst the local community that the site will deliver a total of 40% affordable housing in accordance with Policies CS19 and LA4 of the Core Strategy and the LA4 Masterplan.
- 9.14 Policy CS19 of the Core Strategy states that judgements as to the appropriate level, mix and tenure of affordable homes should consider the overall viability and any abnormal costs of development, however the expectation is that larger housing sites will deliver a greater proportion of affordable homes.
- 9.15 Given that the site has an identified capacity of between 40 residential units (as set out in the Site Allocations DPD) and 60 units residential units (as set out in the Core Strategy) this would equate to the provision of 16 -24 affordable housing units at the site. This would not be delivered as a result of a C2 use being developed at the LA4 site.
- 9.16 The NPPF indicates that an exemption to affordable housing should be provided where the proposed development provides 'specialist accommodation' and this is embodied in the Councils Affordable Housing Advice Note which makes clear that C2 (Residential Institutions) are not normally expected to contribute towards the delivery of affordable housing either directly or through the provision of a commuted payment towards the delivery of affordable homes elsewhere in the locality. This extends to the provision of extra care schemes such as that proposed. The costs associated with the provision of care facilities is accepted as have an adverse impact on scheme viability as is recognised in the NPPF, Affordable Housing SPD and CIL Charging Schedule.
- 9.17 The proposed scheme is acknowledged to have a negative social impact in terms in terms of the non-delivery of affordable homes on site. Given the particular circumstances of this

case a contribution towards the delivery of affordable housing has been offered by the applicants in lieu of such matters.

- 9.18 A contribution of some £746,000 towards the delivery of affordable housing has been offered. This has been calculated in accordance with the methodology contained within the Affordable Housing Supplementary Planning Document (2013) and having regard to the expected level of affordable housing under the Site Allocations DPD. This contribution will be secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

Layout, Scale and Design

- 9.20 The Council expects a high quality design to be pursued in this location in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy. Additional advice upon the layout and design of residential development is contained within Saved Appendix 3 of the Local Plan 1991-2011 with some guidance on layout in the Masterplan for LA4.
- 9.21 The development of the site responds positively to the site with an emphasis on protecting and augmenting the existing landscaping features in addition to providing high quality and well designed buildings. A cluster of trees adjacent to the existing access road and a number of mature trees upon the southern and eastern boundaries of the site as well as a pond upon the south western boundary are retained and afforded generous protection. The result is the siting of a series of interlinked pavilion buildings set within mature landscaped grounds and limited to the southern end of the site. Communal parking areas are provided to the northern boundary and rear of Hanburys where there are significant on site infrastructure constraints (service routes etc).
- 9.22 The scheme is strongly supported by the Conservation and Design team as set out in Appendix A. They conclude that:

“the architecture and design is of a high standard as is the proposed landscaping. This would in our view create a pleasant space, which would benefit both the residents and the wider architectural interest in the Borough”

The proposed development is considered to be appropriate in terms of its design, layout, site coverage, scale, height, bulk and materials in accordance with Policies CS11 and CS12 of the Core Strategy.

- 9.23 The scale and quantum of development is considered appropriate. The Site Allocations DPD is very clear that the capacity figures shown for Local Allocations should not be treated as a maxima with the final dwelling capacity being tested through the planning application process. Although the number of units within this proposal significantly exceeds the quantum of development set out in the Core Strategy and Masterplan for LA4, the proposals sits comfortably upon the site through the careful layout and arrangement of buildings, given the size of individual units (1 and 2 bed) and given the use of a sympathetic approach to design. The scheme would not appear as a cramped scheme nor one which is excessive in site coverage and strikes a good balance between built form and landscaping resulting in a pleasant environment in which to reside.
- 9.24 The site is relatively self-contained and is well screened from public view by the mature landscaping around its perimeter. It is not easily read in the context of Shootersway and as such there appears little justification for limiting the overall height of the development to some two storeys in nature as set out in the associated Site Masterplan. Indeed there are a number of taller buildings in close proximity to the site and as result of developments within the locality.

- 9.25 The proposals would require some excavation of the site to provide a lower ground level and courtyard and presents as a two storey proposal with recessed third floor in elevation to the adjacent BFI site. The overall height of the building is reduced by the contemporary approach and the use of flat green roofs such that in section it does not appear incongruous in scale or height to the neighbouring three storey and monolithic commercial building at the BFI. This is clearly demonstrated as being appropriate in drawing 18067 P0-105 of the submitted drawings. This height increases across the site in less sensitive locations within the grounds whilst never appearing excessive in relation to neighbouring buildings or in its surroundings.
- 9.26 The overall height and mass is broken up through the use and arrangement of a series of pavilions and through the elevation, material and design detailing of individual buildings within a restrained and complimentary palette of materials. The use of different materials between the central building and peripheral buildings establishes a hierarchy of form and colour reflecting the internal arrangements of communal and private areas. The materials and architecture are strongly influenced by local materials and buildings, particularly Art Deco buildings such as The Rex, which is heavily reflected in the brick detailing to the main entrance pavilion. A striking green brick similar to those used on the original façade to shopfronts in the High Street (Aitchinsons) and Lower Kings Road is used alongside a black brick to compliment the verdant nature of the site and provide a subtle contrast and contemporary feel to the buildings. The detailing is of a high quality and we support the use of reference to other buildings in the town through the detailing of the brickwork.

The Relationship with the British Film Institute (BFI)

- 9.27 A number of concerns have been raised in relation to the impact of the proposed building upon the BFI buildings and the residential properties upon this site, including those in Ernest Lindgreen House and Archive Mews. The BFI are also concerned that occupants of the proposed scheme may complain about noise nuisance from the BFI and prejudice its own operations. On a practical note, they also wish to ensure that the proposed development is sufficiently distant and does not pose a fire risk to the BFI Nitrate Holding Vaults (NHV)

Impact on Residential Amenity for Units at the BFI

- 9.28 The proposed development would be located some 6-12 metres from the boundary of the application site and the grounds of the BFI. This relationship between the building and the boundary of the site is not uncommon.
- 9.29 The bulk of the BFI building is approximately 32m from the boundary with a large area of open space and car park in the intervening land. At its closest point the building would be approximately 26m from the BFI building. Residential units are located towards the northern end of the BFI site approximately 40m from the boundary with communal space adjacent to the boundary of the Old Orchard. In view of this separation distance and given the dense tree coverage upon the site boundary, one can only conclude that any impact upon the amenity of residential units is likely to be insignificant and would not justify the refusal of planning permission for development on the LA4 site. There would be no significant loss in daylight, sunlight or privacy thereto.

Impact on Operational Matters for the BFI

- 9.30 The BFI has expressed concerns that the residential units on the adjacent site might complain about the noise generated from commercial operations on the BFI site. As the BFI operations are classified as falling within a B1 (light industrial) use of the site they are

by definition suitable to co-exist within a residential environment. The noise experienced by residents is likely to be similar to that for residents of Archive Mews and the ECP team have confirmed that the Council have received no complaints from these residential properties. Fundamentally the BFI have indicated in their consultation comments that they operate an archiving and storage operation at their Berkhamsted site, activities which are likely to take place during the day. For this reason and providing there is no intensification or change in the operations at the BFI site, I can find no reasonable basis to conclude that noise complaints in relation to the property may arise per se as a result of the development.

Fire Implications

- 9.31 The NHV houses reels of cellulose nitrate film while they are being restored/conserved at the site. This rare material is highly flammable and has rigorous safety procedures relating to its handling and storage. In the unlikely event of a fire there is potential for smoke and toxic gases to be released into the atmosphere.
- 9.32 The proximity of the LA4 site to the NHV was discussed in some detail at the master planning stage and it was noted that the BFI manage the material in a safe and controlled environment on their site. The Health and Safety Executive (HSE) raised no objections to the site allocation and the applicants continue to engage with the BFI in relation to this issue.
- 9.33 Robust measures for the fighting of fire are contained within the Building Regulations and given the relatively high degree of separation between the NHV and the proposed buildings, I find little reason to conclude that the development would provide any exceptional or abnormal risk.
- 9.34 The applicants have confirmed with their highway consultant that vehicular tracking exercises within the associated Transport Statement provide adequate space for the access and manoeuvring of large vehicles including fire and refuse tenders and the site will be served by fire hydrants. This includes a tracking exercise for vehicles larger than the fire tenders used by the Hertfordshire Fire and Rescue Service within Appendix F of the Transport Statement (Refuse Tracker).
- 9.35 These requirements are incorporated within the heads of terms for a legal agreement to ensure that such measures are satisfactory and robust and where necessary exceed the minimum requirements under Building Regulations in the interests of public safety.

Future Use of the BFI Site

- 9.36 It is understood that the BFI has made representations for the site to be reallocated within the SLP as a site for residential use and subject to its own operational requirements and needs. The layout and design of the proposed scheme on the LA4 site does not prejudice the potential developable area of this site, taking into consideration the location of trees upon the common boundary, the relationship between the proposed buildings on the LA4 site and our normal planning expectations under Policies CS10, CS11 and CS12 of the Core Strategy and advice on the layout and design of residential schemes contained within Saved Appendix 3 of the Local Plan 1991-2011.

Impact on Residential Amenity – General

- 9.37 The closest residential units to the application building are those at The Old Orchard and Hanburys at 24m and 46-51m respectively. Saved Appendix 3 of the Local Plan indicates that the distance between the new development and the rear elevations of neighbouring

units should provide a separation distance of at least 23m and that this may be increased depending on levels, character and other factors. Although there are balconies at penthouse level that would look down at the Old Orchard the separation distance is exceeded and given significant landscaping will occur on this boundary it is considered that there will be no significant impact on privacy to The Old Orchard. It is noted that the Old Orchard forms part of the wider LA4 site and could be subject to development. In the case of Hanbury, these distances significantly exceed the back to back distances included within Saved Appendix 3 of the Local Plan 1991-2011 and provide sufficient separation to ensure that any adverse impact upon both the privacy and sunlight/daylight to neighbouring properties is negligible.

- 9.38 The impact upon the residential amenity of neighbouring units to the site is considered to be acceptable in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Impact on Heritage Assets

- 9.39 Both the grade II listed Ernest Lindgreen House and the associated grade II listed Granary at Ernest Lindgreen House are located to the east of the site upon the adjacent BFI site. The impact of the development upon these heritage assets needs to be carefully assessed in accordance with the NPPF and Policy CS27 of the Core Strategy.
- 9.40 Ernest Lindgreen House comprises a substantial and irregular 17th century house, two storeys in height and fronting Kingshill Way. This property has been extended by the addition of north-west and north-east wings in the 18th century with a rear range added to the property in the early 19th century. The Granary dates from the early 19th century and is a single storey, timber framed and weather boarded structure with a slate roof. This building sits upon cast iron straddles
- 9.41 The Heritage Report concludes that proposed development would not impact on the key visual and historic relationship between Ernest Lindgreen House and the Granary building nor the integrity, setting and distinctiveness of these heritage assets in accordance with Policy CS27 of the Core Strategy.
- 9.42 As set out within the comments of the Conservation and Design team in Appendix A of the report, they would agree with the conclusions within this statement.

Landscaping and Ecology

- 9.43 A detailed Landscaping Strategy and Ecology and Biodiversity Assessment have been submitted with the application. These set out a general approach to the retention of key landscaping features upon the site and its boundaries including the retention of the bulk of trees upon the site boundaries, a small treed area along the access route into the site and the retention of a small pond upon the southern boundary of the site.
- 9.44 The site Landscaping Strategy identifies the following character areas
- Terraced gardens with vegetable plots
 - Hedgerow and Meadow edges along the site perimeter
 - A primarily hard landscaped sunken courtyard
 - Private gardens and terraces
 - Green Roofs
 - Woodland gardens
 - The pond and aquatic marginal planting.

- 9.45 The sites perimeter is to be planted and managed to strengthen the landscape character, diversity and range of vegetation with potential to form a wildlife corridor and to provide a soft edge to the development and the Green Belt beyond. Some additional native trees would be added to the existing tree screen particularly to the common boundary of the BFI and to provide screening between the site and the communal areas of Archive Mews.
- 9.46 There is little evidence of use of the site by protected species including bats, badgers and Great Crested Newts despite the presence of a small woodland area and pond on the site. The pond and aquatic environment should experience improvements in water quality and quantity as a result of the drainage strategy for the site with herbaceous planting at the pond edge to benefit the ecology and biodiversity value of this feature.
- 9.47 The site has been subject to a Biodiversity Impact Assessment using the DEFRA matrix to understand the impact of its development upon biodiversity. The site is made up mainly of open semi-improved grassland and woodland and this results in a baseline habitat score of 6.12 units. The proposed development of the site for C2 purposes using this matrix would result in the net loss of 1.93 biodiversity units notwithstanding the high quality landscaping proposals.
- 9.48 The DEFRA matrix does not fully recognise that a number of landscaping works will improve the biodiversity value of the site according to the applicant's ecologist. The landscaping strategy for the site allows for the sensitive management of semi-natural edge habitats (grassland, scrub, tree and hedgerow) to maintain nesting and foraging for birds and small mammals as well as foraging for other fauna including invertebrates and bats. The existing tree stock will be improved through native planting whilst the inclusion of green roofs should further diversity flora within the site for birds and invertebrates. The biodiversity value of green roofs is particularly undervalued in the DEFRA model.
- 9.49 The applicants have also committed to providing a minimum of 12 bat and bird boxes to provide more suitable habitat for birds and bats acknowledging that despite the site location the site currently and surprisingly has relatively low habitat suitability for bats.
- 9.50 Although the landscaping proposals have been developed from the outset to maximise opportunities to enhance the biodiversity and ecological value of the site, it is inevitable given the sites existing condition and residential allocation that it will not be possible to deliver net biodiversity gains through the development of the site. This was acknowledged in the drafting of the LA4 masterplan and in the preparation of the Site Allocations DPD where a reference to "contributions towards off-setting wildlife resource" were added. Having regard to the advice in the NPPF and Policies CS26, CS29 and CS30 from the Core Strategy it is recommended that a contribution of some £23,160 is to be secured towards ecological off-setting in accordance with the advice of Herts Ecology (£12,000 per biodiversity unit).

Access, Parking and Highway Safety

- 9.51 The site will be accessed from Shootersway via the existing site access to Hanburys and in accordance with Policy LA4 of the Core Strategy, the associated Site Allocations DPD and Masterplan requirements.
- 9.52 This current access will be widened and in its amended form is considered to be sufficient to accommodate the volume of traffic associated with the development and the use of the site in accordance with Policy CS8 and CS12 of the Core Strategy and as set out within the advice from Hertfordshire County Council as highway authority.

- 9.53 The Transport Assessment demonstrates that the vehicle movements associated with the site are likely to be fewer than would be experienced with a C3 residential scheme and are likely to be outside of peak traffic flows.
- 9.54 The Transport Assessment also demonstrates that there is sufficient space within the application site to access and manoeuvre a range of larger vehicles including refuse and service vehicles and emergency vehicles including fire tenders.
- 9.55 A total of 74 parking spaces would be provided upon the site for use by residents and staff. This would equate to the provision of 0.71 spaces per unit. Saved Appendix 5 of the Local Plan 1991-2011 requires the provision of 0.25 spaces per bed space (48 spaces) with additional parking spaces for staff at a general needs standard (6 spaces). No requirements are set out for visitor parking to C2 schemes within Appendix 5 however based on empirical data from Elysians operating partner this would typically relate to 17 visitors daily. 20 visitor spaces would be provided in this location. The provision of a car club space is included in the scheme at the request of Berkhamsted Town Council.
- 9.56 Given the nature of the occupants, age and care needs, the quantum of parking would be considered sufficient for future occupants and visitors in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011. These spaces would have access to EV charging infrastructure facilitating a model shift towards electric vehicles by residents in the interests of sustainability.
- 9.57 The proposals would also promote a number of alternative means of travel to and from the application site and to support the mobility and social interaction of future occupants. The occupants of the scheme will be residents with care needs and these may be prohibited from use of the private car. The applicants will invest in the provision of a designated electric bus service to enable these residents to access the town centre of Berkhamsted, supermarkets and important local services such as GP premises. A large parking bay is also provided to enable an electric mini-bus service to operate. The frequency of this service and its use for the life of the development will need to be secured through a legal agreement.

Flood Risk and Drainage

- 9.58 The Lead Local Flooding Authority are satisfied with the submitted flood risk assessment and details of site drainage subject to the imposition of planning conditions. These include a number of pre-commencement conditions that have been agreed with the applicants in advance of this report.
- 9.59 The drainage strategy for the site sees surface water discharged from the site into the local surface water sewer network in Kings Road at a reduced rate of 2.11 l/s after storage in below ground attenuation facilities including a tank and permeable paving. Permeable paving areas at the site have been oversized to reduce surface water runoff. This acknowledges that a surface water flow path crosses the site and along Kings Road as a result of soil conditions and reacts accordingly to prevent any off site flooding.

Sustainability

- 9.60 The application is accompanied by a Design and Access Statement and Energy Statement which addresses the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy.

- 9.61 The development incorporates several passive and active energy measures including the specification of a high performing building fabric, insulated pipework and efficient fixtures and fittings and the inclusion of air source heat pumps (ASHP)
- 9.62 These ASHP are preferred to meet the operational needs of the provider and will be installed as the most appropriate form of renewable technology for use at the application site and to ensure compliance with Building Regulations Part L 2013 and Part L 2020 (in the event of its release) These will provide heating and hot water. The proposals would currently reduce carbon emissions by some 64% over Part L 2013.
- 9.63 The approach to the development of the site follows the energy hierarchy in Figure 16 of the Core Strategy and is an appropriate and sustainable approach to the development of the site.
- 9.64 The sustainable development of the site extends to the measures to enhance landscaping, minimise impacts on biodiversity, the inclusion of sustainable drainage where feasible and encourage more sustainable forms of transport through the use of EV infrastructure, provision of electric bus service and facilities for other means of transport.

Developer Contributions and Infrastructure

- 9.65 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 9.66 The site is located within CIL Charging Zone 1 wherein CIL charges would be levied in relation to residential, retirement housing and large forms of commercial development. In accordance with the Charging Schedule no charge would be levied against Extra Care housing which as a land use can result in marginal or sub optimal scheme viability.
- 9.67 It is prudent to secure those elements of care within the property which result in its overall land use falling within a C2 use class and being exempt from the CIL charges under the adopted Charging Schedule. The suggested heads of terms for such matters are those controlling the age of occupants, an assessment of their medical needs and a minimum level of social care. These will be offered to local residents through preferential marketing in the first instance.
- 9.68 A wide range of communal spaces are also needed in support the care of residents including those covering the medical care suite, the provision of 24/7 care staff and social interaction. Without these facilities being secured in perpetuity in is difficult to make a compelling case for the approval of the C2 facility. The Herts Valley Clinical Commissioning Group (HVCCG) have also requested that be spaces be secured for those in need of adult social care and that a contribution is also provided for GP provision. Whilst the contribution towards GP provision is reasonable and has been adjusted to account for the provision of care and facilities, we are not able to secure bed spaces given a lack of certainty over occupation and the unreasonable operating restrictions that would result upon the operator as a result of vacant bed spaces.
- 9.69 A contribution of £764,000 will be secured towards the provision of affordable housing in order to address the need to provide affordable homes in association with the allocation of LA4 and having regard to the community's aspirations for this development site. The contribution is considered to be appropriate under Regulation 123 of the CIL Regulations

2010 (As Amended) being reasonable, necessary and proportionate in the circumstances. This contribution will be secured via the legal agreement.

- 9.70 The use of communal spaces such as the restaurant and multi-purpose meeting rooms by the wider community of Berkhamsted will also be secured in lieu of a contribution towards community facilities identified in the development requirements for LA4. In particular the provision of community meeting space would be useful in addressing a deficiency in this type of facility within the town. This multi-purpose meeting space would amount to some 70m² of the proposed floor area.
- 9.71 The availability of on-site parking is carefully justified in terms of the mobility and use of vehicles by residents of the site. It is accepted that the car use is likely to be lower than a conventional residential scheme and that an electric bus service will be utilised by residents to access other facilities within the town. There is a need to secure this bus service through a Section 106 to ensure that the service is regular and operates in perpetuity.

The Planning Balance

- 9.72 As identified in paragraph 9.4 of this report, paragraph 11 of the NPPF states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, decision takers must grant permission unless:
- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 9.73 There are no specific development plan policies for the provision of new C2 use class accommodation in the Core Strategy and the Council cannot demonstrate a five year housing land supply. An assessment is thus required as to whether the adverse impacts of development would significantly and demonstrably outweigh the benefits of the scheme.
- 9.74 As identified in the report, there are few negative aspects to the scheme under consideration. The development is a high quality proposal which should be supported.
- 9.75 In terms of the planning balance, I find that the proposals would have slight negative social implications as a result of the inability of the scheme to provide affordable housing on site as per the NPPF and Policies CS19 and LA4 of the Core Strategy. Such harm is however more than adequately off-set by the positive social benefits associated with the delivery of extra care units and mitigated through the provision of a commuted payment for affordable homes.
- 9.76 The proposed development would provide accommodation for quickly changing and increasing needs of the elderly and is likely to address, in part, an issues that will need to be addressed through the SLP in terms of identified housing need. This site will still makes a valuable contribution towards the general delivery of homes in accordance with the NPPF and the housing target under Policy CS17 of the Core Strategy and will assist to address deficiencies in the Councils 5 year housing land supply.
- 9.77 The loss of planned market housing is considered neutral in weight as there is evidence that the provision of extra care housing can assist in the release of underutilised family housing contributing towards the supply and affordability of other homes in the local area.

The proposal will free-up market housing as a result of those moving from dwellings to the care facility. As such, no harm is considered to result from this conflict with the development plan. Residents within the locality are to be provided preferential treatment in securing properties to ensure that the benefits remain local.

- 9.78 Extra care schemes may also assist in delivering benefits in terms of health and well-being of residents leading to a reduction in pressure placed on adult care services, local health and medical service providers. The applicant's scheme incorporates facilities which will increase social interaction amongst the elderly with classes focused on improving cognitive health.
- 9.79 The scheme would deliver economic benefits both through employment opportunities in the construction industry and through the creation of a modest number of jobs (16) in terms of the daily running and administration of the care facility.
- 9.80 The scheme is considered to have a small negative environmental impact as a result of a loss in biodiversity value. This loss in biodiversity is unavoidable and does not compare favourably with alternative C3 residential schemes for the site as set out in the accompanying ecological report. The alternative residential schemes could result in a loss in biodiversity from -1.93 units to -2.6 units. The loss in biodiversity is mitigated by the provision of a high quality landscaping scheme for the site and measures to ensure that the proposed development is sustainable in all other aspects.
- 9.81 I am satisfied that the adverse impacts of development would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF and as such should be supported.

Other Matters

Archaeology

- 9.82 The County Archaeologist has suggested that the site is subject to archaeological investigations to ensure that any on site archaeology is protected or recorded in accordance with the NPPF and Policy CS27 of the Core Strategy. These works have been conditioned.

Contamination

- 9.83 It is possible that the site may be contaminated and as such there will need to undertake further investigation and remediation works in order to make the site acceptable for residential use. These works have been conditioned.

Minerals

- 9.84 It is unlikely that the extraction of minerals from the site will be feasible given the proximity of existing residential units. Given the allocation of the site for residential purposes within the Core Strategy permission may not be unreasonably withheld on this basis.

Noise

- 9.85 The applicants provided updated Noise Information to address the concerns of the Environmental Health team on the 7th September 2020 and confirming that the site had been measured downwind of the A41 to represent a worst case scenario for the assessment of the impact of noise on residents. No response has been received in relation to this amended report.

- 9.86 The noise assessment confirms that the WHO guideline level of 55 dB(A) will be achieved on the majority of balconies, however there are a limited number of balconies on the facades of the building overlooking the A41 where this may slightly exceeded (56 dB(A) – 60 dB (A)).
- 9.87 Although these balconies will exceed the WHO recommendation for noise to amenity areas, it is considered unlikely that in the urban context of the site that noise would impact upon their intended amenity use. It is also noted that there will be external amenity areas available to all occupants that are capable of achieving the WHO recommendation. On this basis it is considered that noise should not result in unacceptable living conditions for occupants in accordance with Policy CS12 of the Core Strategy.

Waste

- 9.88 The site will need to be subject to a construction and site waste management plan to ensure that such matters are appropriately addressed in accordance with the comments of the Minerals and Waste planning team at HCC and the County Council as highway authority.
- 9.89 Refuse collection will be undertaken on the ground floor within the confines of the car park. The refuse collection point is located in the west of the car park and refuse will be transferred to this point from the refuse bins on the lower ground floor level. Refuse vehicles would use the car park to collect, turn around and exit the site through the access. The car park has been designed to accommodate the size and manoeuvrability of this vehicle. Further details of the bin store within the car parking area should be secured through the landscaping condition (9)

10 CONCLUSION

- 10.1 The proposed development will deliver significant planning benefits in terms of the delivery of housing and facilities for social care and these would weigh significantly in favour of the grant of planning permission. The proposed development is a high quality sustainable residential scheme which is well designed and responds positively to its surrounding environment. Accordingly the proposals are considered to meet with the aims and objectives of the NPPF and the statutory development plan for the area.

11 RECOMMENDATION

- 11.1 That the application is **DELEGATED** with a **VIEW to APPROVAL** subject to the completion of a planning obligation under S106 of the Town and Country Planning Act 1990 as amended and subject to the conditions below:

That the following Heads of Terms for the planning obligation are agreed:

- That the occupation of the scheme is restricted to those over or equal to 65 years in age
- That occupants of the scheme are subject to a pre-occupation health assessment to establish any care and support needs
- That the occupation of each unit is restricted to individuals or family units that are in receipt of a minimum 2 hours of care per week
- The retention the use of multi-purpose rooms, catering and medical facilities (24hrs) in perpetuity,
- The use of the multi-purpose rooms by the local community for a minimum of 2 hours per week.

- The provision of a residents electric bus service for the life of the development,
- That there is a period of focused marketing of units for existing residents within the locality
- a contribution of £746,000 towards the cost of providing affordable housing
- a contribution of £27,707 towards the provision of GP services
- a sum of £23,160 towards the off-site biodiversity improvement projects
- a requirement for fire hydrants or alternative means for fire-fighting to be provided prior to occupation of the scheme.

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

Plans

PO-001 (Site Location Plan)
PO-100 (Proposed Site Plan)
PO-101 (Proposed NE Elevation)
PO-102 (Proposed SE Elevation)
PO-103 (Proposed SW Elevation)
PO-104 (Proposed NW Elevation)
PO-105 (Proposed Section)
P1-100 (Lower Ground Floor Plan)
P1-101 (Upper Ground Floor Plan)
P1-102 (First Floor Plan)
P1-103 (Second Floor Plan)
P1-104 (Third Floor Plan)
P1-105 (Roof Plan)
P2-100 (Courtyard Section)
P2-101 (Courtyard Section)
P3-100 (Block A NE Elevation)
P3-101 (Block A SE Elevation)
P3-102 (Block A SW Elevation)
P3-103 (Block A NW Elevation)
P3-200 (Block B NE Elevation)
P3-201 (Block B SE Elevation)
P3-202 (Block B SW Elevation)
P3-203 (Block B NW Elevation)
P4-100 (Entrance Detail)
P4-101 (Bay Detail)
P4-102 (Bay Detail)
P4-103 (Courtyard Detail)
P4-200 (Typical 1 bed unit)
P4-201 (Typical 2 bed unit)
P4-202 (Penthouse unit)
649.02.001 Revision F (Landscape Masterplan)

Documents

Air Quality Assessment (BER-WSP-SW-XX-RP-AQ-004) by WSP dated July 2020
Arboricultural Impact Assessment by Lockhart Garratt dated July 2020.
Design and Access Statement by ColladoCollins Architects dated July 2020
Ecological Appraisal (Revision E) by FPCR Environment and Design Ltd dated July 2020
Energy Statement – Revision 3 by Hoare Lea dated June 2020.
Environmental Noise Survey – Revision 6 by Hoare Lea dated 4th September 2020
Flood Risk Assessment and Drainage Strategy (BER-WSP-SW-XX-RP-C-001) by WSP dated July 2020
Landscape and Ecology Management Plan by Bradley-Hole Schoenaich and FPCR Environment and Design Ltd dated July 2020
Outline Construction Environment Management Plan (CEMP) by Elysian Residences dated July 2020
Preliminary Geo-Environmental Risk Assessment (Desk Study) (BER-WSP-SW-XX-RP-S-001) by WSP dated July 2020
Transport Assessment (BER-WSP-SW-XX-RP-T-001) by WSP dated July 2020
Travel Plan by WSP dated July 2020.

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

Design

3. **No development, except that involved in the provision of foundations, contamination or other site investigations or services, shall take place until samples 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. These materials shall be made available to view on site.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Access and Highway Conditions

- 4 **The development hereby approved, shall not be used, until the means of access, parking and circulation areas have been provided fully in accordance with the approved plans.**

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

- 5 **Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details would need to include:**

a) Works to create the bellmouth entrance, with a kerb radii of 6m on either side.

b) Works to create a stretch of 2m wide footway fronting the site on the south-west side of Shootersway in addition to a pedestrian dropped kerb with Tactile paving on either side of Shootersway to create a safe pedestrian crossing point, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.

Reason: In the interests of highways safety and in accordance with Policies CS8, CS12 and CS26 of the Core Strategy.

- 6. The development hereby permitted shall not be occupied until the offsite highway improvement works referred to in Condition 5 shall be completed in accordance with the approved details.**

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

- 7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:**

- a) Construction vehicle numbers, type, routing;**
- b) Swept path analysis for the largest anticipated vehicle to use the temporary access;**
- 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);**
- h) Provision of sufficient on-site parking prior to commencement of construction activities; and**
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

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

- 8. The Travel Plan hereby approved shall be implemented fully in accordance with the Action Plan set out in Section 9.3 of the Travel Plan by WSP dated July 2020. All monitoring outputs shall be submitted to Hertfordshire County Council as highway authority annually for a period of five years post occupation of 75% of the development.**

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

Landscaping Conditions

- 9. No development, except that involved in the provision of foundations, contamination or other site investigations or services, shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These landscaping works shall be based on the details contained within the approved Design and Access Statement, drawing 649.02.001**

Revision F (Landscape Masterplan) and the Landscape and Ecology Management Plan by Bradley-Hole Schoenaich and FPCR Environment and Design Ltd dated July 2020

These details shall include:

- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- refuse storage facilities;
- minor artefacts and structures (e.g. furniture, play equipment, signs, or other storage units, etc.); and
- the siting and design of any bird boxes, bat boxes and other habitat creation.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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 similar species, size and maturity.

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

- 10. No development shall take place until the measures for the protection of trees have been provided in accordance with the Tree Protection Plan within the Arboricultural Impact Assessment by Lockhart Garratt. The fencing shall remain in-situ and be free from the storage of construction material, plant and machinery for the duration of the construction period.**

Reason: To ensure the adequate protection of trees and landscaping features in accordance with Policy CS12 and Saved Policy 99 of the Local Plan 1991-2011.

Archaeology

- 11. No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 11

Reason: To ensure the adequate protection and monitoring of archaeology in accordance with Policy CS27 of the Core Strategy

12. **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure the adequate protection and monitoring of archaeology in accordance with Policy CS27 of the Core Strategy

Contamination

13. **The Local Planning Authority is of the opinion that the Preliminary Geo-Environmental Risk Assessment (Desk Study) submitted at the planning application stage (Document Reference: WSP BER-WSP-SW-XX-RP-S-001 July 2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- i. **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
 - ii. **The results from the application of an appropriate risk assessment methodology.**

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.

14. **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of Condition 13, above; has been submitted to and approved by the Local Planning Authority.**

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.

15. **This development hereby approved shall not be occupied, or brought into use, until:**
- (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
 - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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.

16. **Any contamination, other than that reported by virtue of Condition 13 and 14 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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.

Drainage

17. **The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP and the following mitigation measures:**

1. **Provide 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 (40%) event.**

2. **Implement drainage strategy based on permeable paving with sub-base, concrete attenuation tank and restricted discharge at 2.11l/s via a Hydro-Brake into the Thames Water surface water sewer (MH3051).**

3. **Provide 136.2m³ of pluvial flood storage in deeper permeable paving sub-base during the 1 in 30 year event, with discharge to be restricted as part of the overall whole site discharge into the Thames Water surface water sewer at 2.11l/s for the entire site; ensuring the predicted surface water flow route is effectively conveyed on site during overflow scenarios.**

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy.

18. **Prior to the superstructure works, the final design of the drainage scheme shall be completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP. The scheme shall also include:**

1. **Assessment of the feasibility of infiltration on site, in the form of BRE Digest 365 infiltration tests for shallow soakaways, or falling head tests, if deepbore soakaways are proposed; in addition to a full site investigation. The final detailed drainage strategy may need to be updated in accordance with any findings.**

2. **Groundwater monitoring over the autumn-winter months.**

3. Survey of the existing pond to determine the source and ensure that the ponds use is fully understood and maintained within the future development.
4. Assessment of the effect of runoff into the sunken courtyard areas.
5. Modelling of the overland surface water flow path, demonstrating that the volume currently proposed is sufficient for the 1 in 30 year event and that there is no flooding of any building up to the 1 in 100 year + 40% for climate change event.
6. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
7. Detailed engineered drawings of all aspects of the proposed pluvial flood storage within the deeper permeable paving sub-base including all connections and conveyance routes; including within landscaped areas.
8. Detailed structural engineered drawings of the proposed concrete tank under the building.
9. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
10. Provision of half drain down times for surface water drainage within 24 hours
11. Silt traps for protection for any residual tanked elements.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy

19. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. 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 in accordance with Policies CS31 and CS32 of the Core Strategy.

20. No drainage system for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and must be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by the mobilised contaminants in line with paragraph 170 of the NPPF and to prevent the further deterioration to groundwater quality and recovery of a drinking water protected area of the Mid Chilterns Chalk Groundwater body.

- 21. No development shall commence until such time as a scheme for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.**

Reason: To prevent the deterioration to groundwater quality and to support recovery of the drinking water protected area of the Mid-Chilterns Chalk Groundwater body.

- 22. Piling and other deep foundation designs using penetrative methods shall not be carried out other than with the written permission of the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution,

- 23. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained will be secured, protected and inspected. The scheme shall be implemented in accordance with the approved details prior to use of any part of the building.**

Reason: To ensure that redundant boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the NPPF.

Noise

- 24. No individual unit within the scheme shall be occupied until the noise targets for internal and external space as set out in the Environmental Noise Survey – Revision 6 by Hoare Lea dated 4th September 2020 have been achieved or an explanation for the not achieving these standards has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure a satisfactory level of residential amenity for future occupants of the scheme in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	No objection.
Hertfordshire County Council Archaeological Unit	<p>There are no known archaeological finds recorded from within the proposed development, but cropmarks of two ring ditches visible on aerial photographs are recorded in the adjacent field to the south-west, and these are likely to be ploughed-out Bronze Age round barrows [Historic Environment Record no. 17602]. These, as noted in the Historic Environment Desk Based Assessment (WSP 2020) submitted with the application lie just below a low ridge and development site occupies the same landscape location. The site therefore has the potential to contain prehistoric remains. Since the site has remained undeveloped until the present day, any such archaeological remains present are likely to be well preserved.</p> <p>A geophysical survey and limited trial trench evaluation was undertaken on the site in 2013, as part of the local plan allocation process. No archaeological features or finds were recorded during the evaluation but only a small sample of the site was evaluated, via only three trial trenches. Further assessment of the potential of the site is therefore necessary, in order to clarify the likely impacts of the development. A similar recommendation is made by the applicant's archaeological consultant (Historic Environment Desk Based Assessment 8.2).</p> <p>I believe therefore that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> 1. The evaluation, via trial trenching, of the proposed development site, prior to development commencing; 2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include: <ol style="list-style-type: none"> a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible; b) the appropriate archaeological excavation of any remains before any development commences on the site; c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results;

4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.

ii) The development shall not be occupied until the site investigation

	<p>and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p>
Hertfordshire Constabulary	<p>From a Security and Crime prevention perspective, this office has concerns regarding developments being built to C2. When building to C2, ADQ document Q does not have to be adhered to therefore the security standard will be lower than a development built to C3. If elderly people or people needing care are living in the dwellings they are vulnerable and, their housing should be built to a higher security standard not lower.</p> <p>I would ask that the development is built to the Physical Security standard – ADQ or SBD</p> <p>This would involve :</p> <p>Physical Security – ADQ and SBD:</p> <ul style="list-style-type: none"> •Communal entrance doors to blocks of flats: LPS 1175 SR 2 •Individual Flat Entrance doors: S Pas 24:2016. •Ground level exterior windows or windows at other levels that are easily accessible: PAS 24:2016. •Access control standard for flats is: More than 10 flats sharing a communal entrance then audible and visual access control •Mobility Store and Bin Store external doors: to be secured and to BS PAS 24: 2016 or its equivalent.
Hertfordshire County Council - Ecological Unit	<p><u>Protected species</u></p> <p>The ecological survey included an assessment of the presence or potential presence of protected species within the site. This include eDNA tests for great crested newts within the onsite pond, a ground level assessment of the trees for potential roosting features and the application of static bat detectors to characterise the use of the site by bats. The results of these surveys were interpreted as indicating the absence of great crested newts, the presence of four trees with roosting potential and the use of the site as a local foraging and commuting site for bats. No evidence of Badgers was found on site though the likely presence badgers in the area was acknowledged. I have no reason to doubt these conclusions.</p> <p>I advise the precautionary measures relating: to lighting, clearance of vegetation, trenches and trees; detailed within then Extended Phase 1 Habitat Survey by FPCR Environment and Design Lt, sections 5,7 to 5,10 (report date 9/7/2020) form informatives for any consent given.</p> <p><u>Habitats</u></p>

The ecological report provides an assessment of the habitats on site and the LEMP an indication of the impact of the proposed development on these habitats as the new habitats is proposed will result from the development. Of the three hedgerows characterised in the report the hedgerow H1 is a priority habitat under the S41 NERC act criteria and was identified as narrowly missing classification under the hedgerow regulations 1997 as hedgerow of importance I am pleased to see this would be retained and improved by the development.

The principle issue of concern relates to the grassland within the meadow to the south of the site. This has been subject to a number of previous assessments in 2013 and 2014 and advice to the LPA regarding the value of the site in respect to site allocation. The most recent survey found an average species diversity of 10.3 plant species per 2m². Whilst this and the species composition may not meet the UK Habitat Classification definitions of 'Other Neutral Grassland', previous surveys have assessed the site differently. The current predominance of palatable grass species such as Yorkshire fog and the apparent low frequency in the survey of the forb species may be a reflection of the current management regime of more regular mowing. The previous hay cutting to around 2010 was entirely consistent with traditional management suitable for supporting a grassland of relatively high biodiversity value. In regarding the grassland as 'Modified' this is defined as representative of a species-poor or otherwise nutrient enriched, agriculturally improved grassland. As such, it would also be considered poorer in quality than a rank, unmanaged, coarse grass dominated sward – which it palpably is not. Consequently, I do not consider this definition to be reasonable – even the most recent species list suggests that the grassland is of greater value than this as it includes at least 10 indicator species for neutral grassland, the criteria for a Local Wildlife Site being 8, from a total of 30 recorded for this grassland area.

This view is also reflected in the earlier surveys - an Extended Phase 1 Habitat Survey by Eco Consult wildlife Consultancy (2013) and a survey carried out Herts Ecology in 2014. Both of these found a greater diversity of plant species on the site than presently recorded, including a total of 13 LWS Indicator plants from both surveys (see attached) from 43 species recorded in total. These were found to occur in a variable but reasonable frequency across the site. Overall the site was assessed by the original consultancy as being a UK Biodiversity Action Plan (UKBAP) Priority Habitat – Lowland meadow (albeit a species-poor example), and by HE as meeting the criteria for status as a Local Wildlife Site.

The site also had a long history of being managed as a hay meadow and it is noted that presently it is still mowed, although more frequently (monthly) but with the cuttings removed. This management will have prevented significant deterioration of the quality of the grassland from nutrient build up in the soil and the creation of any dense thatch but could have modified the visible nature of the sward. According to FPCR it has not been affected by any reseeding and there is also no suggestion it has been improved by herbicides or

fertilizers. Consequently, it is not unreasonable to consider that the former grassland quality has not been lost. In my view whilst more recent management may have affected the grassland, any observable changes are a reflection of more recent times in the history of the site and do not reflect the essential nature of the grassland community which has had up to 14 LWS indicator species consistently recorded in total over the last seven years from three surveys.

It is evident from the information accompanying the supplied metric that the results of the recent survey did not fit particularly well in to an NVC description of a Neutral Grassland type anyway. In fact this may be a characteristic of many Hertfordshire grasslands, and should not be regarded as a definite statement on their nature or quality within the county. Indeed, if we assume this is Modified grassland, this is defined in the UK Habitat Classification as being dominated by a few fast growing grasses on fertile, neutral soils... characterised by Rye-grass and White clover...broadleaved species restricted mainly to White clover, Creeping buttercup, Greater plantain, Dandelion, Broad-leaved dock and Chickweed. I do not recognise this type of grassland as reasonably reflected by any of the surveys undertaken on this site within the last seven years. The grassland clearly supports a semi-natural community which has not been improved and clearly met LWS criteria in terms of number of Indicator species and relative abundances. Nothing has been done to irrevocably damage or destroy the grassland and so its previously identified interest is still highly likely to be present. In my view it should not be regarded as being representative of a species-poor or an agricultural sward, which is what is proposed. Consequently, I would advise that the grassland has a higher value than has currently been proposed and that this should be considered as 'Other Neutral Grassland' for the purposes of the metric. This is consistent with it being degraded from a lowland meadows priority grassland for which it has already previously been identified.

In respect of its Condition assessment, given the principle categories on which this is based, I can agree that it should be assessed as of being in moderate condition although from past management there is nothing to suggest it shouldn't be considered as in fairly good condition. This would change the resulting base line value resulting from the metric for this habitat from 3.88 to 7.76 biodiversity units.

Biodiversity Net Gain

I support the use of the Biodiversity metric V2 to calculate the biodiversity value of the site consistent with the present expectations of government policy as reflected in the Environment Bill. The metric already demonstrates that the development is not able to fully compensate for the biodiversity loss within the site. Consequently, the requirements for net gain will need to be recalculated if the LPA is to acknowledge the full extent of loss of ecological interest from this site.

The NPPF aims that in addition to compensating for any loss, a development should enable a biodiversity net gain to be achieved, which should be 10% as proposed in the Environment Bill. Since it is not possible to achieve compensation and gain within the

	<p>development site, an off-site solution should be found to deliver this</p> <p>.</p> <p>On the basis of the above, I advise the metric is recalculated to reflect the grassland to be lost as be Other Neutral Grassland and in Moderate Condition. The number of Biodiversity Units required to achieve this requires conversion to a monetary sum for which I advise a rate of £12000 / biodiversity unit, the mean sum originally proposed by Government in 2018. This should be held by Dacorum to be spent on an identified project, or a project to be identified and initiated within the next five years, that results in delivering suitable biodiversity net gain locally as a result of this development.</p>
Hertfordshire Fire and Rescue Service	<p>We were consulted by Herts Highways on the above planning application for comments on firefighter access and was told to pass any comments on to yourself.</p> <p>Appendix E within the Transport Assessment document gives a swept path plan however the vehicle used has a width of 2.530m whereas our standard fire appliance width is 2.9m</p>
Hertfordshire County Council – Growth and Infrastructure Unit	<p>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 your CIL zone 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.</p>
Hertfordshire County Council Highways Department	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council (HCC) as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <ol style="list-style-type: none"> 1. No development shall commence until full details have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, to illustrate the following: <ol style="list-style-type: none"> a. Clarification as to what 278 works are included as part of submitted documents. Drawing no. 70055659-SK-01 P03 indicates a footway but it would need further clarification in line with the 278 comments within this response and the previous HCC pre-app response. b. Approval from Hertfordshire Fire and Rescue (I have forwarded the application details onto them for their attention). <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. A. Highway Improvements – Offsite (Design Approval)</p>

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details would need to include:

- o Works to create the bellmouth entrance, with a kerb radii of 6m on either side.
- o Works to create a stretch of 2m wide footway fronting the site on the south-west side of Shootersway in addition to a pedestrian dropped kerb with Tactile paving on either side of Shootersway to create a safe pedestrian crossing point, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

B. Highway Improvements – Offsite (Implementation / Construction)

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

3. Provision of Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

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

4. Construction Management Plan

No development shall commence until a Construction 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 Management Plan shall include details of:

- Construction vehicle numbers, type, routing;
- Traffic management requirements
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
-

Siting and details of wheel washing facilities; Timing of construction activities (including delivery times and removal of waste); Provision of sufficient on-site parking prior to commencement of construction activities;

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).

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN) Travel Plan for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures to the site in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before use of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the

Travel Plan and engaging in any Travel Plan Review.

The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

Our Travel Plan team can provide further advice at travelplan@hertfordshire.gov.uk

COMMENTS / ANALYSIS:

The application comprises of the construction of a care home (class C2) development comprising of 103 units and associated works on land to the rear of Hanburys, Shootersway, Berkhamsted. The site is accessed via Shootersway, which is designated as a classified C, local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. A Transport Assessment (TA) has been submitted as part of the application. Vehicle Access There is an existing vehicle crossover (VXO) / dropped kerb access to the site, which is proposed to be upgraded to facilitate access to the proposed care home. HCC as Highway Authority would not have any objection to the location of the access point with available vehicular to vehicular visibility splays in accordance with guidance as outlined in Roads in Hertfordshire: Highway Design Guide and Manual for Streets. Vehicular to vehicular splays of 2.4m by 43m are shown on submitted drawing number 70055639_SK-01 P03 and considered to be acceptable. The proposals include upgrading the existing VXO to a formalised bellmouth access leading to a 5.59m wide access road, parking and turning area, the details of which are shown on submitted drawing no. PL_100 C. The proposed access design includes kerb radii of 6m on either side and the access road is of an acceptable width to enable two vehicles to pass one another and the designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide. Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas.

Pedestrian Access

There is an existing highway pedestrian footway on the north-east side of Shootersway although no pedestrian footway on the south-west side of Shootersway (the side of the application site). A stretch of 2m wide pedestrian footway is to be provided at the front of the site on the highway extending to the proposed pedestrian footway into

site. A safe and convenient crossing point with tactile paving on either side of Shootersway and visibility splays of 0.5m by 4.3m in either direction would need to also be provided (please see 278 works below and above conditions / informatives).

Section 278 Highway Works

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- Works to create the bellmouth entrance, with a kerb radii of 6m on either side.
- Works to create a stretch of 2m wide footway fronting the site on the south-west side of Shootersway in addition to a pedestrian dropped kerb with Tactile paving on either side of Shootersway to create a safe pedestrian crossing point, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to provide the extra information as requested and obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives.

Refuse & Service Vehicle Access

The proposals include a loading bay and turning head, which would be necessary to ensure that all vehicles using the site would need to be able to easily and safely turn around on site and egress in forward gear to the highway. Swept path analysis for a 7.5t panel van have been included as part of the submitted TA, the details of which are considered to be sufficient and acceptable by HCC as Highway Authority. Normally, provision would need to be made for an on-site refuse/recycling store within 30m of each dwelling. The current proposals do not demonstrate this although it is acknowledged that the arrangements are for a care home rather than individual dwellings and details of the waste management have been included as part of the TA. Swept path analysis for a refuse vehicle has been submitted as part of the TA to illustrate that a refuse vehicle would be able to access the site and egress to Shootersway in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The provisions and collection method would need to be included as part of any full application and confirmed as acceptable by DBC waste management.

Trip Generation

The expected trip generation for the proposed development has been included as part of the submitted TA. Only three comparable sites have been used as part of the TRICS assessment (compared to the recommended five as stated in HCC's pre-app response). However following consideration of the details of justification for this in the TA, the approach is acceptable. Following consideration of the anticipated number of trips of 17 two-way in the AM peak and 13 two-way trip sin the PM peak, the trip generation and any associated impacts would not be significant enough to recommend refusal from a highways perspective.

Vehicle Parking

The proposals include the provision of 74 car parking spaces (0.71 spaces per unit). The application refers to HCC agreeing to the proposed level of car parking at the pre-application stage, which is not strictly correct. HCC as Highway Authority would not have any particular objection to the proposed level of parking when taking into consideration the proposals for a car club and mini-bus use (both of which would have the potential to reduce the level of car ownership). However Dacorum Borough Council (DBC) as the parking and planning authority for the district would ultimately need to be satisfied with the level of parking for residents and employees of the site.

The general layout of the parking area is considered to be acceptable by HCC as Highway Authority and supports the provision of 20% active and 20% passive electric vehicle charging spaces to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan. Sustainable Travel & Accessibility The site lies on the southern edge of the town of Berkhamsted approximately 1.2km to 1.5m from the site 150m to 500m from the town centre. Berkhamsted Railway Station is located approximately 1.9km from the site. Whilst these distances are within reasonable walking and cycling distance, it is noted that this would not be achievable for all residents when taking into account the nature of the proposed use. The nearest bus stops are located approximately 700m and 950m from the site, which is more than the normally recommended maximum accessibility distance of 400m. However following consideration of the proposed on-site minibus available for use by residents. HCC as Highway Authority would consider this acceptable.

Planning Obligations

DBC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought

via CIL if appropriate. A Travel Plan (TP) has been submitted as part of the application, the general details of which would be considered to be sufficient at this stage. For a development of this size, a TP consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance' would be required. The Travel Plan would be subject to an 'evaluation and support contribution' totalling £6,000 (index linked by RPI to 2014), received via a Section 106 planning obligation and payable before first occupation of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review.

The applicant's attention is drawn to HCC's guidance on Travel Plans: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

HCC's Travel Plan team can also provide further advice at travelplan@hertfordshire.gov.uk

Emergency Vehicle Access:

A swept path analysis for a fire tender has been submitted as part of the TA (drawing no. 70055659-SK-22), the details of which are sufficient to illustrate that a fire tender can access the site, turn around and egress to the highway in forward gear. Due to the size of the building / number of dwellings, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses. Drainage / SUDs The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to the drainage strategy or SUDs at: FRMconsultations@hertfordshire.gov.uk

Conclusion

HCC as Highway Authority has considered that the proposal would not

	<p>have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site and the footway works.</p> <p>Therefore HCC has no specific objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives and further details on the 278 works intended to be provided to ensure they are in accordance with what has previously been discussed with HCC.</p>
<p>Hertfordshire County Council – Lead Local Flood Authority</p>	<p>Thank you for consulting us on the above application for the Construction of extra care (Class C2) (103 units) development including associated highway access works, car parking, landscaping and other works incidental to the development at Land To The Rear Of Hanburys, Shootersway, Berkhamsted, Hertfordshire, HP4 3NG.</p> <p>The applicant has provided the following information in support of the application:</p> <ul style="list-style-type: none"> • Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP • Preliminary Geo-Environmental Risk Assessment (Desk Study), dated July 2020, Project No. 70055659, Ref. 70055659/GEO/DESK-STUDY, prepared by WSP <p>We have reviewed the information submitted by the applicant in support of the planning application, and are pleased to see the applicant has taken on board comments within our pre-application advice through our Surface Water Advisory Service.</p> <p>The proposed drainage strategy is based on attenuation and restricted discharge into the Thames Water surface water sewer.</p> <p>The applicant is proposing to discharge surface water from the site to the local surface water sewer network in Kings Road at a reduced rate of 2.11 l/s after storage in below ground attenuation features, including a tank and permeable paving. The surface water network on site has been designed for the 1 in 100 year plus 40% climate change event. A total attenuation storage volume of 1112m³ is to be provided on site to limit flows to 2.11 l/s. Regarding the discharge rate, we are pleased that the applicant is proposing the QBAR rate.</p> <p>The Thames Water surface water sewer is located a short distance away down Kings Road at Manhole 3051. The applicant has included confirmation from Thames Water in the form of a pre-development enquiry, at Appendix F of the FRA, to identify if capacity is available</p>

within the existing public sewer network for the discharge of surface water flows from the site, dated April 2020. The shows that Thames Water confirmed that there is sufficient capacity in the local network to accommodate surface water flows from the site.

The applicant has stated how the use of infiltration techniques at the site is limited due to the impermeable superficial deposits of clay-with-flint that covers the site entirely. Borehole data suggesting this is present to a depth of 7mbgl. However, this information has been sort from a desk-based study and this is not wholly sufficient in disproving the use of infiltration techniques on the site. The applicant has therefore detailed within the FRA how they are happy to undertake infiltration testing as part of the detailed design to prove that the surface water discharge hierarchy has been followed in order to connect to the TW surface water sewer.

Regarding the existing drainage on site, the applicant has identified a pond on site. It is stated how this is a small private pond located towards the centre of the south-western site boundary. The applicant refers to a topographical survey carried out in 2017 where the pond is recorded as dried-up. It is also noted how the bottom of the pond is recorded as having a level approximately 1m below the bankside. However, as detailed within the LLFAs pre-application advice, it is possible that the pond is groundwater fed and we would recommend an assessment of groundwater levels on site. The applicant has stated within the FRA how they do not propose to make any changes to this pond. The pond is not shown on the drainage strategy drawing, however, that area does look to be maintained as landscape. Though a sunken courtyard / pathway area is proposed around the building close to it. The applicant has stated how the existing pond will be retained as part of the scheme development, as such the applicant has stated how post planning surveys will be undertaken to determine the source and ensure that the ponds use is fully understood. We would recommend that this is a requirement as part of a pre-commencement condition.

Regarding the proposed sunken courtyards, it is understood that there are to be sunken levels in the region of 4m below the surrounding ground. Without a ground investigation on site, we still hold significant concerns regarding the potential for groundwater. We would therefore recommend a period of groundwater monitoring by way of condition over the autumn-winter months, in addition to the infiltration testing. Following this, the applicant will therefore need to adjust the drainage scheme design and any calculations accordingly.

With regards to the attenuation to be provided on site as part of the surface water drainage strategy, the applicant has detailed that the

majority of attenuation will be split between permeable paving and a concrete attenuation tank. They have also detailed how there are some areas of podium roof planting, however these will be ignored as part of the attenuation benefit. This is in accordance with the LLFAs surface water advisory service advice.

The reason a concrete tank is needed over geocellular storage is that it is proposed to have a podium on top of it, with living space. It therefore needs to be demonstrated that the tank is structurally sound and will not need replacing for the lifetime of the development. Full details regarding the concrete tank will be needed as part of the detailed design, and we would recommend that this is included as part of any conditions.

As this is a greenfield site, we would not expect the use of underground storage features, however, the applicant has provided justification.

One of the primary points of discussion during the LLFAs Surface Water Advisory Service was the Risk of Flooding from Surface Water shown on site. The applicant has discussed this within the FRA: "As the site has an existing overland surface water flow path that could potentially be displaced elsewhere due to the development, the proposed permeable paving at the site has been oversized to reduce overall surface water runoff from the site. This mitigation measure provides an overall betterment in reducing the existing surface water flow path."

The Site is at the edge of the Kings Road Flood Risk Hotspot 20, as identified in the Dacorum Borough Surface Water Management Plan (SWMP). There is a flow path across the site that passes through the site and along Kings Road. As the Site is located within a surface water flow path measures must be taken to ensure that the surface water flood risk is suitably managed as to not increase risk off site.

The applicant has shown a commitment to managing the overland flow route on site, with the provision of additional volume to be provided within the permeable paving sub-base. However, further detail is needed regarding this, and if the volume within the permeable paving sub-base is indeed enough capacity. The applicant has identified the following additional volume able to be provided within the oversized permeable paving sub-base for the overland flow route:

- 1:2 Year = 82mm used in 500mm storage depth, therefore 163.1m³ still available (84%)
- 1:30 Year = 151mm used in 500mm storage depth, therefore 136.2m³ still available (70%)

- 1:100 Year = 199mm used in 500mm storage depth, therefore 117.4m³ still available (60%)
- 1:100 + 40%CC Year = 297mm used in 500mm storage depth, therefore 79.2m³ still available (41%)

The applicant has stated how an overflow pipe will be provided to ensure that if the storage is exceeded flows can be directed as currently downstream through existing landscape areas within the site. However, whilst the proposed surface water drainage scheme for the development site itself ensures there is no flooding on site up until the 1 in 100 year + 40% for climate change. It is unknown if there is the potential for the overland flow route to overwhelm, utilising this overflow pipe and potentially causing flooding. The applicant has currently providing additional volume within the drainage system on site to accommodate this overland flow path and introduce betterment to the existing situation. However, once the flow path has been picked up and managed within the permeable paving sub-base we would expect it to be managed ensuring no flooding on site for the 1 in 30. As part of the detailed design the applicant will need to model this overland flow route to ensure that the provision of volume currently being provided is sufficient and does not overwhelm the system.

With regards to how much of the site is contributing to the drainage system on site, the applicant has stated how the total impermeable area is 9015.7m² and the total landscaping area is 4984.3m². They have assumed that 30% of the perimeter landscaping would drain into the positive drainage system along the boundary of the site, and all other landscape areas based on levels would drain naturally. This equates to a draining area of 773.0m². On this basis the applicant has stated how the total drainage catchment area is 9015.7m² + 773.0m² = 9788.7m². This catchment (9788.7m²) will be drained into two separate attenuation features. The permeable paving and the concrete attenuation tank.

From a review of the Drainage Strategy General Arrangement, Drawing No. BER-WSPSW-XX-DR-C-001_P1, Rev. P01, dated 12/06/2020, prepared by WSP. We notice that the final flow control, a HydroBrake restricted to 2.11l/s looks to be indicated as situated outside the site. The connection to the Thames Water sewer is a short distance away and we would expect the flow control to be situated within the site boundary. It is acknowledged that Thames Water have accepted the flow rates into this manhole (MH3051) in the pre-planning enquiry. However, if TW are to be adopting the sewer under the road, we would not expect the flow control to be within the road. The Hydrobrake restricting to 2.11l/s should be situated within the site and maintained as part of the development's drainage.

No management and treatment of surface water is currently being provided for the access road. This will need to be provided as part of the detailed design. The current lack of management and treatment is not acceptable. Management and treatment of surface water for the access road will need to be included within the detailed design.

In order to secure the final detail of the proposed scheme, we therefore recommend the following conditions should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP and the following mitigation measures:

1. Provide 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 (40%) event.
2. Implement drainage strategy based on permeable paving with sub-base, concrete attenuation tank and restricted discharge at 2.11l/s via a Hydro-Brake into the Thames Water surface water sewer (MH3051).
3. Provide 136.2m³ of pluvial flood storage in deeper permeable paving sub-base during the 1 in 30 year event, with discharge to be restricted as part of the overall whole site discharge into the Thames Water surface water sewer at 2.11l/s for the entire site; ensuring the predicted surface water flow route is effectively conveyed on site during overflow scenarios.

Reason

To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP. The scheme shall also include:

1. Assessment of the feasibility of infiltration on site, in the form of

BRE Digest 365 infiltration tests for shallow soakaways, or falling head tests, if deepbore soakaways are proposed; in addition to a full site investigation. The final detailed drainage strategy may need to be updated in accordance with any findings.

2. Groundwater monitoring over the autumn-winter months.

3. Survey of the existing pond to determine the source and ensure that the ponds use is fully understood and maintained within the future development.

4. Assessment of the effect of runoff into the sunken courtyard areas.

5. Modelling of the overland surface water flow path, demonstrating that the volume currently proposed is sufficient for the 1 in 30 year event and that there is no flooding of any building up to the 1 in 100 year + 40% for climate change event.

6. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.

7. Detailed engineered drawings of all aspects of the proposed pluvial flood storage within the deeper permeable paving sub-base including all connections and conveyance routes; including within landscaped areas.

8. Detailed structural engineered drawings of the proposed concrete tank under the building.

9. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.

10. Provision of half drain down times for surface water drainage within 24 hours

11. Silt traps for protection for any residual tanked elements.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

Condition 3

Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include

	<p>photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.</p> <p>2. Provision of a complete set of as built drawings for site drainage.</p> <p>3. A management and maintenance plan for the SuDS features and drainage network.</p> <p>4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</p> <p><u>Reason</u></p> <p>To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p> <p>Informative to the LPA/applicant</p> <p>We have recommended a pre-commencement condition which includes a full assessment of the surface water flow path on site, which must be accepted else this information should be provided up front and we would need to update our letter to an objection with this information to be further clarified. We have also accepted the surface water discharge hierarchy to be fully assessed as part of a pre-commencement condition to include for infiltration testing and ground investigation works, which may affect the drainage strategy proposed; in addition to groundwater monitoring.</p> <p>We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.</p>
<p>Hertfordshire County Council – Minerals and Waste Team</p>	<p><u>Minerals</u></p> <p>In relation to minerals, the site falls entirely within the Brick Clay Mineral Safeguarding Area (MSA) within the Proposed Submission Minerals Local Plan, January 2019.</p> <p>As a means of protecting clay reserves for future use, a Minerals Safeguarding Area (MSA) has been identified around a wider area of known clay reserves. The MSA ensures that any proposal submitted for non-minerals development that might sterlilise the mineral reserves should follow the consultation procedure specified in Proposed Strategic Policy 8: Mineral Safeguarding</p> <p>Adopted Minerals Local Plan Policy 5 encourages the opportunistic extraction of minerals in order to prevent mineral sterlilisation.</p>

Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable materials that could be processed and used. Policy 8 of the Proposed Submission document requires the prior extraction of minerals unless it is demonstrated through a Mineral Resource Assessment that the mineral cannot be practically extracted in advance of the proposed development.

The Preliminary Geo-Environmental Risk Assessment submitted alongside this report states that the BSG Borehole Log, SP90NE35, identifies the following stratum of note: 0.2 bgl of top soil and 7.3 bgl of brown clay and flints.

The County Council, as the Minerals Planning Authority, would encourage the prior extraction of brick clay at the proposed development site, although it is noted that the surrounding area is residential to the north and therefore may not be appropriate for mineral extraction.

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 encourages Districts and Boroughs to have regard to the potential for minimising the 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.

This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &
Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the Borough Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Waste Management Strategy

It is encouraging to see that the applicant has considered waste management within the 'Outline Construction Environmental Management Plan (CEMP)' and 'Waste Management Strategy' submitted alongside the application. The CEMP states that a SWMP will be prepared and provide detail on how construction waste arising from the proposed development is proposed to be minimised and how waste will be diverted from landfill.

The 'Waste Management Strategy' submitted alongside the application outlines the waste storage facilities that will be provided for both the residential and commercial elements of the scheme including estimated waste arising, the waste facilities provided to store waste and the management processes and procedures that will have to be implemented to manage the movement of waste from point of generation to the final waste storage areas.

Good practice templates for producing SWMPs can be found at:
<http://www.smartwaste.co.uk/> or
<http://www.wrap.org.uk/category/sector/waste-management>.

The county council would expect detailed information to be provided within a SWMP.

The SWMP should cover both waste arisings during the demolition

	<p>and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.</p> <p>The SWMP or Circular Economy Statement should be set out as early as possible so that decisions can be made relating to the management of waste arising during demolition and construction stages, whereby 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 for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.</p> <p>SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the Borough Council.</p>
<p>Conservation and Design</p>	<p>The existing site has been allocated for development and as such we would not object to the proposals in principle.</p> <p>We have commented on a number of pre-application proposals before this submission.</p> <p>The proposals have addressed our concerns. We would welcome the scheme as we believe that the architecture and design is of a high standard as is the proposed landscaping. This would in our view create a pleasant space, which would benefit both the residents and the wider architectural interest in the Borough. We believe that the different blocks help break up the overall scheme in a pleasing manner. The detailing is of a high quality and we support the use of reference to other buildings in the town through the detailing of the brickwork. The green roofs would be beneficial both in terms of climate change and the enhancement of the building. The coloured bricks are also a welcome feature and add to the interest of the overall development.</p> <p>We have reviewed the heritage statement in relation to the nearby heritage assets. The listed house and Granary are both grade II listed. The main house has a 17th century core with later extensions and additions in the 18th, 19th 20th and 21st centuries. It is now adjacent to the national film archive and has been sub divided into a number of dwellings. The immediate grounds have been developed to store the national film archive and therefore have a collection of modern buildings. Given this and that the proposal is some distance and</p>

	<p>despite being visible at some points of the year through landscaping, we do not believe that there would be harm to the significance of this or the adjacent granary building. The views would not particularly change when considering the site as a whole given the changes that have taken place particularly to the landscape adjacent to the house of its former farmland. We would agree with the associated heritage statement that there is no harm to the heritage asset and as such the balancing exercise in the framework does not need to be undertaken.</p> <p>Similarly for the water tower there would be no impact on the significance of the building. The views to and from this specific location would be impacted but it is appreciated more against the surrounding housing and the green space of the playing field opposite. As such we do not consider that there is harm caused and therefore the balancing exercise is not necessary.</p> <p>Overall the proposal is of a high quality, would not harm the heritage assets and we would therefore fully support the proposed scheme and recommend approval.</p>
<p>Contaminated Land Officer</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application is for a change of land use and as such the presence of contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted. Please note condition 1 acknowledges existence of an adequate phase 1 report.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>a) The Local Planning Authority is of the opinion that the Preliminary Geo-Environmental Risk Assessment (Desk Study) submitted at the planning application stage (Document Reference: WSP BER-WSP-SW-XX-RP-S-001 July 2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <ul style="list-style-type: none"> (ii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (iii) The results from the application of an appropriate risk assessment methodology.

b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

c) This site shall not be occupied, or brought into use, until:

(iii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(iv) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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.

Condition 2:

Any contamination, other than that reported by virtue of **Condition 1** encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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.

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

<p>Environmental Health</p>	<p><u>Air Quality</u></p> <p>In respect of air quality I have no objections to the development proposal. The travel plan details a number of measures to promote alternative to car travel including a mobility minibus service and car share club. In line with other elements of the NPPF the travel plan should also specify provision for EV charging. I believe this or normally covered by way of condition from HCC.</p> <p><u>Noise</u></p> <p>In respect of noise, further detail is required. The report identifies that road traffic noise will impact upon the residential occupation where natural ventilation is provided (opening windows). It instead proposes mechanical ventilation. The energy statement informs us that air source heat pumps will be used which I assume will form part of the mechanical ventilation system. The impact across site is based upon modelling and calibrated for road noise. However noise modelling is based on prediction of noise based on stable or downwind conditions.</p> <p>The report does not detail if the noise data used were based on downwind assessment and this needs to be confirmed before accepting the results.</p> <p>The assessment identifies that for external noise the target level to be achieved is 55 dBA (A-weighted decibel value of 55) for daytime noise for balcony spaces. It advises this is achieved in all cases, but the modelling suggests this is not the case, particularly those residences directed towards the A41. The noise report needs to be revisited. This matter needs to be clarified as well.</p>
<p>Berkhamsted Citizens Association</p>	<p>The Group considers this to be an ill-conceived scheme on various levels, as follows:</p> <p>Concept: The model is wrong for Berkhamsted in this semi-rural part of the settlement recently released from the Green Belt. This can be demonstrated by examining the existing provision for the elderly in the town and its success, or lack of it. Provision for the over 55s should be town centre, on the level, near to public transport, shops and facilities.</p> <p>This is none of those things</p> <p>Layout: The layout is too cramped with modest amenity space. There is inadequate parking, especially as social life is emphasised, and public access encouraged. The over 55s will not be giving up their cars!</p> <p>Design: The design is totally unsuitable for the location. Mansion flats are too suburban; not for market towns. The architects should go back to the</p>

	<p>drawing board with a copy of the Chilterns Conservation Board Design Guide at their elbow. The current design will dominate the skyline, but not in a good way.</p> <p>We would urge DBC to refuse this application.</p>
Chiltern Society	<p>The Society is strongly opposed to the proposed development on the above site for the following reasons:</p> <p>Dacorum has allocated the Hanbury site for development, and as such has an Adopted Master Plan for Local Allocation (LA4). This was adopted on 12 July 2017 and must be taken into account in determining any application. It gives very detailed principles for development which has taken into account the location of the site on the southern edge of Berkhamsted, adjacent to open countryside and the character of the area as a whole.</p> <p>The developers have totally disregarded the detailed principles of this Master Plan and have proposed a wholly unacceptable scheme. There is no resemblance or cognition of the Indicative Spatial Layout Plan (Figure 6) which shows a mix of low and medium density development focused around a key green space, with a soft edge to the southern and eastern boundaries of the site, and an area of public open space. This Plan requires any development to meet the Council's standards for open space and <i>'to ensure a pleasant, coherent and wildlife friendly network throughout the development that links to the adjoining open countryside'</i>. (Para 4.17 of Master Plan). The Elysian proposal is woefully lacking in adhering to these principles ensuring.</p> <p>The Principles of the Master Plan propose:</p> <ul style="list-style-type: none"> - <i>60 two storey dwellings (of which 40% are affordable).</i> <p>The current scheme has 103 flats in six, large monolithic 4/5 storey blocks. An attempt to disguise the height by excavating the land fails totally. The buildings are totally dominating the site and its surroundings.</p> <p>One requirement of the Master Plan is that <i>'the development must respect the setting of the adjoining British Film Institute'</i>. It is difficult to see any such respect with two of the blocks built adjacent to the common boundary with minimal space available for landscaping, thus dominating the BFI buildings.</p> <ul style="list-style-type: none"> - <i>the layout, design, density and landscaping must create a soft edge with the adjoining countryside and secure a long term Green Belt boundary.</i> <p>The proposal shows long continuous blocks of flats around the edge of the site which will clearly impact on the countryside and leaves little room for the existing boundary vegetation or any additional planting. The density far exceeds that required and the blocks are all identical in design. The design approach to the buildings is totally inappropriate. They are massive, monolithic and 'blocky' and the use</p>

of dark, heavy materials exacerbate their bulk and oppressiveness. They dominate the site and will totally overshadow any small amount of landscaping that is shown on the plan. The site is located in the Chilterns and not in the suburbs of London (the examples given are Ilford and Stanmore where the buildings can be read in the context of more dense development). This particular scheme pays scant regard to the site's location on the very edge of a country town within the Chilterns Area of Outstanding Natural Beauty. It is suggested that the architect refers to the Chilterns Conservation Board Design Guide which gives details of local vernacular more suitable to the countryside in which this site sits.

- the impact on the local road network will be mitigated by supporting sustainable transport measures and improvements to the Shootersway/Kingshill Way junction.

The developers seem to think that the residents will not require cars but if they do have one, will be happy to park them in a communal car park. This is unsightly and some way from the flats themselves. The site is nearly 2 miles from the town centre which is in the valley reached by a steep slope. Therefore, most trips to the town, amenities and station will be by car. There is no public transport along Shootersway and the suggested minibus is a very poor substitute unless run frequently and is free (most residents would be entitled to a bus pass). Therefore, most residents will retain their cars as long as possible and some will still have at least two per household. They will also have visitors and not from just the District Nurse!

- the main access taken from Shootersway.

At least this is proposed.

- access to rear of Hanburys to be considered to allow allotments and other possible uses.

This has not been provided.

The Master Plan puts great emphasis on the openness of the site and its proposals focus the development around a key green space. A sunken courtyard garden contributes nothing to the open landscaping of the site and given the overall footprint of the buildings, their height and proximity to the boundaries they will overshadow the majority of the site making any small amount of amenity space unusable. Nor will it contribute to the retention or enhancement of the ecology of the site given the amount of hard surfacing.

The proposal states that it is for extra care but no special facilities are provided for those who need nursing, nor safeguarding for those who are suffering from more progressive illnesses such as dementia. Therefore, this is a residential development for those over 55 who are fit and active. However, there is an excess of accommodation for elderly persons in Berkhamsted which is clearly demonstrated by the number of unsold such properties, either in the centre of town or in the countryside (i.e. Castle Village). So there is no 'need' in the area for such a development and therefore no exceptional circumstances to

	<p>justify non-compliance with the Council's Adopted Master Plan.</p> <p>In conclusion, whilst good modern architecture is usually welcome, this scheme is overpowering and its leanings toward the Bauhaus, communal brutal architecture of pre and post war years, is totally inappropriate for this semi-rural setting in the Chilterns. Several four/five storey buildings in very close proximity to each other is clearly gross overdevelopment of a relatively modest site. It is cramped, lacking in usable amenity space, (where is the '<i>parkland feel</i>'?), and has insufficient car parking given its location.</p> <p>Therefore, the Chiltern Society strongly objects to the application and would respectfully request that it is refused</p>
Environment Agency	<p>We have no objection to the application, however controlled waters are sensitive in this location because the site is within Source Protection Zone 3 and upon a secondary aquifer overlying a principal aquifer. The propose development will only be acceptable subject to the following conditions:</p> <p>Condition 1 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from contamination sources in accordance with paragraph 170 of the NPPF</p> <p>Condition 2 No drainage system for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and must be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by the mobilised contaminants in line with paragraph 170 of the NPPF and to prevent the further deterioration to groundwater quality and recovery of a drinking water protected area of the Mid Chilterns Chalk Groundwater body.</p> <p>Condition 3</p>

	<p>The development hereby permitted shall not be commenced until such time as a scheme for the disposal of the following has been submitted to and approved in writing by the local planning authority.</p> <ul style="list-style-type: none"> - Disposal of foul drainage - Disposal of surface water - Installation of oil and petrol separators - Roof drainage. <p>The scheme shall be implemented as approved.</p> <p>Reason: To prevent the deterioration to groundwater quality and to support recovery of the drinking water protected area of the Mid-Chilterns Chalk Groundwater body.</p> <p>Condition 4 Piling and other deep foundation designs using penetrative methods shall not be carried out other than with the written permission of the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution,</p> <p>Condition 5 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained will be secured, protected and inspected. The scheme shall be implemented in accordance with the approved details prior to use of any part of the building.</p> <p>Reason: To ensure that redundant boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the NPPF.</p>
<p>Hertfordshire and Middlesex Wildlife Trust.</p>	<p>We would object to this development</p> <p>This application does not demonstrate a 'measurable' net gain to biodiversity by utilising the Defra biodiversity metric.</p> <p>This development must demonstrate that it can deliver a 'measurable' net gain in biodiversity in accordance with NPPF and BS 42020. At present it contains no objective, quantified assessment of net ecological impact and so should be refused until a calculation which utilises the DEFRA biodiversity metric has been submitted and approved. The following additional information is required:</p> <p>Net gain to biodiversity (habitats) should be adequately and</p>

objectively demonstrated by application of the DEFRA biodiversity metric.

The NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value....

d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing 'measurable' net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure 'measurable' net gains for biodiversity.

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information
The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

	<p>h) Whether there is a clear indication of likely significant losses and gains for biodiversity.</p> <p>The most objective way of assessing net gain to biodiversity in a habitat context is the application of the Defra biodiversity metric. This metric assesses ecological value pre and post development on a habitat basis, has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF, and its use is advocated in government guidance e.g: https://www.gov.uk/guidance/natural-environment</p> <p>In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved.</p> <p>If the development results in a negative - net loss score (which it will as currently presented), a biodiversity offset must be proposed and endorsed by a legitimate biodiversity offset broker or provider with full establishment, management and monitoring regimes.</p> <p>Until this information has been provided, the application should not be approved.</p>
Herts Valley Clinical Commissioning Group	<p>HVCCG would like to request that a provision is made on each care home site for health and social care funded patients. This should amount to some 10% of all units. There is a shortage of available beds and we would be grateful for your support in order to overcome this.</p> <p>In addition to this, there will be an impact on local GP services (despite on-site health facilities) and I would therefore request that a contribution is secured towards increasing the capacity of GP services in the vicinity of the care home. This should be calculated using our standard methodology which I have adapted to reflect the reduced use arising as a result of on-site care.</p> <p>In the circumstances, I would request that a contribution of £269 per unit is made towards GP services.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should</p>

	<p>liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
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APPENDIX B: REPRESENTATIONS

<p>1 Green Barn, Archive Mews</p>	<p>Although the green belt status has been removed does this automatically follow that development is therefore permitted or required. The wildlife that is in abundance in the area is enjoyed by everyone and will be severely affected if this application is unfortunately passed.</p> <p>I have studied the sales pages in and around Berkhamsted and there is a prolific amount of surplus empty retirement/care properties on the market. So excluding financial gain for the developers is there any demand for a further care home development flooding the market. Just because retirement/care homes are notoriously more sympathetically reviewed by the planning dept. Is there really a demand for this?</p> <p>I have use of a communal garden within archive</p>
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	<p>mews which adjoins this proposed development. This is in continual use by the children on a daily basis. I feel that the impact, whilst in construction, and loss of privacy, following construction, will be completely diminished. There will be a loss of light in this area and the dust and debris generated will affect their safe playing area. With the Covid situation already impacting their well-being I feel that this is unacceptable.</p> <p>Kingshill Way is an extremely busy road for commuters and school runs. The junction where this proposed development is sited is extremely busy at all times as it is the connection to the A41. Any further traffic along this road will add to the congestion already in place. Do we really need Kingshill Way to become another Berkhamsted High Street which is at a standstill most of the time? One little hiccup in the traffic flow completely gridlocks the town centre as it is. Therefore what are the impacts on traffic flow once this development starts - if passed</p> <p>Recently we experienced a major mains water pipe burst in Kingshill Way, this completely affected traffic flow throughout Berkhamsted. Can you ensure that this unnecessary development, if passed, will not have the same impact on our already clogged roads and access?</p> <p>Once again, please note I strongly object to this development and the upheaval it will generate.</p>
<p>2 Green Barn, Archive Mews</p>	<p>I strongly object to the proposed plan to develop this land. This is based on:</p> <ul style="list-style-type: none"> - the location - the lack of nearby amenities - developments already undertaken nearby - the environment - impact to residents of Archive Mews <p>I do not believe this is the right location for a development. Firstly due to the type of development being proposed. Berkhamsted is lacking in affordable housing for people trying to get on the housing ladder, or moving from their first property. It is not lacking in retirement properties.</p> <p>Secondly retirement properties would be more suitable to a town centre location or a flat area. It would be a 25 minute walk to the town centre and the footpath is too narrow at the top to support wheelchairs, therefore you are unlikely to get people walking down.</p>

This therefore would cause an increase in driving, which is something Berkhamsted does not need, particularly since the Kings Road is extremely busy during rush hour. It is pertinent to point out that 74 parking spaces for 103 properties is not sufficient, not taking into account parking spaces for deliveries, for visitors or for maintenance. Where will the extra cars park? There is no space to park on the road unless they mount the pavement, which would be not fair on pedestrians who use Shootersway. Shootersway is particularly busy with schoolchildren during term time. I note the reference to creating an on-site restaurant which I would question as where would anyone park to visit the restaurant? The potential visitors nearby would be limited Re: those who would consider walking there.

Whilst I note and applaud the idea of an electric minibus that can take residents to town and back, I question whether this will be used bearing in mind COVID-19 has impacted the way elderly individuals interact and would hinder social distancing. It is more likely that individuals will want to continue having their own car so that they can socially distance and use this to drive into town. Thus this development would likely cause an increase in pollution locally.

The site is too close to the very busy turning of Shootersway onto the A416. Traffic is busy along here during rush hour, particularly during term time. It is not feasible to add people turning out of the proposed entrances for the site and would risk causing an accident.

I note the documents refer to the need to do improvements to the Shootersway / Kingshill roads. In the last 5 years the road has been closed numerous times for road works and the impact on the surrounding roads is significant, causing traffic having to divert through Berkhamsted town centre and jam the roads. I would therefore raise this as an issue as the development are aware that they would not be feasible with the current road system. I can't see what improvements can be done here without affecting the pavements, which are well used with school children walking along Shootersway to Ashlyns.

A further issue with the location arises from the proposal to discharge water to avoid the flood plain via Kings Road. As you may be aware, the drainage system at Lower Kings Road is not fit for purpose and does not support further flood waters being discharged to it, as the water ends up next to the Victoria school, flooding the alley way next to it. This

has in the past stopped parents being able to get through the alley or left them soaked, particularly those parents in wheelchairs.

I don't think a risk setting of medium for surface water flooding is acceptable and therefore don't believe this area should be developed.

The site is a significant distance from local amenities. The closest shops and cafes are a 25 minute walk. The closest doctors surgery is a 20 minute walk and is already busy. It is a group practice with the other site based in Tring. If the residents cannot park at their flat (due to the lack of proposed spaces) then how would they be able to keep a car or access the Tring GP surgery? It is the wrong location for a development and would create more vehicles on the road locally as there are constraints walking to access local amenities.

There are already retirement developments locally, I cannot see any evidence that there is more local demand and am concerned that if the developers are unable to sell these as retirement they will they sell them for other purposes. The closest school (Greenway) is already significantly oversubscribed. Meaning that if people with children do more in then they will struggle to get school places within walking distance and again will have to drive to take their children to school.

The development at Bearroc Park is on-going and therefore we already know that there will be increased traffic at this end of Berkhamsted along with increased demand for local services. What has been done to address this? The closest large hospitals are 30 minutes away without traffic; until locally more amenities are created I can't see why building here is appropriate?

From an environmental point of viewing developing this site would have a significant impact. Whilst I acknowledge that this area has been removed from green belt consideration I think this is an error and this land should not be developed on. The bfi has a wildlife garden with bees and butterflies which would use the field of the proposed development. I regularly see deer, hedgehogs and badgers in the field - since the latter of these are decreasing in population I urge you not to remove an area that currently enables their habitats. Elysian acknowledge that the site contains both bats and reptiles and further studies should be undertaken. Why have they put a proposal forward when they are not aware of the full extent of the biodiversity on site and what animals a development

would impact?

Whilst I note that Elysian properties identify that there is no requirement for net biodiversity gain in Dacorum, they don't expand on how they will not harm the local biodiversity. Building on this land will impact on the ecology of this area. Planting 21 trees will not combat this or create a habitat for the numerous animals that will be disturbed by developing this land.

On a personal note the impact of this development on my family would be significant. I also believe it would be significant to the other residents of Archive Mews.

The shared garden for Archive Mews borders the proposed development and this is used daily by residents from most of the properties.

The children play in this area and a development here would significantly affect them. There would be a loss of light and overshadowing of this garden.

There would be a significant loss of privacy as the development is right next to the garden and would overlook anyone in there. The proposed balconies and height of the build would mean the garden and therefore my children would be overlooked by multiple individuals, this loss of privacy is significant.

Having read the air quality information I would be significantly concerned with having my children outside during development, which would be for a significant period. My youngest child has severe respiratory issues and therefore I would be very concerned with the impact of a development and next to the garden she plays in. During lockdown we have taken the advice very seriously due to her health complications and therefore have used the garden daily. I must reiterate that the severity of her respiratory issues and therefore my concern.

Further, there were other residents who were shielding and use the garden regularly when children or others are not in it. Therefore it is a very well used area which would be significantly and severely affected by this.

The potential noise disturbance from the use of the property on an on-going basis combined with the visual intrusion is a further concern. 103 properties would result in significant noise.

I would also question when in March the noise survey

	<p>was completed, I note it says it was undertaken over 11 days, since lockdown occurred in March and from early March peoples working patterns were amended for COVID-19 I don't believe this would have truly reflected the normal situation.</p> <p>I am also surprised that the development has put houses so close to the BFI storage facilities, bearing in mind their flammable nature I understood that any residential building would need to be further away, similar to the Mews area.</p> <p>My stance is therefore that I object to a development here and believe this area should be preserved as green belt.</p>
1 Ernest Lindgren House, Archive Mews	<p>Aside from the fact that there is already more than enough assisted housing/retirement village style accommodation in Berkhamsted, my main objection is as that the road and utility services in the area cannot support another large development.</p> <p>The junction of Shootersway, Kingshill way, Kings Road is the main route in and out of town via the A41. This became heavily congested when the traffic lights were introduced a few years ago as a measure to justify the substantial new housing developments along Shootersway towards Durrants lane.</p> <p>It hasn't worked, there is traffic queuing constantly at rush hour and has significantly increased pollution as cars are sitting idle with engines on waiting for periods right outside my house.</p> <p>Adding another significant development with further strain the resource not just during construction (which will be chaos) but the ongoing life of the development will significantly increase car traffic each day. Workers going to and from the new development, deliveries, the residents themselves. Given the nature of the development, it is likely that emergency service vehicles (ambulance, rapid response doctors) will be attending the site regularly and this will heavily impact queuing traffic but also risk traffic collisions as emergency services will have to traverse the traffic jam to get there quickly.</p> <p>In addition, the existing utilities for sewage & water are already at breaking point at the junction. A water main broke only last week and closed the road for over 1 week to repair. Each year we have had flooding at the junction due to yet another pipe bursting under the pressure placed on it by surrounding developments.... another one is not going to help the situation as there is no provision in</p>

	<p>the construction to upgrade the existing utilities.</p>
<p>2 Ernest Lindgren House, Archive Mews</p>	<p>I strongly object to the proposed plan to develop this land.</p> <p>The proposal to develop this land is simply ridiculous, the impact to the volume of traffic, the increased risk to the safety of local residents particularly children and potentially the proposed elderly residents of this development, the environmental impact and the simple lack of thought and demand means it cannot be allowed to proceed.</p> <p>Parking:</p> <p>The proposal suggests 103 properties with a provision of 70 parking spaces that's not even one space per household? What about visitors? Delivery people? Staff? The proposal makes mention of a "community bus" this is impractical for two reasons, firstly elderly residents should not be sharing vehicles currently due to covid-19 and the lack of ability to social distance and will certainly be nervous doing so, as such they will prefer to keep their personal vehicles rendering this option void. Secondly the choice to live in a retirement setting that is not a care home suggests that the residents will wish to maintain their independence and quite rightly so as some may be as young as 55, another key indicator that they will not wish to surrender their own vehicles meaning that the car park provision is not sufficient and the out spill from the development will cause havoc on Shooters Way and surrounds. The other potential outcome from lack of parking provision is that the developer will not be able to sell the properties as they don't have the provisions the potential residents may want and therefore the properties remain empty, like so many of the other retirement developments in Berkhamsted that we have already - please see empty sites Sheldon Lodge, Castle Village, Gilhams Court to name but a few! Or equally as bad the developer will suddenly seek to "re-purpose" the properties for different use bringing further challenges and even more increased traffic and pollution.</p> <p>Road Layout/Traffic pressures, Noise & Safety:</p> <p>Volume of traffic is already high on Shooters way, KingsHill way and Kings road, and so is the number of school children who use the pedestrian walkways to access Ashlyns particularly, and Greenway and Berkhamsted Schools putting more cars on to this stretch of road is both dangerous and frustrating for the local residents. There will already be increased</p>

pressure on this stretch of road from the current build "phase 2" at Bearroc park. This is an unnecessary development that will put the lives of our children at further risk from increased traffic volumes, increased accidents and increased pollution, particularly at a time when due to Covid respiratory health is crucial. Not to mention the increased level of noise from all these extra vehicles and comings and goings from the proposed 103 dwellings!

Lack of and strain on local community facilities:

Berkhamsted is already struggling to accommodate the current residents for doctor and dentist provision adding a development to accommodate yet more of our ageing population will put even more pressure on these services, and this is pressure that these facilities cannot take. No more development of previously green belt land without further thought into services to support increase of residential numbers. Infrastructure has to be thought through and addressed before accepting any more development.

Environment and the Effect on local Ecology:

In a world where we should be taking far greater care of nature to protect our planet how can building a new development of retirement properties, when there is no actual demand for such things be a good sound decision? I can only see this decision being made through financial gain not through actual need. You would be destroying several protected trees and so much wildlife that currently frequents this proposed site, we know this as we see evidence of badgers, hedgehogs and deer regularly as well as amphibians. No matter how many single use plastics myself, my family even all the residents of Berkhamsted reduce we could never out way the amount of damage you would do to our planet if you allow this preposterous development to go ahead.

Overlooking / loss of privacy:

The development will also cause a loss of privacy to the communal gardens that are part of our property, our children and neighbours all play here on a regular basis and I do not feel at all comfortable that this site will now become overlooked by new properties, it presents safeguarding issues where previously our children have played in comfort knowing that the gardens were safe and private.

Final Thought:

I grew up in Berkhamsted and came back here to

	<p>raise my family, if planning decisions continue to be granted based on financial gain as opposed to soundly thought out infrastructural decisions based on needs of the local and neighbouring communities, Berkhamsted will soon become an un desirable place to live, with no green belt left, no facilities to accommodate it's growing population and an increased number of cars churning out an unnecessary amount of pollution, it is therefore our wish that in this instance you decline approval for this unnecessary development and return the site to green belt land and allow our neighbourhood and planet to continue to thrive.</p>
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2 The Cottage
Archive Mews

On behalf of my family, I am writing to strenuously object to this proposed planning application for many reasons as outlined below:

Berkhamsted is a thriving town with superb amenities and excellent schools and I believe that more housing is required for younger families moving into their first or second homes. Put simply, Berkhamsted has no need for further 'extra care development'. It is already overrun with such services, most of which have still yet to fully sell their plots after many years of advertising. Furthermore, the location is totally inappropriate for the proposed clientele. It is situated on the top of a hill in a residential area with no amenities in walking distance. All local footpaths do not lend themselves well to wheelchair and mobility scooter accessibility.

A particular concern to my family is the reduction in air quality both post build with the build-up of traffic and during the build, which we imagine will take a significantly long time. Both my son and I have asthma and if this development goes ahead, it will have a detrimental effect on both of our health. Furthermore, the impact on traffic and pollution (and the environment) is also a major issue in this already overdeveloped area. I note there is a proposed bus available, however with recent pandemic and social distancing rules, this is unlikely to be a popular option for elderly residents and could result in 103 extra cars (or more if households have 2 vehicles) using the entrance of Shootersway and the Kingshill Way junction - what is already an extremely busy junction, and has become even busier with the opening of phase one of Bearroc Park development and now the soon to be opened phase two.

The proposed plan of just 74 parking spaces for a site which has 103 proposed units is nowhere near sufficient for the residents, or indeed their families, visitors and anyone else needing to visit the development. Furthermore, I note that there are plans for a restaurant which will be open to the public - where will diners park? There is no room inside or outside of the development - and more to the point, why on earth would we need a restaurant up here when we have an array of excellent eateries in the high street?

The impending increase in noise is going to be an issue. With so many people (103 households - does this mean 206 people?) living in a small development where socialising will be actively encouraged, such as joining groups and taking part in planned activities, whilst we understand that this is a positive

	<p>part of their daily lives, for us as residents, and particularly us who live so closely, it will become a daily nuisance.</p> <p>Our Archive Mews communal garden borders the proposed development, and this is used most days by most residents. The proposed development would reduce light and overshadow various aspects of our garden. Currently the space is not overlooked however the proposed balconies and height of the build would cause significant loss of privacy. This space is used by the children of Archive Mews and loss of privacy would be increase the risk of the safety of the children in the communal garden.</p> <p>From an environmental perspective, it will be a devastating decision to allow these plans to go ahead. This previously Green Belt areas provides the perfect haven for wildlife and is home to various habitat including bats, deer, badgers, bees, mice etc. I note that Elysian say they will plant 21 trees however the phrase 'needle in a haystack' comes to mind as this will have zero impact to protect the wildlife and landscape. We must not allow our natural habitat and wildlife to further diminish in order to enable a private 'extra care development' to be built when there is no such data which suggests that these services are in great demand in our area.</p> <p>Furthermore, we are most surprised to see that the proposed properties are planned to be built extremely close to the BFI storage vaults which contain highly flammable materials.</p> <p>In summary, my family and I feel very strongly that this development should not be approved. It will have a huge impact on us, and the residents of Archive Mews, as well as the increased issues with traffic congestion and the impact of increase in pollution and reduction of air quality during, and after, build. We therefore ask that this application is refused, and the current landscape remains with no threat to wildlife, for the sake of a private development opportunity for a service which is not in demand, at this time, in our area.</p>
<p>3 The Cottage Archive Mews</p>	<p>This scheme creates too much traffic and is a danger to local school children</p>

<p>British Film Association (BFI)</p>	<p>We refer to the above application submitted by Elysian Residences for a C2 care residence.</p> <p>We have been instructed by BFI, owners of the J Paul Getty Conservation Centre at Kingshill Way Berkhamsted to review the application and submit representations.</p> <p><u>Background to the BFI at Berkhamsted</u></p> <p>The BFI was founded in 1933, and is a registered charity governed by Royal Charter. It is responsible for creating and maintaining the BFI National Archive of film, television and the moving image, one of the National Collections supported by public funds. In 2011 the BFI became the lead organisation for film in the UK. It is a Government arm's length body and is a distributor of Lottery funds for film.</p> <p>BFI's mission is to ensure that film is central to our cultural life, in particular by supporting and nurturing the next generation of filmmakers and audiences. The BFI serves a public role which covers the cultural, creative and economic aspects of film in the UK.</p> <p>The BFI currently operates from the following locations:</p> <ul style="list-style-type: none"> • Stephen Street, London W1 – BFI Head Offices • BFI Southbank, South Bank, London • BFI IMAX, Waterloo, London • The BFI National Archive accommodated on two sites, one at the JP Getty Conservation Centre in Berkhamsted, Hertfordshire, with additional storage facilities on a former MOD site near Gaydon in Warwickshire <p>The BFI National Archive came into being in 1935, as the National Film Library (NFL), with a key part of the remit of the British Film Institute to "maintain a national repository of films of permanent value". Initially the collections were housed on the premises at the BFI's London headquarters.</p> <p>In May 1968, the BFI acquired new premises at Berkhamsted in Hertfordshire, and 1987 saw the opening of the new, purpose-built Conservation Centre in Berkhamsted. The site is named in honour of its sponsor, John Paul Getty Jnr, whose generous donation also enabled the BFI to move to new headquarters at Stephen Street, central London.</p> <p>The BFI National Archive has developed a ground breaking digital preservation infrastructure (DPI) as a</p>
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result of changes in moving image production technology and public access demands, funded through major Lottery access and digitisation programmes. This infrastructure preserves new born-digital film and television, as well as archival material such as videotape currently being digitised in the tens of thousands.

BFI's current objectives

BFI intends to continue to operate the current archive and conservation activities at the site for the foreseeable future. BFI needs to ensure that any development of the application site for residential development does not impact on the on-going operation of the BFI site.

Whilst the BFI site is not allocated for residential development in the adopted Local Plan, in order to protect BFI's longer term interests as a major landowner in the area, BFI has formally sought an allocation through representations on the emerging Local Plan and, at the current stage, this and other potential allocation sites within the SW area of Berkhamsted are being positively considered by the Council for residential development to meet local housing needs.

Therefore, subject to BFI operational requirements in the future, there is a prospect that the BFI site could be developed for residential purposes and it is important that any development of the Hanbury's site does not prejudice the bringing forward of the BFI site for residential development in the future.

BFI's Involvement in the LA4 allocation

BFI has been actively involved in responding to the allocation of the Hanbury's site (LA4) and has consistently made its views known about the potential development of the site and its relationship with the BFI site.

BFI notes that the need to respect the BFI site appears in several reference documents relating to the Core Strategy and the Site Allocations DPD.

In relation to the Dacorum Core Strategy, the Statement of Common Ground agreed between Dacorum Borough Council and the owners of the LA4 Land to the rear of Hanbury's, dated September 2012, states that:

"In accordance with the principles for the site contained in the Berkhamsted Place Strategy in the Pre-Submission Core Strategy, development on the

site can be provided to respect the setting of the adjoining BFI site. “

In Appendix B of the Statement of Common Ground the conceptual plan shows a setback of buildings away from the BFI boundary in order to respect the BFI site.

BFI and its advisers took part in a meeting on 7 May 2013 organised by Dacorum Borough Council in relation to the proposed LA4 allocation. The minutes of the meeting confirmed the comments made by BFI which were:

“RP [BFI representative] was concerned that development should not be located close to the boundary with the BFI site. His preference was for houses backing onto the site. FW thought that this boundary could be reinforced to help maintain the security of the BFI...

Some participants asked whether there was a safety issue for LA4 given that the BFI stores nitrate-based film material. RS commented that this was well managed by the BFI in a safe environment. LW confirmed that the Health and Safety Executive (HSE) had raised no objections to the LA4 site...

Participants were supportive of open space provision provided it was well managed. Landscaping should be designed to allow views out of the site while ensuring secure boundaries. RP was particularly keen to ensure a secure boundary with the BFI site. SP pointed out that, in respect of crime and security, Development Management work closely with the Police Architectural Liaison Officer.”

The LA4 Masterplan adopted in July 2017 includes key development principles which include:

“Carefully locate buildings, open space and landscaping so as to respect the setting and security of the neighbouring British Film Institute (BFI) site. Development should not be located close to the boundary with the BFI site: new housing should back onto the site.”

It is also noted that the Masterplan envisages the development will be limited to 2 storeys.

BFI Initial Comments on Application

On 18 August 2020 BFI set out its initial comments on the application confirming its support in principle of the development of the LA4 site for a C2 care

residence recognising that the site is allocated for residential development in the Core Strategy and Site Allocations DPD.

Since then BFI has assessed the application with particular reference to the following key issues:

1. Potential impact on BFI operation, with specific reference to the risks associated with the existing nitrate store and proximity of the proposed development
2. Potential impact on BFI operations in relation to adjoining residential development
3. Potential impact on the future development of the BFI site for residential purposes.

During this time, we have been in discussion with the applicant and its team and they have sought to address the BFI concerns about the proposed development.

Issue 1

In respect of Issue 1, the BFI site at Berkhamsted includes Nitrate Holding Vaults (NHV) which house reels of cellulose nitrate film while they are being restored/conserved on the BFI site. This is a flammable solid and has rigorous safety procedures about its use, handling and storage. In this respect BFI had a concern about the closeness of some of the proposed buildings and the possible fire, smoke or toxic gasses which could be released in the very unlikely event of a fire. As noted above BFI took part in discussions with Dacorum Borough Council when they consulted on the LA4 allocation, in 2013 and at that time BFI requested that any development built on the adjacent land should be constructed as far as possible from the boundary to lessen the risk.

2. Potential impact on BFI operations in relation to adjoining residential development

3. Potential impact on the future development of the BFI site for residential purposes.

Issue 1

In respect of Issue 1, the BFI site at Berkhamsted includes Nitrate Holding Vaults (NHV) which house reels of cellulose nitrate film while they are being restored/conserved on our site. This is a flammable solid and has rigorous safety procedures about its use, handling and storage. In this respect we have a

concern about the closeness of some of the proposed buildings and the possible fire, smoke or toxic gasses which could be released in the very unlikely event of a fire.

As noted above BFI took part in discussions with Dacorum Borough Council when they consulted on the LA4 allocation, in 2013 and at that time BFI requested that any development built on the adjacent land should be constructed as far as possible from the boundary to lessen the risk.

We have discussed the risk posed with regards to smoke being expelled from the nitrate holding vault in the unlikely event that there is a fire with the applicant, Elysian, and it is noted that the vault is over 40m from our site and Elysian's technical team do not see this as a concern. The applicant has agreed to set up a management regime whereby the BFI can call Elysian's staff on-site at any time of day or night in case of an emergency and Elysian will ensure any windows are shut on the boundary and the air intake is closed off.

On the basis of this commitment BFI confirms that these arrangements will mitigate against the potential impact of smoke in the event of fire in the nitrate holding vault.

Issue 2

BFI has also assessed the proposals in the context of the BFI operation which is light industrial in character.

However, the site has significant amount of plant and conditioning equipment (known as HVAC plant) for the storage vaults which needs to operate 24/7.

Objections have been received by BFI in connection with this plant equipment in the past from residents located further away than the proposed development and complaints were also received more recently concerning demolition works – indicating the sensitivities about noise in the locality. BFI is thus concerned about potential noise complaints in the future from residents of the application site which may impact on BFI's future operations and ability to correctly condition the storage vaults which house the National Collection of Film and Television.

The applicant has discussed various changes to the layout of the units within Block B to reduce the potential exposure of main living areas towards the BFI site and has suggested that the final internal layouts of the units will be subject to a planning

condition. The applicant has also drawn attention to the proposed specification of the building façade and windows, along with the use of a mechanical ventilation system which does not require homeowners to open their windows for cooling purposes. We are aware that the applicant's noise consultants Hoare Lee conducted a noise assessment in March 2020, and this report was placed on the Dacorum planning portal in September 2020.

We note that this report did not specifically address the potential noise impact of the BFI operation. Indeed, the report refers to the 'BFI National Archive Gallery' as commercial offices and the British Standard relating to these types of spaces. The site is not a commercial office and is environmentally conditioned to a much higher standard. The noise assessment does not take account of the noise which emanates from the HVAC operation at the BFI site.

We have therefore requested that the applicant undertakes further noise assessments during the day and at night using the same methodology as the previous assessment to specifically test the conditions in the area of Block B, i.e. close to the BFI and from the level of the top floor proposed for Block B. On further review we would be able to discuss further mitigation that might be required to address any concerns arising.

We would suggest that in the event of the recommendation that planning permission be granted for the proposed development a condition is imposed on the planning permission requiring these further noise assessments to be undertaken and mitigation measures agreed to reduce the impact of noise from the BFI operation on the new residential development.

Issue 3

We have noted above that BFI intends to continue to operate the current archive and conservation activities at the site for the foreseeable future. Notwithstanding our concerns about the proximity of the proposed development to the NHV, as a key landowner in this part of Berkhamsted, BFI has assessed the proposals to ensure that the proposed layout does not prejudice bringing forward the BFI for residential development in the future. The BFI site is not allocated for residential development in the adopted Local Plan. However, BFI is currently considering its longer-term plans for the site. BFI has therefore formally sought an allocation of the site,

and, at the current stage, this and other potential allocation sites within the SW area of Berkhamsted are being positively considered by the Council for residential development to meet local housing needs. Therefore, subject to BFI operational requirements in the future, there is a prospect that the BFI could be developed for residential purposes and it is important that any development of the LA4 site does not prejudice the bringing forward of the BFI site for residential development in the future.

In this context we are aware of the LA4 master planning guidelines which require schemes to: “carefully locate buildings, open space and landscaping so as to respect the setting and security of the neighbouring British Film Institute (BFI) site. Development should not be located close to the boundary with the BFI site: new housing should back onto the site” We have previously noted that the south-eastern block forming part of Block B is proposed to be located within some 6 -12m of the BFI boundary and that this may prejudice the development of the BFI site if it proved necessary to further set back buildings on the BFI site to ensure acceptable residential conditions. If this were to be the case it would potentially reduce the amount of development that could be achieved on the BFI site, and thus the return to BFI, which, as a publicly funded body, would be of concern.

The applicants have provided further information which potentially demonstrates that the BFI site would not be prejudiced by the proposed development and on the basis that the final internal layouts of the units would be discussed further with BFI and be the subject of a planning condition, in order to reduce the potential impact on the residential amenity of the BFI site, this would assist in allaying BFI’s concerns in this regard.

We have also discussed the proposed boundary treatment to the BFI site and the proposed tree works in this area and the applicant has agreed to work with BFI to ensure the retention of as much existing trees and vegetation as possible and the early replacement of any trees proposed to be removed or coppiced in order to maximise the screening of the application site from the BFI site to protect current and future amenities as well and ensure the security of the BFI site is protected.

Conclusions

BFI is supportive of the principle of the development of the LA4 site for a C2 care residence recognising

	<p>that the site is allocated for residential development in the Core Strategy and Site Allocations DPD.</p> <p>The key outstanding issue for BFI relates to the potential impact of noise from the BFI operation, in particular its HVAC plant, on the proposed development and its residents and BFI is not convinced that the applicant has suitably demonstrated that noise from the BFI site would not cause issues for the new residents and the mitigations proposed have not given BFI comfort or are seen as practicable. We therefore urge the local planning authority to include planning conditions in order to ensure the following issues are fully addressed by the applicant prior to commencement of development:</p> <ol style="list-style-type: none"> 1. Details of the internal unit configuration to minimise windows and balconies serving main living areas in Unit B facing the BFI site. 2. Further noise assessment to be undertaken during the day and at night using the same methodology as the previous March 2020 assessment to specifically test the conditions in the area of Block B, including from the level of the top floor proposed for Block B, and to require the agreement of further mitigation measures to address any concerns arising. 3. Details of tree works and boundary treatment along the boundary with BFI to maximise tree and vegetation cover, including requiring the replanting of any trees to be removed, as soon as practicable following the commencement of the development. <p>We trust you will take these considerations into account in reaching your recommendation on the application and that these comments are relayed to members of the Planning Committee.</p>
<p>3 Chalet Close</p>	<p>There is an approved Masterplan for this site which provides for 2 story housing including affordable housing.</p> <p>https://www.dacorum.gov.uk/docs/default-source/strategic-planning/la4-master-plan-(adopted-12-july-2017).pdf?sfvrsn=d0453c9e_4</p> <p>Page 8 lists the design principles for this site few of which seem to be met by this development.</p> <p>I assume a Masterplan cannot just be dumped or it seems a bit pointless creating them in the first place.</p>

<p>86 Cross Oak Road</p>	<p>I have a relative who I visit at least once a week if not more as they live near Tower Close/Oxfield Close area. Tower Close and Oxfield close are for private residences only.</p> <p>If you Build this development, you will be ruining local residents privacy, dignity and treating some of them unequally and not valuing their wishes. Please do not discriminate against these residents on Shootersway, Tower close and Oxfield by building the Development.</p> <p>I know on Tower close, an issue had to be sorted in regards to parking which was eventually resolved and a stop was put to it.</p> <p>I am unhappy as when it will rain, the development could cause an even greater risk to both Tower close and Oxfield Close in respect to flooding.</p> <p>Also if the development came, just imagine the amount of noise that would be created. We have enough noise from the bypass and do not need to have any more.</p> <p>On original plans I have viewed, I noticed they are planning a café which would come on the development. Why would anyone want to come to a café which is out of the way of town? As well as the café, homes and other public uses this development will provide, there will only be 75 spaces. Where can the other vehicles park as the residents on Tower Close and Oxfield close will not permit this to happen.</p> <p>A quote taken from Hertfordshire highways "However Dacorum Borough Council (DBC) as the parking and planning authority for the district would ultimately need to be satisfied with the level of parking for residents and employees of the site." DBC please read other comments, and mine as do you really think 75 spaces for 103 homes is really adequate and adding to it public facilities like the café, carers, visitors and residents who will be living on site? Also you have 4 bays which will be for blue badges only, what happens if there are more than 4 residents or staff with a blue badge? Where will they park? The answer again is No it is unsuitable.</p> <p>I have also noted from the comments made by Hertfordshire Highways, "the nearest bus stop is approximately 700m from the development". As an elderly person, do you think they could walk 700m? Elderly people as they get older will be able to walk less and less not more and more.</p>
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Another issue is that unlike other elderly developments, these houses are not built near a town they built away at the furthest point making it difficult for elderly people to gain access to shops and banks as well as other local facilities.

As you are aware, we have just had the pandemic Covid 19. After Covid 19 I appreciate them using an electric bus, but how many people would want to get on this electric bus due to social distancing guidelines. The answer is not many people would so therefore it is a waste of time having this method of transport.

I walk, cycle and drive along Shootersway regularly to access the bypass as well. Shootersway during the day is always very busy. When trying to turn out of either Oxfield or Tower close this just over the last 20 years has become a waiting game due to the volume of traffic which has already increased along Shootersway. Sometimes to get out of these turnings you can be waiting for more than 5 minutes. If you have had a working day in London, that can add to the day. There are other housing developments round Berkhamsted in the pipeline and having this housing affect will just add to the pressure of the traffic. Also, during the duration of constructing the development will be a hassle for traffic with all the various lorries and building vehicles clogging up Shootersway. Children should be able to walk safely to school which is not happening due to narrow pavements. Adults should be able to drive in a safe manner but this is not able to happen due to the volume of traffic.

Families should be able to enjoy pleasurable cycle rides. Due to the volume of the traffic, some people are even being knocked off their bike and ending up in hospital. Some needing surgery. A road like Shootersway, do you really want all these people ending up in hospital or having to have unnecessary surgery due to a dangerous road? The development will make this road more dangerous. Also looking at the cycling plans, these are not very legible.

Another problem with the traffic lights at the top of Kingshill way, is when turning right coming up from town, some people just go thinking it is green, when really, they should wait for people coming from the roundabout down into town and a lot of near misses have happened.

Another concern I do have is with these high sided vehicles such as lorries and you see it when they

come down any road, is that they bang and knock tree branches down due to them being high. I feel all the trees that are along shooters way are very beneficial to all residents and members of the public due to producing enough oxygen for us to breathe. Having the houses with more cars will create more pollution. Some people suffer from asthma and other underlying health conditions and building new homes as well as the current developments going on round Berkhamsted is not helping their medical needs due to the amount of air pollution being given off.

It has also been noted as more and more houses have cropped up round Berkhamsted, the water and sewage pipes are unable to cope and therefore burst closing the road for several days if not weeks. Due to a pipe breaking on Kingshill way and the road having to be closed, traffic was diverted via the Highstreet. Also, a similar thing happened when they closed Shootersway just to resurface it. The point I am trying to make is due to both the main roads having to close, it created congestion and other problems in other parts of Berkhamsted. Looking at the map from where the junction will be it would cause complete chaos if one of these roads were to close again. This is why the development cannot take place. Berkhamsted is supposed to be a historic place. I know an open day was held at the Film archives and it was a fantastic building.

Looking at the plans I see the development will be on the boundary and will definitely spoil the "historic film archives".

I have noted from other websites how some birds and other animals are on the verge of being extinct. Also the greenbelt land to me makes Berkhamsted and if we are not careful people will be moving due to Berkhamsted residents not being able to get the services they require. I know some Doctors surgeries are bursting and not allowing any more patients on. We cannot take this development as more people in Berkhamsted, the harder it will be for these resources to be used when needed essentially.

I saw Elysian are going to plant trees but wildlife does not need these trees they will provide. What the wildlife needs is for their current habitats to be left alone which they can enjoy not have houses being built on them just like Bearroc Park which destroyed a wildlife jungled habitat. Also the more trees round Berkhamsted and Shootersway, the less light we will have.

I would like to raise another issue where the figures

	<p>in "housing need Statement" document demography. Where have these figures come from for older people in Dacorum?</p> <p>I hope my comments along with others raised, are taken into account.</p> <p><u>Additional Comment</u></p> <p>I would just like to add, I have noted as well since lockdown, due to an increased volume of traffic along Shootersway, the number of carbon emissions being given off and pollution in the air has increased. With this planning application, this will not help for people who suffer from health conditions who may even one day live at the venue if it does go ahead.</p>
1 Oxfield Close	<p>We have no underlying objection to developing this site, but we observe that the on-site parking seems hugely inadequate for 103 dwellings. There needs to be sufficient on-site parking for all resident households, some of which will have more than one vehicle. In addition, there will be visitors to the site. There is a real danger of clogging up nearby streets with parking by residents and/or visitors. This will make the surrounding streets less safe, and inconvenience other local residents. Such an effect will be exacerbated if there are access controls at the vehicular entrance to the new development.</p>
7 Oxfield Close	<p>We object to the proposal on the basis that the area cannot support such a large development. Access is onto an already extremely busy road (shootersway). Mornings and afternoons already see the traffic lights at the shootersway/kings road junction highly congested with traffic which often makes it extremely difficult to turn out of Oxfield close, something that will surely be exacerbated by such a development.</p>
8 Oxfield Close	<p>This development, whilst reasonably attractive in its own right, is totally unsuited to the proposed site.</p> <p>The proposed egress close to the junction of Shootersway and Kings Road is already a pinch point at rush hours, in spite of the recently installed excellent traffic light system, and is unsuitable for the amount of traffic the development will generate.</p> <p>The developers are highly optimistic if they think that the number of apartments proposed will not generate at least an equal number of cars and daily traffic movement. Also, if care is to be provided for the residents, the number of care staff (often on a ratio of at least one to two per resident) travelling in and out of the property at all hours will also generate an</p>

	<p>unacceptable increase of traffic. The property is situated at the top of a hill and at least a mile away from the likely homes of such care staff so it is not unreasonable to expect they will use their own cars, there being no public transport passing the site and the hilly situation deters people from cycling or walking.</p> <p>This development has not been thought through properly and the increased traffic would have a disastrous effect on nearby residents, both in noise, pollution and traffic bottlenecks throughout the day and possibly at night (due to change of staff shifts).</p> <p>I wholeheartedly protest at this development purely on the effect it will have on the local environment due to the increased traffic it will generate and the dangerous egress onto Shootersway</p>
<p>16 Oxfield Close</p>	<p>Access</p> <p>Access to the proposed development will be through the existing entrance to 'Handbury', which is about 15 yards from a major junction. Cars leaving the site and turning right will have to cross the line of traffic and will have to hope that they can get across whilst there is fast moving cars come from the direction of the Film Archives. At certain times of day traffic heading in the direction of the A41 or into Town are queued back as far as Cross Oak Road. There is also a steady stream of students heading to school. With additional cars associated with the development plus staff cars, delivery vehicles, visitors and the bus to take some people into Town several times a day, this will increase the volume onto what is a busy narrow road.</p> <p>On Site Parking</p> <p>There will be 103 apartments (191 bedrooms) but parking spaces for only 74. There is no mention of where visitors, staff or delivery people will park. Opposite the site there are two small cul de sacs, most of which have dropped kerbs. Mention is made of an electric bus taking people to and from the town - is this expected to cater for all the travel needs of the residents. Will the people living there suddenly give up their independence for the sake of a bus ride into town?</p> <p>Travel</p> <p>Mention is made of a sustainable travel plan being implemented including 12 cycle spaces. Car spaces are shown as 74 which is expected 'to meet demand</p>

	<p>without undermining the opportunity for sustainable travel'. This includes foot/cycle and public transport. Given the location of the site, at the top of the valley and a 1 mile walk up and down a steep hill to the railway station and any cycle ride would encounter several steep hills - is this the type of journey the residents are expected to make after giving up their cars?</p> <p>Great play is made of the electric bus going up and down during the day but this will limit the time the residents would be able to leave the complex and given the public transport available, would restrict their movements.</p> <p>Housing</p> <p>It states that the proposal will 'release of under-utilised family housing and will have a multiple effect through the housing supply chain'. A few weeks ago, we had a glossy card put through our letterbox with said 'free up housing for families looking to grow in turn creating a more balanced local housing market'. For this statement to be true it would mean that anyone living outside of Dacorum would not be allowed to live in the complex.</p>
<p>Hollydene, Shootersway</p>	<p>Whilst we are not against the development of this site per se it does seem excessive to erect three huge mansion blocks giving 103 homes on the land of just one family home.</p> <p>Our main objections are:</p> <ul style="list-style-type: none"> - We think our road is significantly overdeveloped already. In the last year (and ongoing) 180 homes (looking at probably at least 800 more people) have been built on the Taylor Wimpy site at Durrants Lane. This is without any extra provision for amenities - there's no shop or no playing fields which were promised. The nature area which was initially created has disappeared (poor animals/insects who made it their home) and the playing fields opposite don't seem to be for general public usage. - Shootersway started life as a residential lane and now (in last few years) gets extremely busy especially in the mornings and evenings (especially around school drop off and pick up times). This has increased traffic enormously in recent years alongside (due to development above) and the route being used as a rat run to avoid Berkhamsted high street which can still be pretty congested even in the middle of the day. In the mornings and afternoons, many children use it to walk to Ashlyns school and

Chesham Grammar buses and with narrow pavements, it is a worry that traffic to the site (not to mention construction traffic for 1-2 years) could lead to incidents.

- The development is also very close to the relatively new traffic lights at the junction with Shootersway and Kings Road. Whilst these traffic lights are effective with the traffic flow, cars do whizz across the junction and into Shootersway which could cause issues approaching the development as traffic slows down to turn in or delivery drivers block the entrance.

- Whilst the development is planning a private bus, we would like to point out that it doesn't seem well suited at all for a retirement development being at the top of the hill, a good 20-25 min walk away from town (up a steep hill on the return) with no good bus links and narrow pavements.

- Berkhamsted has already had many new houses in recent years not least the huge Taylor Wimpy development along Shootersway. We still have no increase in amenities locally apart from the car park which has taken nearly two years to open. Already our doctors' surgeries in town are merging, it's hard to get appointments (Covid issues excepting) and a retirement complex of potentially over 200 people is likely to add pressure still further to this over used resource.

- Interestingly, on the consultation document it talks about consultations with local stakeholders such as The Hospice of St Francis, its corporate network, the Friends of St Peter's - it would be useful to know exactly why these were considered stakeholders for this developments and what the outcome of conversations were here? Has the Berkhamsted Citizens association been contacted as they weren't listed? We would also add that a virtual consultation over a very limited time-frame in the midst of a pandemic, inviting virtual comments from local people is probably not going to receive the consideration it deserves.

- Whilst we like older people, the town does seem extremely well set up already for older folk with Castle Village, retirement flats by the library, the Churchill development by the Shell petrol station and further sites down towards Northchurch. Interestingly, the Churchill development has been built for around 3 years and still has show homes available indicating that retirees are not flocking to move into our lovely town. What evidence do you have of the demand for this type of property? We would not be keen on

	<p>seeing marketing literature displayed outside the property for years (as per Churchill) whilst trying to fill the development. Do we not need more homes in the town for families and could we not have a few additional houses on the plot for this audience, plus affordable homes, rather than building a whole new insular community?</p> <p>Thank you for taking the time to read our comments.</p>
<p>3 Tower Close</p>	<p>This is a totally unsuitable development for a residential area. The proposal for three pavillion-style buildings three or four storeys high will ruin the South Berkhamsted skyline. It is claimed that they will be below the treeline but they will stick out like a sore thumb from the A41 and other southern approaches. Trees can be removed. I am also concerned about precedent which is always quoted for backland developments and will be used by developers for the hundreds of other houses planned along Shootersway resulting in high rise string development.</p> <p>We are informed that the development will house mainly elderly Berkhamsted residents releasing housing and taking the strain off local NH services. Local residents will retain their registration with local doctors and dentists so there will be no change. Any incomers will require to register despite the claim that extra care on-site will reduce pressure on the NHS by 35%.</p> <p>Access to and from the site for construction vehicles and, later, residents will be hazardous. The MOVA intelligent lights system aims to ease traffic flow but it also increases the speed of traffic travelling west from the A41. Observation indicates it results in a 'go fast attitude when the lights are green'. The traffic flow should also be seen in the light of the Strategic Plan to build many more houses in Haslams and along Shootersway without adding a western junction to the A41. This is a narrow residential road with many intersections and even now is a hazard to pedestrians especially mothers with prams and children making their way to school. Traffic back up will increase the CO2 emissions.</p> <p>The lot is mainly laid to planting but this will be removed in the main and replaced by buildings and concrete for parking yet it is claimed bio-diversity will be improved. Bio-diversity involves genes, species, communities of creatures and eco-systems. How can excavation, building and importing more people improve a garden setting. In this case, it is sales jargon coupled with a promise of section 106</p>

	<p>provision.</p> <p>Despite assurances from the Water Authorities I am convinced that this, and the other planned developments in the area will result in future water shortages.</p> <p>This development will not improve the Borough's Housing Stock of affordable homes. The development will be expensive to buy into and the houses of local residents who are 'downsizing' will be too expensive for the majority of local families and their children. No, the 'downsized' homes of those local residents who do move to Elysian Field will be bought by incomers and many more elderly people will move into the development from elsewhere.</p> <p>Poor Berkhamsted 'an ancient market town' soon to be swallowed up by an ever growing concrete jungle, choked by traffic with an increasing population of older people. The developers and the owner of the site will be the only winners.</p>
5 Tower Close	<p>I am writing to object to this development for the following reasons:</p> <ul style="list-style-type: none">- Shootersway is already a busy road and can become gridlocked in rush hour or during the term time. Turning out from Oxfield close or Tower close onto Shootersway can sometimes be impossible due to the volume of traffic. To get from Tower close to the A41 bypass in school traffic can sometimes take 15 minutes by the time you have gone through traffic lights. Due to the volume of traffic, accidents are occurring and Shootersway is now becoming very dangerous for cyclists. I have heard of several incidents where people have got knocked off their bike due to the car on Shootersway coming close and clipping them. The Junction also leads out onto Shootersway causing even more congestion.- Also having the development site here, will make it even harder, as you will constantly have lorries and other building vehicles needing to turn and block shootersway and cause unnecessary travel problems.- During lockdown, I could not help but notice how nice and peaceful Berkhamsted was, ever since lockdown has lifted after the first few weeks, the noise from the bypass and Shootersway has exceeded expectations. Adding more homes and a café will just create more noise and extra unnecessary pollution to the atmosphere.

- From the plans I noted they are planning to build 100+ homes but only have 75 car parking spaces on site. Where will staff and visitors park? Oxfield Close and Tower Close are for private residents only and building these houses you will be invading their privacy. Tower close even had to stop people who invaded their privacy when cars were parked from the playing fields. This had a stop to it. Residents and my relative who live in the area of Oxfield close/ Tower close should have their wishes respected by the council for privacy purposes only.

- Due to some of the pavements being narrow already round Berkhamsted, this causes a problem for elderly people like us.

- Every time I have looked for houses for sale, numerous retirement apartments have cropped up under the search when searching around Berkhamsted area only. There are several retirement apartment blocks for the elderly. These include Gilhams court, Compass point, Castle Village, Nightingale Lodge and Sheldon Lodge. Also, there are flats near Kilfilan which are for 55+. Berkhamsted does not need another retirement block

- Another problem is that this housing estate is being built on green belt land. I was reading and the plans do not specify what actions would happen if badgers were found living or made a set in the grounds.

- Also Berkhamsted needs green grass and land like this for all the wild animals to enjoy. Birds and other wildlife like hedgehogs are declining due to an increase of their habitats being destroyed. An example is Bearroc park just up the road, wildlife love it up there, and now it has been destroyed by housing.

- Should the development come, these homes/ apartments are being built for "elderly" people. Round Berkhamsted there are loads of steep hills, Drs Commons, Cross Oak, Kings hill way and others. Do you think it is fair for all these elderly people to have to walk down or up the steep hills? I know an electric bus has been proposed, but unless they can provide the bus for people outside the development, I feel you are putting these people and other individuals at risk from suffering medical problems i.e. heart attacks, broken bones due to falling.

- An ambulance would need to be called when an incident like this occurs. At the moment our local doctors surgeries are struggling to accommodate

	<p>patients. Some surgeries not accepting new patients. The NHS service is stretched to the limit and if an emergency vehicle is needed police, ambulance, they are unable to get to certain places quickly due to the volume of individuals who need them. Our GP's surgeries and NHS cannot cope with a huge development like this.</p> <p>- Looking through some of the plans, I feel some of the residents will be discriminated against as some of the flats will get balconies and some won't. Elderly people need to get fresh air on a daily basis and some who would like to sit out on a hot day will be unable to do this without a balcony.</p> <p>- Looking at the letter from affinity water, I feel there is not enough water, electricity or Gas to help look after these homes. Having to install underground tanks for water and possibly waste this is just not acceptable.</p> <p>I hope the committee take in the above points for health and safety reasons as well as respecting our wishes and respecting all the residents in Berkhamsted. I object strongly to this development coming to Berkhamsted.</p>