

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Garson Construction Ltd.,
14 Granville Street,
Aylesbury,
Bucks.

Carolyn & Gerald Bushby,
10 Torrington Road,
Berkhamsted,
Herts.

..... Twelve Category 1 Elderly Persons Flats

at Castle Wharf, Bridge Street, Berkhamsted.

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 28th February, 1983 and received with sufficient particulars on 1st March, 1983 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:-

- (1) In the opinion of the Local Planning Authority the proposal represents an over-development of the site and would, if permitted, prove injurious to the amenity of adjoining and nearby residential properties and detract from the character of the area.
- (2) The increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways.

Dated 14th day of April, 19 83

Signed.....

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971

TOWN & COUNTRY PLANNING ACT 1971

DACORUM DISTRICT COUNCIL

To: Carolyn & Gerald Bushby
10 Torrington Road
Berkhamsted

Approve details of landscaping scheme

Castle Wharf, Berkhamsted


Brief
description
and location
of proposed
development

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder the Council hereby gives approval to the details which were reserved for subsequent approval in planning permission no 4/0311/83

granted on 27th October 1983 at the above-mentioned
location in accordance with the details submitted by you, with your
application dated 11th May 1984

Dated 18th day of June 19 84

Signed



Designation Chief Planning Officer

NOTE: This is not a separate planning permission, but must be read in conjunction with any conditions attached to the permission indicated above.

TOWN & COUNTRY PLANNING ACT 1971

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**Department of the Environment and
Department of Transport**

Common Services

Room 1309 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 863

Switchboard 0272-218811

Receives

28 OCT 1983 TW

Your reference

Our reference - EX-101

T/APP/A1910/A/83/2917/PH3

Date

27 OCT 83
28 OCT 1983

Carolyn and Gerald Bushby
Architects
10 Torrington Road
BERKHAMSTED
Herts

Madam and Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY GARSON CONSTRUCTION LIMITED
APPLICATION NO:- 4/0311/83

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for 12 Category 1 elderly persons' flats at Castle Wharf, Bridge Street, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council, the Bridge and Chapel Streets Residents' Association, and interested parties and persons. I inspected the site on Thursday 6 October 1983. You note that Category 1 sheltered accommodation is designed for the most active category of elderly persons; those who wish to live independently but with a warden on call. In this proposal the warden support would be shared with the Castle Street sheltered housing scheme.

2. The Council have refused planning permission for 2 reasons. First, they consider that the proposal represents an over-development of the site that would prove injurious to the amenity of adjoining and nearby residential properties and detract from the character of the area. Second, they state that the increased traffic likely to be generated by the proposed development would be a potential hazard in adjacent highways. The Residents' Association and a large number of local residents object to the appeal proposal on the same basis. In particular they consider that the scheme would have unacceptably harmful effects on congestion, traffic dangers and residential amenity in an area that they say already suffers severely from poor access, heavy on-street parking and constricted traffic flow and where such problems are increasing. The appeal site has outline planning permission for residential development, subject to a number of conditions. The permission does not specify the number or type of dwellings to be erected. Subsequent detailed schemes for the development of the site have been refused permission and 2 appeals to the Secretary of State for the Environment have been dismissed. The Inspector's decision letter in respect of the second appeal is among the papers submitted to me for consideration in this appeal.

3. From my inspection of the appeal site and its surroundings and the representations made I take the view that the main issues in this case are: first, whether or not the likely effects of the proposed development on traffic and parking conditions, road safety and residential amenity in the adjoining residential area are acceptable; second, whether or not the development would create an acceptable environment for future occupants of the flats.

4. Considering the second issue first, the Council note that the site lies within a Conservation Area and they are of the opinion that the scheme is not satisfactory in terms of layout, amenity or site coverage, having regard to the policies of the District Plan. In particular they state that the site is too small to provide sufficient open space about the proposed buildings, resulting in a constricted layout. I note that the appeal scheme would involve the siting of the entrances to some of the flats close to the north-western boundary and the main south-eastern boundary of the land and that some windows would overlook these boundaries. However, in my opinion the room layout of the proposed development would generally provide an acceptable outlook from most principal rooms of the flats and to my mind the layout would offer reasonable standards of privacy for the occupants. The amount of amenity space on the site would be limited but I do not find the proposed provision unacceptable, given that the occupants would be elderly and unlikely to require sizeable areas of outside space for their enjoyment. A number of the flats would face towards the attractive open area of the adjoining canal to the north and while there would be some loss of privacy arising from people using the adjoining accessway on the south bank this is a private accessway, not open to the public, and its use might provide a compensating point of interest for some residents. From my inspection I concluded that the proposed parking layout would require the removal of some small trees from the south boundary of the site. However I consider that the form of parking layout you have in mind would permit the retention of all trees of significant amenity value. I have concluded that the proposed development would offer an acceptable environment for future occupiers of the flats. I accept your contention that the scheme should not be regarded as over-development of the site in terms of density and height, and it seems to me that the scale and appearance of the proposed buildings would fit satisfactorily into their setting of mixed development in this Conservation Area.

5. With regard to my first issue, which I regard as the more weighty, it is clear to me from my inspection that the access route to the site, Bridge Street, is narrow and subject to heavy parking demand. It has no turning head and the T-junction with Chapel Street is also of very restricted dimensions. I recognise, from the representations of the Residents' Association and local residents in particular, that Bridge Street and the wider residential area south of the appeal site suffers considerably from traffic and parking problems. In my opinion development on the appeal site must have proper regard to these considerations. However I am not satisfied, from the representations made and from my inspection, that these conditions and the resulting effects on residential amenity, are such, or are likely to be in future, as to justify a ban on all development on the appeal site. It appears that the Council share this view, since they have indicated the scale and types of development that they would regard as appropriate on the land.

6. You contend that the car parking provision made on the appeal scheme meets the Council's standards in the District Plan and that, on the basis of experience elsewhere, it is more than adequate for Category 1 sheltered housing, which generates much less traffic than normal housing. The Council have not challenged these assertions and the number of parking places planned does appear to meet their requirements. Local residents challenge the assertion that old persons' flats attract little traffic. However, from my examination of all the representations made, I have concluded that, provided the accommodation is used for Category 1 sheltered accommodation as your clients' propose, the development would not lead to any worsening of car parking conditions in Bridge Street and its environs.

7. A turning head is provided on the proposed layout and the Council have not questioned your assertion that the design of this feature is fully in accord with the terms of condition 8 attached to the outline planning permission granted on the appeal site. It seems to me that the existence of this turning head would ensure that vehicles visiting the proposed scheme would not need to add to the traffic problems in Bridge Street that arise from vehicles undertaking dangerous reversing manoeuvres.

The existence of the turning space would also allow public service vehicles servicing Bridge Street and the appeal site, if no other vehicles, to turn round safely before proceeding back down Bridge Street. You contend that the car parking requirements arising from the forms of development that the Council are prepared to accept would be greater than those arising from the appeal scheme and I find these contentions convincing. The Council have not challenged them specifically. The Council accept that the appeal scheme provides for the same population as 10 elderly persons' flats and a warden's flat, a scale of development that they have suggested. They have not questioned your calculation that the population of the development last refused permission, by the Council and on appeal, would be 32 persons, as against their calculation for your present scheme, 25 persons. Although implementation of the appeal project would lead to increased traffic using Bridge Street these latter figures indicate to me that your clients' present scheme would be likely to generate materially less traffic than the scheme previously refused permission.

8. I have concluded, from all the representations made, that provided that the accommodation is for elderly persons, as proposed, the scale of development now envisaged would not have such adverse effects on traffic and parking conditions, highway safety and residential amenity in the adjoining area as to be unacceptable. While I fully understand the concern of the Council and of local residents I am not satisfied that the objections to the proposed development are sufficiently strong to justify the refusal of permission.

9. I have examined all the other matters raised but in my opinion they do not outweigh the considerations leading to my decision that permission should be granted subject to conditions. The conditions I shall impose are designed to ensure that the development is limited to the use applied for, and to ensure that the site is landscaped, and that access and car parking facilities are laid out, in a satisfactory manner.

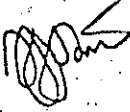
10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for 12 Category 1 elderly persons' flats, at Castle Wharf, Bridge Street, Berkhamsted, in accordance with the terms of the application (No 4/0311/83) dated 28 February 1983 and the plans submitted therewith, subject to the following conditions:-

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.
2. The buildings hereby permitted shall be used as Category 1 sheltered housing accommodation for the elderly and for no other purpose.
3. Before the buildings hereby permitted are first occupied a scheme for the landscaping of the site shall be implemented to the satisfaction of the local planning authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 2 years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.
4. Before the buildings hereby permitted are first occupied the means of vehicular and pedestrian access on the site and the car parking spaces to be provided upon it shall be constructed to the satisfaction of the local planning authority.

11. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir and Madam
Your obedient Servant



A J J STREET BA DiTP MRTPI
Inspector