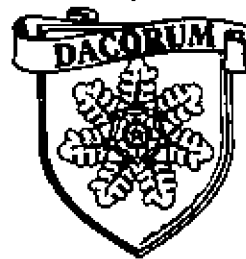


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Akeman Property Co Ltd
9 Akeman Street
Tring
Herts

Aitchisons
154 High Street
Berkhamsted
Herts

Erection of 15 one bedroom and 32 two bedroom Category 1...
elderly persons dwellings, car parking and access (Outline)
at Land adjacent to "New Lodge", Bank Mill Lane,
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 29 September 1988 and received with sufficient particulars on 3 October 1988 and shown on the plan(s) accompanying such application.

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

- (1) The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No need has been proven for the provision of elderly persons at the site and the proposed development is unacceptable in the terms of this policy.
- (2) Notwithstanding its semi-derelict condition the site, which is the subject of a Tree Preservation Order (Berkhamsted UDC "New Lodge" TPO 1961), by reason of its location abutting the south-eastern built-up edge of Berkhamsted forms part of an important visual and transitional buffer between the urban area and open countryside to the south-east and north-west. The proposal would result in the partial encroachment

Dated day of 19

Signed.....

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

Reasons continued:-

(2) Continued:

of this buffer area to the detriment of the character of this semi-rural edge and if permitted would encourage similar proposals on adjoining land associated with "New Lodge" which would result in the further urbanisation and encroachment erosion of this visually important wedge of land.

- (3) The layout of the proposal involving a long access road and the concentration of parking within one area adjoining the London Road is more akin to an urban area and would consequently detract from the overall appearance of the development to the detriment of the visual amenity of the site within this semi-rural locality.
- (4) The provision of the parking spaces shown on Drawing No. 596/2 would be inadequate to serve the development which predominantly involves 2 bedroom units.
- (5) The layout shown on Drawing No. 596/2 indicates substandard parking spaces and therefore does not meet the standards adopted by the local planning authority.
- (6) The 3 visitors spaces adjoining units 39 and 40 on Drawing No. 596/2 would obstruct the forward sightlines of 33 m and therefore does not meet the standards adopted by the local planning authority.
- (7) The layout involving the isolation of the parking spaces from the respective units and the location of visitor parking spaces would cause inconvenience as well as encouraging parking within the access road.
- (8) The visibility splays associated with the proposed vehicular access shown on Drawing No. 562/2 would necessitate the removal of trees overhanging the River Bulbourne to the detriment of the overall appearance of Bank Mill Lane which is characterised by its semi-rural appearance.
- (9) The County Structure Plan Review contains a housing programme relating to each District indicating the amount of housing to be provided over the Plan period. There is adequate housing land available to meet needs for residential development to the end of the District Plan period and a 5 year supply of land for housing as required by DoE Circular 15/84 is also available within the Borough.
- (10) Provision of an adequate sightline from Bank Mill Lane to the A.41 would have an adverse effect upon the semi-rural character of the area.
- (11) The forward visibility on the land approaching the junction of Bank Mill Lane with the A.41 is substandard in relation to the position of the pedestrian access shown on Drawing No. 596/2. The juxta position of the pedestrian access to the bend in Bank Mill Lane would be likely to be prejudicial to highway safety.
- (12) The provision of forward visibility at the bend referred to in reason 11 and shown on Drawing No. 596/2 requiring the dedication of a section of the application site to public highway would be likely to prejudice the health and retention of trees that are the subject of a Tree Preservation Order (Berkhamsted UDC "New Lodge", TPO 1961).

Dated Fifteenth day of December 1988

Signed

Designation CHIEF PLANNING OFFICER

the allocation of more within the layout if the Council's category 1 standards were applied. In overall terms of numbers the layout is deficient in parking, and visitors spaces are poorly located. In addition there are inadequacies associated with the layout in view of the advice from the Director of Technical Services. Visibility splays are shown on the submitted drawing to be 2.4 m by 35 m from the proposed access to Bank Mill Lane. This will necessitate the removal of vegetation lying parallel with the water course. All trees within the site are the subject of the Tree Preservation Order. Removal of the boundary vegetation would further urbanise the appearance of the site and harm the semi-rural character of Bank Mill Lane. The existing post and rail fence is about 900 mm high and would infringe upon the sight lines.

There is also the issue of the wider highway implications as identified by the County Surveyor. Visibility from the junction of Bank Mill Lane with the A41 in a north-westerly direction is good but restricted to the south-east. Advice is currently being sought regarding both the adequacy of the junction, the position of the pedestrian access and the suitability of Bank Mill Lane to cater with increased traffic taking into account that Bank Mill is narrow and has no pavement.

Notwithstanding the suggested contribution of the development to the existing housing stock, there are overriding reasons why this development should be refused.

RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No need has been proven for the provision of elderly persons at the site and the proposed development is unacceptable in the terms of this policy.
2. Notwithstanding its semi-derelict condition the site, which is the subject of a Tree Preservation Order (Berkhamsted UDC "New Lodge" TPO 1961), by reason of its location abutting the south-eastern built-up edge of Berkhamsted forms part of an important visual and transitional buffer between the urban area and open countryside to the south-east and north-west. The proposal would result in the partial encroachment of this buffer area to the detriment of the character of this semi-rural edge and if permitted would encourage similar proposals on adjoining land associated with "New Lodge" which would result in the further urbanisation and encroachment erosion of this visually important wedge of land.
3. The layout of the proposal involving a long access road and the concentration of parking within one area adjoining the London Road is more akin to an urban area and would consequently detract from the overall appearance of the

development to the detriment of the visual amenity of the site within this semi-rural locality.

4. The provision of the parking spaces shown on Drawing No. 596/2 would be inadequate to serve the development which predominantly involves 2 bedroom units.
5. The layout shown on Drawing No. 596/2 indicates substandard parking spaces and therefore does not meet the standards adopted by the local planning authority.
6. The 3 visitors spaces adjoining units 39 and 40 on Drawing No. 596/2 would obstruct the forward sight lines of 33 m and therefore does not meet the standards adopted by the local planning authority.
7. The layout involving the isolation of the parking spaces from the respective units and the location of visitor parking spaces would cause inconvenience as well as encouraging parking within the access road.
- ~~8.~~ Any reason advised by the Woodlands Officer relating to the impact upon trees.
- ~~9.~~ Any reason advised by the Director of Technical Services (Highways) relating to the inadequacy of Bank Mill Lane and the junction with London Road.
- ~~10.8.~~ The visibility splays associated with the proposed vehicular access shown on Drawing No 562/2 would necessitate the removal of trees overhanging the River Bulbourne to the detriment of the overall appearance of Bank Mill Lane which is characterised by its semi-rural appearance.

* * *

11. Structure Plan housing Policy
12. Sight line - visibility aspect on rural nature,
13. Trees,