

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

To Thrushmere Properties Ltd.,
St. Alphage House,
LONDON,
EC2P. 2HJ.

C. J. Stokes, Esq.,
Unit House,
Yorke Road,
REIGATE,
Surrey.

Residential development

at Sector F, Tunnel Fields, 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 23rd December, 1980, and received with sufficient particulars on 30th December, 1980, and shown on the plan(s) accompanying such application.

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

The proposed development would generate a significant increase in vehicular traffic entering and leaving the site and appreciably increase the volume of traffic along the adjacent roads particularly at peak commuting periods, the result of which would aggravate an already acute situation on Bridgewater Road and the trunk road A.41.

Dated 5th day of February, 1981.

Signed...



Designation 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, Whitehall, London, S.W.1.) 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.



Department of the Environment

Room 1320

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

CPS
CHIEF EXECUTIVE
 Direct line 0272-218 870
 Switchboard 0272-218811
 GTN 2074
 - 6 AUG 1981

R. ...

Your reference

CJS/VA

PLANNING DEPARTMENT

Our reference
T/APP/5252/A/81/02898/G6

Ref.	Date	Ack.	
C.P.O.	D.P.	Admin.	File
	05 AUG 1981		
Received		6 AUG 1981	
Comments		333457	

Unit Construction Southern Ltd
 Unit House
 Yorke Road
 REIGATE
 Surrey RH2 9HF

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY THRUSHMERE PROPERTIES LTD
 APPLICATION NO: 4/1883/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for residential development on land at Sector F, Tunnel Fields, Berkhamsted. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 7 July 1981.

2. From the representations made, and my inspection of the appeal site and the surrounding area, including Bridgewater Road, Billet Lane, the A41 trunk road, and the A41/Billet Lane and A41/New Road junctions, I am of the opinion that the decision turns on the question of whether the vehicular traffic likely to be generated as a result of the proposed development would have a significantly adverse effect on the free and safe flow of traffic on existing roads in the locality.

3. I have noted the history of residential development on Tunnel Fields. The area is being developed piecemeal in a number of Sectors, A, B and C being completed with a total of some 258 dwellings, and Sector E being now under construction with a further 88 houses. The planning permission for Sectors A, B and C, which covered up to 300 dwellings, was conditional on certain improvements being made to Billet Lane and its junction with the A41 in order to accommodate the increased traffic generated thereby, and these have been carried out. The primary distributor road, Springfield Road, has not yet been continued to join with New Road, nor do there appear to be proposals for the development of Sectors D, G, H, J, K, L and M.

4. In supporting your client's case, you have stated, inter alia, that there is evidence of a substantial demand for housing in the area, that the additional 32/33 dwellings on Sector F would not represent a significant increase, that the work carried out on Billet Lane has increased considerably its capacity and that the construction of a continuation of Hayes Mead, and of Springfield Road to a junction with New Road, would vastly improve the traffic flow into and out of Tunnel Fields and relieve pressure on Billet Lane. Furthermore, you claim that there are now firm proposals to relieve the congestion on the A41 and that development of Tunnel Fields should not be made conditional on the actual construction of the bypass. The traffic flow on the A41 was not in your opinion such as to preclude the erection of a further 33 dwellings.

5. The location of Tunnel Fields in relation to the railway, canal and trunk road in the valley in which Berkhamsted is situated is such that it seems to me that traffic from Tunnel Fields is at present limited in its choice of routes for eventual

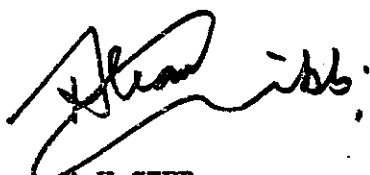
departure along the main north-west/south-east axis. The A41 can be reached via Billet Lane at the north-west end of the main street or via Bridgewater Road to the south-east end. I find no reason to question the evidence of the Highway Authority that the traffic flow on Bridgewater Road east of Billet Lane already exceeds its desirable threshold and I have noted the views of local residents in this respect. In addition, when the present development on Sector E is completed, there would be a total of some 346 dwellings, and although the Highway Authority did not at the time raise any objection to that additional development, the improvement at the Billet Lane junction with the A41 was designed to cater for 300 dwellings, and in my view the additional 32/33 dwellings now proposed for Section F would be significant in that context.

6. I note that there is a rising trend in traffic flows along the A41 through Berkhamsted and I have observed on a number of occasions the congestion that can occur on this narrow and built-up stretch of trunk road. Clearly, when the primary distributor road for the Tunnel Fields development is completed, there would be an additional access for estate traffic. But it seems to me there can be no guarantee that residents towards the north-western end of the area would all use the New Road junction and that the existing pressure on Billet Lane and Bridgewater Road would be relieved. In addition, as at present constituted, I consider that the New Road/A41 junction might not handle satisfactorily the increase flow of traffic that could thereby be generated. In my view, therefore, the vehicular traffic resulting from a further 32/33 dwellings would be likely under present conditions of use of local roads and the A41 to have a significantly adverse effect on road safety.

7. I have considered all the other matters raised, including the views that the Tunnel Fields area is no longer suitable for other uses, that it is well served by existing infrastructure and that the A41 accident record does not show any significant trend, but in my opinion they are not strong enough to outweigh the considerations that have led to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



A H GIBB
Inspector