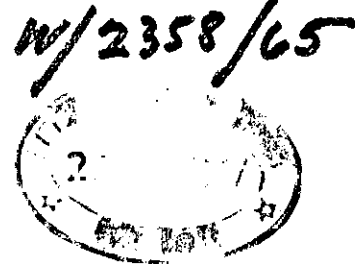


For Minister's Decision
see. W/476/66



BERKHAMSTED URBAN DISTRICT COUNCIL

Town & Country Planning Act 1962

APPEAL by A.W. PENN against deemed refusal of planning permission for residential development at Dove Meadow High Street, Northchurch, Berkhamsted, Herts.

Local Authority Plan No: 291/65
Herts C.C. Code No: W2358/65
Ministry of Housing & Local Government reference number: APP/839/A/12672

The Berkhamsted Urban District Council submit the following observations on the above application and the grounds of appeal:

1. This application relates to the residential development of an area of approximately 1.6 acres of land having a frontage to trunk road A.41 at Northchurch, Berkhamsted and being situate adjacent to the premises known as Dove Meadow.
2. The development proposed in this application is associated with other residential development proposed in two other applications for planning consent and illustrated in Plans 45/66 (Ministry of Housing and Local Government reference APP/839/A/12674) and Plan No. 290/65 (Ministry of Housing & Local Government reference APP/839/A/12673). The proposals outlined in these three applications form part of overall proposals which are inter-related and dependent upon each other.
3. The development envisaged in the above application required as part of the road layout a junction with trunk road A.41 at High Street Northchurch and it was necessary for the application to be submitted to the Ministry of Transport for consideration.
4. The original planning application was made on the 1st November 1965 and the statutory period for giving a decision expired on the 2nd February 1966. The consultations which were necessary concerning this application resulted in delay in giving a decision and the statutory period was first extended until 18th March 1966. It was learned in January 1966 that it was likely that the Ministry of Transport would issue a Direction of refusal in this matter but that further consideration would be given to the application if an alternative road layout which did not involve a junction with A.41 but would be limited to a road access into New Road Northchurch could be prepared. The applicant for planning consent was aware of these matters but no formal extension of the statutory period was given. A further meeting took place with the Highway Authority on the 22nd June when the objection to an access to trunk road A.41 was again emphasised. This was confirmed by a letter from the

Divisional Planning Officer dated 1st August 1966 in which he recommended that planning consent should be refused for the following reasons :


1. The proposed development involving a new junction with the trunk road would cause interference with traffic flow and safety on the trunk road by reason of slowing and turning vehicles at a junction (i) where the frontage does not provide adequate sight lines or layout to be provided; (ii) which has close proximity to an existing junction.
2. The application site forms part of an area which should be developed or redeveloped to a comprehensive layout. As such proposals are not available at the present time the proposed development would be premature.

The first ground of refusal was a Direction issued by the Ministry of Transport and the recommendation submitted by the Divisional Planning Officer was a fundamental recommendation.

5. Having regard to the foregoing the Council had no option but to inform the ~~occupant~~^{applicant} that the Council were not able to give a decision because the statutory period had expired. The applicant was informed that if a decision could have been given it would have been a refusal of consent for the reasons given above.
6. Discussions are still proceeding with the original applicant, Messrs R. Hewitt (Kings Langley) Limited as to an alternative scheme for developing the appeal site and the two other areas of land referred to in Plans 45/66 and 290/65 (which are referred to above), but the outcome of these discussions is not yet known and would have to be the subject of a further application for planning consent. In the circumstances it would appear that the applicant wishes to lodge an appeal against deemed refusal so that the facts leading to the Ministry of Transport's Direction for refusal may be challenged.

Dated this 14th day of September 1966

Civic Centre,
Berkhamsted, Herts.


Clerk of the Council.