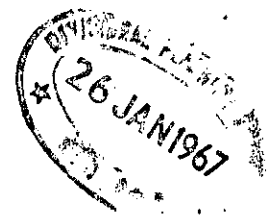


N/2358/65



BERKHAMSTED URBAN DISTRICT COUNCIL

Town and Country Planning Act 1962

Town and Country Planning General
Development Order 1963

APPEAL by R. Hewitt (Kings Langley) Ltd. against
deemed refusal of planning permission for
development of land at Dove Meadow, High Street,
Northchurch, Berkhamsted, Herts.

Local Authority Plan No.	Herts. C.C. Code No.	Ministry of Housing and Local Government Reference No.
291/65	W/2358/65	APP/839/A/12672
290/65	W/2357/65	APP/839/A/12673
45/66	W/ 476/66	APP/839/A/12674

The Berkhamsted Urban District Council submit the following statement of the submissions that they will make at the Public Local Inquiry on 24th February, 1967.

1. This statement is supplemental to the three statements submitted by the Council, each dated 14th September, 1966, the names of the respective appellants referred therein having been amended by the Ministry of Housing and Local Government in a letter dated 3rd November, 1966.
2. The circumstances referred to in the three statements are confirmed, save that the Council understand that the discussions referred to in paragraph 6 of each statement have not reached a successful conclusion. For this reason it appears that the development of the appeal sites cannot be undertaken unless an access to trunk road A.41. can be used, as indicated in the applications.
3. The appeal site comprises the three pieces of land referred to in the plans mentioned above.

The land comprised in Plan 291/65, has an area of about 1.6 acres, has a frontage to trunk road A.41. at Northchurch, and is shown on the existing Town Map as part of a residential zoning. The proposals for the First Review of the Town Map, which are before the Minister, do not indicate any change in this zoning. The land comprised in Plan 290/65 is situate on the north side of the River Bulbourne, immediately in the rear of the land mentioned in Plan 291/65, and has an area of about 1.8 acres.

The two areas of land in Plans 291/65 and 290/65 have, in the past, been used as an agricultural holding but this use appears to have ceased and the land is overgrown. The land in Plan 45/66 consists in part of part of the garden or grounds of the property known as Rosemary Cottage, High Street, Northchurch, and has a flank boundary with

the first area mentioned above.

4. The appeal site has a frontage to trunk road A.41, which is the valley road running the entire length of the valley floor in which the town of Berkhamsted is built. Parallel with the trunk road, on the north side, is the River Bulbourne, the Grand Union Canal, and the Euston main railway line. The community of Northchurch was, until 1935, in the Berkhamsted Rural District. It was then added to the Urban District on boundary review and a separate electoral area known as the Northchurch Ward was formed. In recent years, development along the main road has taken place and the break in development between Northchurch and Berkhamsted has largely disappeared.

5. On the north side of the trunk road, in the neighbourhood of the appeal site, there is fairly old residential development along the trunk road frontage, and a more recently erected bungalow and public house. In New Road, Northchurch, there is also some old residential development, although a number of houses on the west side of the road were cleared by the Council and the site is now owned by the Council. The Council's land is mentioned below.

Apart from this development there is little or no other development between the appeal site and the Grand Union Canal. Further north beyond the Canal the land is in agricultural use and rises to the southern edge of Northchurch Common, which is National Trust land.

6. In respect of Plan No. 290/65, the application relates to an area of land which is zoned on the approved Town Map as a "White Area." The objection to the proposed zoning of this area as a Green Belt area (referred to in paragraph 3 of the relative statement) is still with the Minister and no decision has so far been received. Apart from any other planning consideration the Council consider it impracticable to grant planning permission in advance of any decision by the Minister.

7. Evidence in support of the first proposed reason for refusal will be given by an officer of the Ministry of Transport. A Proof of Evidence of this officer is annexed to this statement. The Council support the opinions expressed therein, and wish to emphasise the following points:

- (a) Although the land described in Plan No. 291/65 has an existing entrance to the trunk road, such access is limited by the factors referred to in the Proof of Evidence. It would not be possible for a road junction of the standards required by the trunk road authority to be constructed under the present circumstances. There does not appear to be any immediate possibility of the necessary land being available to the appellants for this purpose.
- (b) The figures relating to vehicular traffic quoted in the Proof of Evidence are evidence of the increasing extent to which the trunk road is used. A more recent traffic census taken by the Council in connection with the establishment of a pedestrian crossing near the junction of A.41 and New Road

appears to indicate that the flow of traffic is heavier than the census figures quoted by the Ministry. At peak traffic periods any further interruption in trunk road traffic would rapidly lead to hazardous traffic conditions. Although minor improvement works are proposed by the trunk road authority they would not, in the Council's view, enable a new access to be constructed with any greater measure of safety. This could only be achieved by major works involving large scale acquisition of property.

- (c) The Council's own enquiries concerning the construction of road to bypass Berkhamsted indicate that no date can be given for this work or for its inclusion in the approved programme of the Ministry of Transport.

8. So far as the proposed second refusal for permission is concerned, the Council, in 1962 received from the Divisional Planning Officer a suggested scheme which would permit the development of an area of land having a frontage to New Road, Northchurch, which would include other land lying between the property on the north side of the trunk road and the River Bulbourne, with the possible inclusion of the pieces of land which are the subject of this appeal. This scheme included the provision of a through road from New Road, over land owned by the Council, and thence westwards towards the appeal sites, with its termination at a junction with A.41. This road would pass over land not at present in the control of the Council or the appellants and its termination at a junction with A.41 would be on land immediately adjacent to the land shown on Plan No. 291/65.

The development of the Council's land fronting on New Road, Northchurch, is likely to accord with this suggested road plan, but the Council's negotiations with the owner of land between it and the appeal sites have so far been unsuccessful. If the Council ultimately acquired this intervening piece of land some part of the difficulties would be met. This would not, however, solve the detailed question of the actual junction with the trunk road.

In these circumstances the Council support the view that the present proposals are premature.

9. The area of land which is shown as a "white" area (Plan No. 290/65) could be linked to the development of the other land (Plans 291/65 and 45/66). In this case, however, the decision of the Minister (see para 6 above) is awaited.

In the discussions which took place prior to the submission of the proposals for the first review of the Town Map, the Council considered representations that further land should be allocated for residential development at Northchurch. This included the area referred to in Plan 290/65, with other land to the north and bounded

by the line of the Grand Union Canal. The Council were not satisfied that the needs of residential development required this extra allocation and agreed to the proposed zoning of this land as an extension to the Metropolitan Green Belt.



Clerk of the Council
Civic Centre,
Berkhamsted.

24th January, 1967.

W/2358/65
RDL. 35/500219
W/467/66
W/2358/65
26 JAN 1967
W/2357/65

TOWN AND COUNTRY PLANNING ACT 1962
SECTION 23 INQUIRY ON APPEAL TO THE MINISTER

Proposed Residential Development at
Dove Meadow, High Street, Northchurch, Berkhamsted

Proof of Evidence to be given by
Mr. Aubrey Keith Dugdale, B.Sc., A.M.I.C.E.

Mr. Dugdale will say:-

I am a Civil Engineer of the Ministry of Transport on the staff of the Eastern Division.

The sites are at Northchurch and on the north east side of the London-Birmingham Trunk Road A.41 where it is named High Street and for which the Minister of Transport is the Highway Authority. Two of the sites have the same frontage with the trunk road, 94ft. long, running north westwards from a point 170yds. north west of the New Road (B.4506) junction. The third site is an area of land to the north east of the River Bulborne which forms the north eastern boundary of the two other sites.

Development proposals for Messrs. R. Hewitt (Kings Langley) Ltd., were referred to the Divisional Road Engineer on 17th December 1965 in respect of a site fronting on to High Street and in respect of an area of land to the north east of that site beyond the River Bulborne.

The Planning Authority were informed that as it was not possible to provide for the necessary visibility splays for the proposed new junction to the trunk road on the frontage available and that a sub-standard junction would be prejudicial to traffic flow and safety, the Divisional Road Engineer proposed to direct refusal of the application. However, he would be prepared to consider a proposal provided there was no access direct to the trunk road. This would entail its being considered as part of a comprehensive development linked with land to the south east with access from New Road.

Notification of a further application by Messrs. Hewitt was made to the Divisional Road Engineer on 1st April 1966 in respect of a site which included the site of the first application, with frontage to the trunk road, but with additional land to the south east of it. The Planning Authority was informed that this proposal was subject to the same objection as the previous one and it was proposed to direct refusal.

On 1st July 1966 direction of refusal was issued in respect of the two sites fronting the trunk road for the following reasons:-

"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 traffic 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;

In a covering letter on these directions the following was included:-

"These are without prejudice to a possible application for development with access to New Road only. I have previously suggested that the site of the present development should be considered as part of a comprehensive development linked with land to the south east".

At the site the trunk road is straight and is level, and the carriageway is 24ft. wide with a 6ft. wide footway and 7ft. wide verge on the north east side; and a wide grass verge and bank on the south west side. To the north west the carriageway remains 24ft. wide but to the south east it narrows to 21ft. wide about 30yds. south east of that end of the site frontage. A scheme is in hand to carry out a local widening and footway works on this narrow section up to Darms Lane and accommodation works are now complete.

At the highway boundary at the centre of the frontage visibility to the north west is 100yds. and to the south east is 400yds. 30ft. back from the edge of the carriageway the visibility distances for the proposed site frontage would be 22yds. to the north west and 27yds. to the south east.

The required visibility at this junction with connections made through to New Road is for full visibility to the right and left between points 3ft. 6ins. above road level over areas defined by:-

- (i) a line 30ft. long measured along the centre line of the side road from the continuation of the nearer edge of the trunk road carriageway
- (ii) a line 300ft. long measured along the nearer edge of the trunk road carriageway from its intersection with the centre line of the side road

/(iii)

(iii) a straight line joining the ends of the above lines.

On the frontage immediately north west of the site the fence is a 5ft. high close boarded one and to the south east the fence is a 4ft. 9ins. high chain link fence and the south east boundary of the site is marked by a rubble and flint wall. It is understood that the applicant does not own or control the land each side of the trunk road frontage of the site.

During the period 1st October 1963 to 30th September 1966, the number of accidents reported on the length of trunk road from the New Road junction to a point 200yds. north west of it was seven, and these resulted in three serious injuries and five slight injuries. Of the accidents six were junction accidents, four at New Road and two at Darrs Lane.

The nearest bus stop is at a point 133yds. south east of the site on the south side of the trunk road. On the north side the nearest bus stop is about 210yds. south east of the site. Street lighting to Class A standard is provided.

There is a speed limit of 30 m.p.h. on the trunk road at the site.

The 1965 traffic census taken at a point approximately 700yds. north west of the site indicated an average daily flow of 8,876 vehicles of which 1,862 were commercial vehicles including 1,105 heavy goods, buses and coaches. The daily flow represents an increase of 28 per cent from the previous census in 1961.

There are no current schemes for widening this section of the trunk road, except as mentioned above but it is proposed to widen the section south eastwards from Darrs Lane as soon as possible. In this latter scheme it is hoped to include improvements in layout and visibility at the junction with Darrs Lane, (60 and 80yds. south east of the site) and New Road (170yds. south east of the site).

The ultimate alignment of the trunk road includes a bypass of Berkhamsted and this section of trunk road will be superseded. The bypass is not yet included in the Minister's Programme and it is not possible to give a date for its construction.

The existing trunk road must, therefore, serve the increasing needs of traffic for some time to come. Having regard to the inability to provide adequate visibility at the proposed new junction and its close proximity to existing junctions with the trunk road together with the hazards likely to be created by turning traffic generated by the proposal, the Divisional Road Engineer considers he was justified in directing refusal of the proposals.