The Planning Inspectorate

Appeal Decision

Hearing held on 18 November 2020
Site visit made on 20 November 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/A1910/W/19/3243939
The Old Orchard, Shootersway, Berkhamsted HP4 3NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Woolbro Morris Ltd against the decision of Dacorum Borough Council.
- The application Ref 4/02934/18/MFA, dated 16 November 2018, was refused by notice dated 31 July 2019.
- The development proposed is the demolition of existing buildings and redevelopment of the land for 17 residential apartments within a mansion block with associated, vehicular access, car parking, landscaping and engineering works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and redevelopment of the land for 17 residential apartments within a mansion block with associated, vehicular access, car parking, landscaping and engineering works at the Old Orchard, Shootersway, Berkhamsted HP4 3NG in accordance with the terms of the application, Ref 4/02934/18/MFA, dated 16 November 2018, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary matter

2. While I have had regard to the emerging Local Plan, because of its early stage of preparation, the weight I can accord its policies is very limited.

Main issues

3. The Council is unable to demonstrate a 5-year supply of deliverable housing sites, as anticipated in of the National Planning Policy Framework (the Framework)[1]. In these circumstances, the policies of the development plan which are most important for determining the application are out-of-date, and the presumption in favour of sustainable development is engaged.

4. Accordingly, and taking account of all that I have read, heard and seen, the main issues are whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, with particular regard to:

[1] The National Planning Policy Framework, paragraphs 11 & 73

A. the appropriateness and effect of developing the appeal site in isolation from the remainder of the allocated site LA4;

B. the effect of the development on the character and appearance of the area;

C. whether the proposed development should provide affordable housing, taking account of its viability;

D. the effect of the proposed development on the safe and efficient operation of the highway network, with particular regard to vehicles exiting the site to turn right; and,

E. whether the location of the proposed development would be suitable, having regard to its proximity to services and facilities.

Reasons

A. Developing the appeal site in isolation

5. The Core Strategy 2006-2031 adopted in 2013 (CS) indicates in policy CS2 the importance of local allocations as development sites. Site LA4 is identified in the Berkhamsted Place Strategy, within the Core Strategy, as an allocation for housing. Allocations, it says, will be delivered through the Site Allocations Development Plan Document 2017 (DPD), which will give more detail about site boundaries, the phasing and mix of housing and other uses, and other specific conditions.

6. The DPD sets out in policy LA4 the key development principles for the allocated site LA4, a small part of which is the site for the development in this appeal. Policy LA4 stipulates that site LA4 will be developed as a single phase. The appeal scheme is for the development of a small part of the allocated site LA4, rather than its entirety. This suggests that there may be more than one phase of development on the allocated site.

7. Notwithstanding this conflict, policy LA4 also says that development must be in accordance with the Council's Masterplan[2], which will set out further detail. This more detailed guidance is less prescriptive than the bare allocation. While it says that the site can effectively be developed as a single phase in accordance with the Masterplan, it does not discount the possibility of more than one phase of development. Rather, it indicates that when a planning application or planning applications are brought forward for the allocation, they should demonstrate compliance with the Masterplan and a comprehensive approach to the development.

8. Against these measures, while the proposal would not connect spatially with the remainder of the LA4 site, the appeal site is already rather disconnected from it by the mature trees on its boundaries and its independent, direct access onto Shootersway. While the two land parcels that are LA4 could be developed under a single scheme, there is nothing in this proposal which is at odds with the indicative spatial layout in the DPD, which foresees a single phase. Indeed, while the DPD promotes a single phase, there is nothing spatially in the indicative layout which precludes the development of the two land parcels in isolation from one another. In fact, the discrete nature of the appeal site and

[2] Dacorum Local Allocation LA4 Hanburys, Shootersway, Berkhamsted Master Plan, adopted July 2017

its independent, isolated arrangement reflects the pattern of development along this section of Shootersway.

9. In any event, one phase or two, the issue of phasing has become rather academic since the Council very recently resolved to approve a planning application[3] for 103 extra care homes on the remainder of site LA4. Though this is subject to the completion of section 106 agreements, none, I heard, present unusual challenges or unforeseen risks to that application progressing. The Council's resolution demonstrates that the development of the two parcels of land which make up site LA4, in isolation, need not necessarily stifle their comprehensive development. Indeed, with the application on the larger parcel of land resolved for approval, two phases are a realistic prospect.

10. Returning to the stipulation of the DPD, that planning applications should demonstrate compliance with the masterplan and a comprehensive approach to the development of the allocation, the development on this part of site LA4 would broadly follow the indicative spatial layout in the DPD. Certainly, this proposal may lead to a development in more than one phase. The two parcels of land would have different accesses, potentially different uses, and different patterns of development, one formed around a spur off the main road, the other fronting directly to the main road.

11. However, there is nothing to indicate that the comprehensive development of site LA4 would be threatened by this proposal, which the Council's resolution to grant planning permission on the larger parcel of LA4 has confirmed. There are no planning obligations connected to this proposal. It already has a sustainable drainage strategy in place. And, the appellant indicates that construction should be able to start in 2021, the same year which the DPD envisages for the site to come forwards.

12. As far as contributions are concerned, and notwithstanding the provision of affordable housing discussed below, the Council's Masterplan indicates that there are no identified abnormal development costs which will undermine the ability of site LA4 to pay appropriate contributions towards infrastructure, either through Community Infrastructure Levy or Section 106. The contributions required under the Community Infrastructure Levy for this proposal have been factored into the viability appraisal. There are no others sought by the Council against this development, and there are no community infrastructure or other planning obligations identified across site LA4, whose nature and timing this development might adversely affect.

13. There is no certainty that the development on the appeal site, which is a small part of the entire allocated site LA4, would be built at the same time as the development proposal for the remainder of site LA4. However, the factors above provide reassurance that although site LA4 may be developed in more than one phase, the timing of construction starts and completions is unlikely to diverge substantially. And even if they did, and even if the development on the remainder of site LA4 were not approved or it stalled, there is no evidence that the development of this site in isolation would prejudice the comprehensive development of the whole of the allocated site LA4.

14. I therefore conclude that the development of the appeal site as proposed would not prejudice the comprehensive development of the whole of allocated site

[3] LPA Ref: 20/02021/MFA

LA4. It would not conflict with the strategic or local objectives in the Core Strategy, nor with the guidance in the Masterplan. That there may not be a single phase of development across the allocated site is not a factor to count against this proposal, which would otherwise be in accordance with the delivery and phasing requirements of the DPD.

B. The character and appearance of the area

15. While the density of the proposed development would be several times that sought by the Council in its Masterplan, the numerical measure of density, alone, is a poor gauge of the compatibility of a proposal in its spatial context. Moreover, the DPD acknowledges that the number of dwellings sought on site LA4 should not be treated as a maximum.

16. In addition, the Framework indicates[4] that decisions should support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. It suggests that where there is a shortage of land for meeting identified housing needs, as is the case here, it is especially important that decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

17. Furthermore, the context of the appeal site may change when the remainder of the allocated site is developed, particularly if the application resolved for approval were built, which would also have a greater density than that sought in the DPD. More relevant than a numerical value of density, are the other factors of character and appearance which are identified in the Council's Development Principles, the conflict with which it identified as, principally, the height and plot coverage of the proposal.

18. From my observation, there are two patterns of development around the site. First, to the north of Shootersway, houses are arranged evenly and loosely around cul-de-sacs or they have a tighter grain with more varying character reflecting their location on a principal road into town. Second, on this side of Shootersway, to which I think this site has greater affinity, development is altogether wider-grained. It has a more single-point, even sporadic character, consistent with its location on the periphery of the town, alongside open fields. Together with the historic and architectural interest of the listed buildings, the distinctiveness of this section is the varying, but generally copious, undeveloped space around and between the buildings.

19. The height of the buildings in the area of development to which the appeal site belongs varies from a single storey, C19 granary, to the British Film Institute National Archive building, which the Council has described as a vast, sprawling building of significant scale, mass and bulk. Despite these extremes, the broad measure of the buildings which front directly towards or which bear most on Shootersway, including on the appeal site, is one of 2-storey houses, many with roofs sufficiently wide or steep, to accommodate some development there too. Though the set-back of the buildings fronting Shootersway varies from a metre or two at Archive Mews, to tens of metres at Hanburys, the main bulk of the buildings in this section share a generally common feature of spacious gaps to their side and back boundaries.

[4] National Planning Policy Framework, paragraphs 118(d) & 123

20. Fronting directly towards Shootersway, the proposed building would reinforce the character of access and orientation of the buildings in this section. Sharing a similar set-back as the present house on the site, the proposal would not change to a harmful degree the sense of enclosure the present building on the plot brings to the street scene. Its eaves and ridge heights would not be so different from neighbouring buildings as to change significantly the architectural character of this section, or the effect of building mass and enclosure which comes from height.

21. I appreciate that the proposed building would be wider and deeper than the present house on the site, and that its roof would be pitched far steeper than is characteristic of the area, instead amounting to a third storey, whereas the Council's Development Principles 'limit buildings to 2 storeys normally'. However, the modelling of its U-shaped footprint, the balanced height ratio of wall to roof, and the articulation provided by its dormers and chimneys, would lighten its mass. The siting of its front building line would retain just enough space between the road and the building to make a suitable spatial setting to suit the formal, grand mansion style which the building suggests, and the scale of its footprint and height.

22. I can identify no harm from the proposed building's mass and height which make a balanced form, nor from the siting of its front building line, its orientation or alignments. Nor would the height and mass of the proposal, against the scheme resolved for approval behind the appeal site, appear out of place. I note that the Council describes the design as visually attractive.

23. Notwithstanding these positive factors of the proposal, it has two contextual design shortcomings. First, the building is almost as long as the plot is wide. It would extend uncharacteristically close to the side boundaries, and at full height. Despite the trees which would soften this crowding of the boundaries, this tight lateral spacing is not a characteristic of the pattern of development in this section. The lack of undeveloped space at the side boundaries would diminish the stature of the building by stifling the space it needs to breathe, its elbow room, part of its spatial setting which the scale and grandiose appearance of this building requires.

24. Second, the coverage of the building footprint, ramps and parking areas, together appear to take up a greater proportion of the plot than is characteristic in this section. I have taken into account the landscaped edges proposed around the site and the retained mature trees, as well as the hardstanding areas presently on the site. However, the present buildings are more informally arranged on-site than the symmetrically fronted building in this proposal.

25. The effect of these incompatible aspects would be diminished by the diversity in the buildings in this area which depart from the domestic vernacular including the BFI complex, the water tower, and were it developed, the scheme behind the appeal site. Nonetheless, the distinctive spacious character of the area, a component of its pattern of development which makes it distinctive, would be eroded. While I see no conflict with CS policy CS10 which concerns broad, settlement level design, the proposal would be in conflict with CS policies CS11 and CS12 where they seek development that enhances the spaces between buildings, and which integrates with the streetscape character.

26. Notwithstanding this, and given the positive factors of the design already identified, and given the idiosyncrasy of the spatial settings in this section, I consider that, overall, the adverse effect on the spatial character of the area would be no more than slight. I return to this in the planning balance below.

C. Affordable housing

27. CS policy CS19 seeks affordable housing in developments of this scale. The Site Allocations DPD sets a requirement for 40% affordable homes. CS19 also provides that judgements about the proportion of affordable homes will have regard to the overall viability of the scheme and any abnormal costs.

28. The appellant's viability assessment concludes that the scheme cannot support the provision of affordable housing, or a contribution in lieu, by a substantial margin, of minus £905,099. The Council appointed an independent review of that assessment. This challenged, to only a marginal degree, the allowance for profit, the pre-construction lead-in, the length of the post-construction sales period, and the existing use value. It concluded that, even if its less conservative values were adopted, a substantial deficit would remain, meaning that the scheme cannot realistically make any affordable housing contribution. The appellant undertook a further review. This concluded in an even greater deficit.

29. The Council does not challenge the conclusions of these reports. Nor was it able to support its claim, with evidence, that the development of the appeal site, in isolation from the remainder of the allocated site, would have a disproportionate impact on viability. While I note its point that the basement car-park forms a substantial part of the construction costs, it was agreed at the Hearing that, setting aside the planning, sales and practical implications for a moment, even omitting this item would still not bring the scheme into a positive position so as to contribute to affordable housing.

30. I understand the Council's frustration and note that it had undertaken viability assessments before finalising the details of the site allocation. However, the scheme before me has been assessed, reviewed, and re-reviewed. Each time the conclusion drawn has been that the proposal is unable to contribute to affordable housing. On this issue then, I cannot conclude other than that, taking into account its viability, the lack of affordable housing in the proposed development does not place it in conflict with the CS policy CS19 and the DPD.

D. The safe and efficient operation of the highway network

31. The Council accepted during the Hearing that the amount of parking for the development, and the access to it, including for servicing, would comply with its standards and policies. Notwithstanding this, instead of using the access suggested in the Council's Masterplan, the access would be closer to a signal-controlled junction. This junction controls traffic turning from Shootersway into the Kings Road which leads to the town centre, and along Kingshill Way, which connects to the A41.

32. The appellant's survey of this junction indicates that around 1,000 vehicles use the Shootersway arm in the morning and in the evening rush hours. Into this traffic, the development is estimated to generate around 38 daily vehicle movements in and 36 out, with around 8 of these being in the morning rush hour, and 8 in the evening rush hour. The development would bring around an

additional 0.6% of traffic in the morning and evening rush hours. This is not a significant increase in the volume of traffic at the junction.

33. The average maximum length of the queue on the Shootersway arm in the morning and evening peaks was observed by the appellant to be 16 and 8 vehicles, respectively. The appellant has modelled the effect on the junction of the traffic from the Durrants Lane development, together with the development which the Council has resolved to approve on the remainder of the allocated site LA4, plus the traffic from this proposal. It estimates that those queues would increase to 20 and 10 vehicles, respectively. The corresponding increase in saturation on this arm would still be substantially below the point at which it would approach capacity. While the cumulative effect of local development would increase the traffic using the junction, such a moderate intensification would not have a severe impact on its operation.

34. I appreciate that vehicles turning right out of the appeal site may have to wait for a suitable break in traffic during the rush hours. However, the number of vehicles turning would be relatively small, amounting to around 1 every 12 minutes in the morning peak hour, and around 1 every half an hour in the evening peak hour. Of course, there may be times when there will be more vehicles turning right than predicted. Equally, there may be times when there will be less. Nonetheless, the broad range of movements does not indicate a significant impact on the flow of traffic on Shootersway.

35. I also take into account that the 'keep clear' marking on Shootersway, opposite the proposed access, may assist the movement of vehicles to turn right out of the site. Moreover, the existing access into the site presently serves a large house, which also generates trips. These trips would continue without this development. The turns from it are presently from an access which opens almost upon the junction. Its closure would reduce a risk to road safety, from its siting on the junction. I also note that the highway authority recorded that the development would have minimal impact upon the operation of the junction, which it considered would continue to operate within capacity with the addition of the trips associated with the development. It concluded that it did not wish to restrict the grant of planning permission.

36. In weighing the balance of risk against probability, I have taken into account the potential dangers of turning across a flow of traffic close to a junction, on a gradient. I understand the risks of frustrated drivers waiting for a gap in traffic into which they can turn, particularly so a right turn as here. However, the limited amount of movements which would be generated by the proposal, the reserve capacity at the signal-controlled junction modelled on the cumulative impact of this and neighbouring development, as well as the absence of evidence suggesting a highway safety problem in this section of Shootersway, and the removal of the existing access, are compelling factors in that balance.

37. In weighing that balance, overall, I conclude that the proposed development would not have an unacceptable impact on the safe and efficient operation of the highway network, with particular regard to vehicles exiting the site to turn right. It would not conflict with CS policies CS8, CS9 and CS12, and saved LP policy 51 which require traffic from development to be to be compatible with the location and capacity of the road, to provide a safe and satisfactory access, with sufficient space for parking and servicing, and to improve road safety. Nor would it result in an unacceptable impact on highway safety or a severe

residual, cumulative impact on the road network as described by the Framework.

E. The location and its proximity to services and facilities

38. While I understand the Council's concern to reduce reliance on private transport, it describes[5] the allocated site of which this is a part as *'well positioned within easy walking distance of a number of key destinations, including bus stops, Berkhamsted town centre, a Waitrose supermarket, six schools, and Berkhamsted train station which enjoys excellent connectivity.'* Accessibility is included in the Statement of Common Ground[6], where the parties agree that the site is 0.8 miles from the town centre which offers a range of day to day needs *(sic)* and amenities.

39. Located on the edge of the town, the appeal site is within or close to the guideline[7] maximum walking distance of 2km for commuting and education, and 1.2km to reach other local amenities. The development would connect walkers to the existing footway network which, via the signal-controlled pedestrian crossing, continues into the town centre. I note that there are no cycle lanes in the vicinity, but the road to town is limited to 30mph, and there is no evidence that it is unsuitable for cyclists.

40. The lack of shelter at the closest bus stops, and the lack of a dropped kerb at one of them, would not encourage greater bus use. However, the appellant suggests that less than 1% of residents here travel to work by bus. Given the distance of the stops from the site compared to the distance of the site to the town centre, which the evidence above suggests has a good range of services and facilities within walking distance, future occupiers are unlikely to be reliant on the bus. The upgrade of a dropped kerb is not therefore necessary to make the development acceptable in planning terms.

41. The proposed land use is another matter agreed between the parties. There is no evidence to suggest that the mixture of flat sizes proposed, or their number, is unsustainable here. Moreover, the appeal site is part of an area of land identified in the Core Strategy for 60 homes. The Council's own Site Allocations DPD describes[8] how potential sites were assessed against a detailed and wide range of criteria, which were based on the principles of sustainable development. Key factors it used to determine its housing allocations included assessment through the sustainability appraisal process, and against national planning policy.

42. I conclude that the location of the proposed development would be suitable, having regard to its proximity to services and facilities. There would be no conflict in this respect with the strategic objectives of the Core Strategy which include enabling convenient access between, jobs, homes and facilities and the effective use of existing land and previously developed sites. Nor would there be conflict with the Framework where it seeks to ensure that opportunities to promote sustainable transport modes can be taken up.

[5] Dacorum Local Allocation LA4 Hanburys, Shootersway, Berkhamsted Master Plan, paragraph 3.2
[6] Statement of Common Ground, 16 & 17 April 2020
[7] Chartered Institute of Highways and Transport Guidelines 'Providing for Journeys on Foot' in Origin's Technical Note v2, November 2020, paragraph 2.11
[8] Dacorum Site Allocations 2006-2031 Written Statement, paragraph 6.6, 6.7

Other matters

43. The living conditions of neighbours: The development would introduce living room and bedroom windows from ground to second floor, close to the boundary of a garden shared by the occupiers of the flats in Archive Mews. The garden is well cultivated and includes a winding path, shrubs and trees, as well as seating and an arbour. From what I saw and heard, it is a treasured garden, providing a place for secure play, some privacy, and the opportunity to relax with friends and neighbours.

44. I have taken into account the trees which would be removed as part of the development. However, there is a long stand of tall, evergreen trees in the communal garden, close to the boundary along the appeal site. Together with the other trees and planting closer to the boundary, this would reduce the opportunity to overlook from the development into the larger part of the garden.

45. I saw that this stand of trees also provides a degree of private space between their trunks and the boundary; a piece of relatively secluded garden which may be overlooked by the occupiers of the flats on this side of the development. However, a section of similarly private garden, albeit smaller in area, would remain between the 2 stands of evergreen trees. Given the substantial area of garden which would not be overlooked by the development, the potential loss of privacy of this small section is not determinative, especially given the communal nature of the garden and its location between plots occupied by dwellings where some overlooking is not exceptional.

46. The development would be sufficiently distant from the windows of the flats in Archive Mews for there to be no risk of overlooking into them. While I have found that there would be a small risk of loss of privacy from overlooking into the garden shared by the occupiers of Archive Mews, the amount of privacy lost would not reduce their living conditions to an unacceptable degree, nor in the circumstances I found, would it be uncharacteristic or unreasonable. Given the proximity of construction activity to the occupiers on both sides, a condition to control hours of work, as well as dust and noise, would secure their living conditions during building work.

47. The setting of listed buildings: I have given the special regard to the desirability of preserving the setting of listed buildings required by the Listed Buildings and Conservation Areas Act 1990, which in this case are the C19 Granary and C17 house to the east of the appeal site. In the context of the definition of setting in the Framework, as the surroundings in which a heritage asset is experienced, and because of the setback of the proposed building into the site, its height, and the retained planting on the boundaries, the proposal would have such limited impact on the setting of these listed buildings that they would be preserved in accordance with the expectations of the Act, and the objectives of the Framework which recognise the potential for harm to the significance of a designated heritage asset from development within its setting.

Planning balance

48. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites. Against an annual requirement of around 1,000 homes, it estimates its supply to be between 2.5 and 2.8 years. I acknowledge the progress it is making against its local objective to build 1,180 homes in

Berkhamsted before 2031. I note its success in developing affordable housing, and in revising and bringing forward allocations, which have improved the supply. I also note its preparations towards a new Local Plan, though this is at a very early stage. Notwithstanding this, across the borough as a whole, the shortfall in the 5-year supply which remains is substantial, and it is likely to persist until the new Local Plan is adopted, in late 2022.

49. The single adverse effect from this development would be the slight harm to the spatial character of the area, from uncharacteristic plot coverage and lateral gaps, and this conflict with policy. Against this, the proposal would build on a previously developed part of a larger site, already allocated by the Council in its calculations to meet housing demand, and in a sustainable location. As well as the social benefit of housing, the development would bring economic benefits from employment during construction, and the spending in the local economy of future occupiers.

50. While the proposed development would make only a modest numerical contribution towards the shortfall in housing, to those suffering its ill-effects, the flats in this development would be a significant shift towards a more balanced situation. Moreover, the Framework confirms the Government's objective to significantly boost the supply of homes. To the benefit of this additional housing I accord substantial weight. The single adverse effect and the conflict with the development plan policy would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole. Accordingly, a decision other than in accordance with the development plan is justified.

Conditions

51. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance (PPG), and adjusted their wording and timing to reduce the burden of unnecessary submissions and processing of further applications where sufficient information has already been provided or is covered by other conditions. In addition to the statutory time condition (1), a condition listing the approved drawings (2) is needed to ensure clarity on what has been permitted.

52. Reports and consultation responses indicate that further, precautionary ecological surveys are needed (3) to safeguard the natural environment. While I note the construction phase traffic management plan already submitted, it does not address all matters, such as dust and noise control. To avoid confusion, a condition for a construction and site waste management plan (4) is therefore necessary to protect the amenity of surrounding occupiers and to safeguard highway safety. To be effective, these conditions need to bite before demolition.

53. Given the proximity of the existing access to the new access and to the signal-controlled junction, a condition (5) is necessary to stop-up the existing access for vehicles and to make it good before the new access is used by vehicles. The quality and arrangement of materials is critical to the appearance of the building. I have therefore applied a condition for details of external surfaces and the windows and doors and their positions in openings (6). Because of their place in the construction programme, these design details should be resolved before work above the ground floor slab is commenced.

54. The integration of the building into its wider landscape setting is essential to maintaining the character of the area so I have applied a condition (7) for hard and soft landscaping, the details of which need not be cleared until before occupation. To protect ground water and to prevent flooding, the implementation of the sustainable drainage strategy is essential, hence condition (8) to secure this before occupation.

55. Conditions to be resolved prior to occupation to secure the approved access, parking and circulation (9); electric vehicle charging points and wide car parking spaces (10); and the construction of a footpath (11) from the site leading onto the public footway, are necessary for highway safety, and to meet the social and environmental objectives of the development plan.

Conclusion

56. For the reasons given above, the appeal is allowed.

Patrick Whelan

INSPECTOR

Appearances

FOR THE APPELLANT:	
Douglas Edwards QC	Of Counsel, Francis Taylor Building
Alun Evans MRTPI	Director, ROK Planning
Kenny Brown BSc(Hons) MA(Hons)	Director, Townscape Solutions Ltd
Mark Smith BSc(Hons)	Viability consultant, Affordable Housing 106
Tim Thurley	Senior Associate, Origin

FOR THE LOCAL PLANNING AUTHORITY:	
Martin Stickley BA(Hons) MSc	Assistant Team Leader, Dacorum Borough Council
Sally Symington BSc(Hons) MSc	Councillor for Berkhamsted West
Nicky Woolner	Councillor for Berkhamsted West

INTERESTED PERSONS:	
Sophie Boden	Local resident

Documents submitted during the hearing

1. Extracts from the Dacorum Supplementary Planning Guidance: Area Based Policies 2004
2. Drawing SK17C PROPOSED SITE ACCESS & VISIBILITY SPLAYS
3. PowerPoint presentation for planning committee item 5a – 20/02021/MFA

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

PL001	Site Location Plan
PL002	Existing site plan
PL003rev G	Proposed site plan
PL004rev F	Proposed Plans Basement and Ground Floor
PL005rev G	Proposed Floor Plans First and Second Floor
PL006rev D	Proposed elevations
PL007rev D	Proposed Streetscene and site section
PL008rev D	Proposed site context plan
PL009	Proposed bin store
PL010rev B	Proposed Roof Plan
PL011	Proposed footpath link
PL012	Section thro car park entrance
SK17rev C	PROPOSED SITE ACCESS & VISIBILITY SPLAYS
L-010rev E	Detailed Landscape Proposals
SK01rev A	PROPOSED SURFACE WATER DRAINAGE LAYOUT

3) No building shall be demolished until further ecological surveys have been undertaken of the buildings and site to establish the presence or otherwise of protected species upon the site and an appropriate mitigation strategy to prevent any harm to said species and a programme for implementation has been submitted to and approved in writing by the local planning authority. Demolition and construction of the development shall only be carried out in accordance with the approved strategy and programme.

4) No demolition or construction shall take place until a Construction and Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development. Thereafter, the construction of the development shall only be carried out in accordance with the approved Construction and Site Waste Management Plan which shall include details of:
   a) Construction vehicle numbers, type, routing
   b) Traffic management requirements
   c) Construction and storage compounds (including areas designated for car parking)
   d) Siting and details of wheel washing facilities
   e) Cleaning of site entrances, site tracks and the adjacent public highway
   f) Timing of construction activities to avoid school pick up/drop off times
   g) Provision of sufficient on-site parking prior to commencement of construction activities
   h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
   i) Construction and demolition hours of operation
   j) Dust and noise control measures
   k) Asbestos survey and control measures, where applicable

5) Before the new vehicle access hereby permitted is first brought into use by vehicles, the existing vehicle access shall be stopped-up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.

6) No development shall take place above ground floor slab level until paper or electronic details of the materials to be used in the construction of the external surfaces of the development, as well as details of the windows and doors and their positions within the openings of the building hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

7) Prior to the occupation of the development, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:
   a) means of enclosure;
   b) soft landscape works, which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme;
   c) screening planting around the proposed bin store;
   d) measures for the protection of trees for the duration of demolition and construction works;
   e) proposed finished levels;
   f) play equipment, refuse or other stores, signs and lighting; and,
   g) proposed and existing functional services above and below ground.

   The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

8) Prior to the occupation of the development, the sustainable drainage system described in the SuDS Drainage Report by Messrs EAS of November 2018 and drawing SK01revA PROPOSED SURFACE WATER DRAINAGE LAYOUT shall be constructed and shall thereafter be retained.

9) Prior to the occupation of the development, the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. SK17revC PROPOSED SITE ACCESS & VISIBILITY SPLAYS shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.

10) Prior to the occupation of the development, details of the following shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the building is occupied and shall thereafter be retained.
    a) the location, number, type, and management of electric vehicle charging points; and
    b) the layout of car-parking spaces suitable for use by wheelchair users.

11) The development shall not be occupied until the footway from the new site access to the public footway on Shootersway / Kingshill Way to the east of the site, shown inset on drawing SK17C PROPOSED SITE ACCESS & VISIBILITY SPLAYS, has been built in accordance with details to be submitted in writing to and approved by the local planning authority.

End of schedule of conditions