

SECTION 5
DEVELOPER CONTRIBUTIONS

5. DEVELOPER CONTRIBUTIONS

5.1 AFFORDABLE HOUSING

- 5.1.1 The Council requires a high proportion of affordable housing to be provided within the development. This must equate to a minimum of 33% of the total number of units. Where this calculation does not result in a whole number of dwellings, the affordable housing requirement will be rounded up to the nearest whole number.
- 5.1.2 Affordable housing provision needs to be considered from the outset, to ensure that this requirement is incorporated in land value calculations.
- 5.1.3 The Council's Housing Enabling Manager has specified that a minimum of 75% of the affordable units are to be social rented, with the remaining proportion shared ownership. There is a demand for a mix of unit sizes and types within the area, including one and two bed flats and two and three bed houses.
- 5.1.4 Affordable units should not be concentrated in a single area. These units should be of the same external design as those sold on the open market.

5.2 OPEN SPACE

- 5.2.1 Due to the limited size of the site, it is not considered appropriate to require the provision of a formal area of play space in the site. Instead, a capital sum should be provided to enhance the Lagley Meadow recreation ground.
- 5.2.2 A contribution of £240 per new unit has been requested by the Council's Landscape and Recreation section. This money should be specifically directed towards improving the play area, through the provision of two new sets of swings, a new climbing frame, see-saw and springer. A number of other enhancement works, including the resurfacing of the small section of the footpath leading to the play area; the extension of the hardstanding under the basketball post and the upgrading of the teenage meeting point are also required, although these improvements will be dependent upon the money available.
- 5.2.3 The developer will be expected to consider and provide for the future management of the canalside corridor. One acceptable option is to provide a commuted sum to the Council for the future maintenance – the details of which are to be agreed with the Council's Landscape and Recreation section.
- 5.2.4 Responsibility for all walls and fences adjoining areas of public open space should lie with the developer / landowner and not the local authority.

5.3 OTHER FACILITIES

- 5.3.1 Hertfordshire County Council have indicated that education provision in Berkhamsted is currently under pressure. They will therefore be seeking financial contributions to increase the capacity of local schools. The scale of this contribution will be dependent upon the dwelling mix proposed. Financial contributions may also be required to assist with the provision of library, youth and childcare facilities and appropriate passenger transport facilities within the town.

- 5.3.2 The precise scale of these contributions will be the subject of further detailed negotiation with the County Council, once a detailed planning application has been submitted.
- 5.3.3 Fire hydrants should also be provided at the developer's expense. The precise number of hydrants required will be established at the detailed design stage.

SECTION 6
CONTACTS

6. CONTACTS

Whilst the requirements set out in this Brief will guide development proposals, it should be stressed that prospective developers will need to consult the utilities and statutory undertakers for information as to their requirements, as well as discussing their proposals at an early stage with the Local Authority. A list of contact agencies follows:-

Dacorum Borough Council

Civic Centre
Hemel Hempstead
Herts
HP1 1HH
(01442) 228000

For advice on Planning, Housing, Woodlands and Leisure.

- Laura Wood, Senior Planning Officer, Development Plans Unit (01442) 228661
- Fiona Bogle, Casework Team Leader , Development Control (01442 228599)
- Claire Covington, Parks and Open Spaces Manager (01442) 228788
- Ruth Chapman, Trees and Woodland Manager (01442) 228665
- Pam Halliwell, Housing Enabling Manager (01442) 228526
- Environmental Health Helpline (01442) 228455

Hertfordshire County Council

County Hall
Pegs Lane
Hertford
SG13 8DQ

For advice on contributions towards local educational, library and youth facilities and highways matters

- Paul Wray, Corporate Services
- Manjinder Sehmi, Development Control Engineer, (01992) 556138

Environment Agency

Apollo Court
2 Bishops Square Business Park
St Albans Road West
Hatfield
Herts
AL10 9EX

Tel: (01707) 632300

Fax: (01707) 632498

British Waterways

Conal Stewart
Environmental Planner - Estates Development Team
Ground Floor
Witan Gate House
500-600 Witan Gate
Central Milton Keynes
MK9 1BW

Tel: (01908) 302500
Fax: (01908) 302510
www.britishwaterways.co.uk

Three Valleys Water plc

Developer Services
London Road
Rickmansworth
Herts
WD3 1LB

Tel: 01923 293320
Fax: 01923 293323
www.3valleys.co.uk

For advice and information regarding water supply

Thames Water Utilities

Kew Business Centre
1 Kew Bridge Road
Middlesex
TW8 0EF

Tel: 0207 713 3877

For advice and information regarding sewerage and/or drainage infrastructure

Local Badger Group

Mr Keith Higby
Herts & Middlesex Badger Group
14 Lismore
Northend
Hemel Hempstead
Herts
HP3 8TH

Tel: (01442) 390243

Hertfordshire Biological Records Centre

Martin Hicks
HBRC
County Hall
Pegs Lane
Hertford
SG13 8DQ

Tel: (01992) 555220

24Seven Utility Services

Networks Service
NRSWA Department
Fore Hamlet
Ipswich
Suffolk
IP3 8AA

Tel: 08701 963797

Transco

Plant Enquiry Team
Padholme Road
Peterborough
PE1 5XR

Tel: (01733) 866483

For advice and information regarding gas supply

British Telecom

Newsite Office
PP A1.06
Spires House
5700 John Smith Drive
Oxford
OX4 2RW

Tel: (0800) 7315014
Email: newsitebt.oxford@bt.com
www.bt.com/newbuildingsites

For advice and information regarding the location of existing telecom infrastructure and provision of new telephone lines.

SECTION 7
APPENDICES

**EXTRACT FROM DACORUM BOROUGH LOCAL PLAN 1991-2011
PUBLIC LOCAL INQUIRY INSPECTOR'S REPORT**

**7.19. HOUSING PROPOSAL SITE H4
LAND AT GOSSOMS END/STAG LANE, BERKHAMSTED**

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
379	Tesco Stores Ltd	2850	British Waterways
996	Mr Ian Johnston	4059	HCC Environment Department
1014	Berkhamsted Citizens' Association	4660	HCC Corporate Services Department
1751	Berkhamsted Town Council	4811	The Directors of Shendish Manor Estate

Support

1101

Support for pre-inquiry change

For pre-inquiry change 37

5610PC Berkhamsted Town Council

Key Issues

- (a) Whether the site should be allocated for a mixed use scheme to include housing, food retail and a petrol filling station. (379)
- (b) Should the affordable housing requirement be for one or two bedroom properties and should a proportion of the houses be reserved for people who would not own or drive a car. (996)
- (c) Do the requirements need to refer to the dwellings being of a high architectural standard and to the need to safeguard the existing vegetation along the canal. (996)
- (d) Is a secondary access from Belton Road/Riverside Gardens a sensible proposition. (1014)
- (e) Would it be appropriate to include promoting tourism as an aim for Housing Proposal H4 (1751).
- (f) Should the developer be required to provide a number of live-work units on the site (1751).
- (g) Should the planning requirements make reference to the implication of development of the site on the stability of the canal embankment. (2850)
- (h) Do the planning requirements need to refer to the site's archaeological potential. (4059)
- (i) Should all housing contribute towards education provision. (4660)
- (j) Is the site at Shendish Manor, Hemel Hempstead, preferable. (4811)

Inspector's Conclusions

(a) A mixed use for housing, food retail and petrol filling station

- 7.19.1. This objection is linked to objection (378), which seeks to have the land at Stag Lane/Gossoms End identified in the Plan as a Shopping Proposal Site. Tesco Stores Ltd argues that there is a quantitative and qualitative need for additional food retail facilities in Berkhamsted. In its view the only reasonable location on which this could be provided is the Stag Lane site which they own. The accommodation in the existing Tesco store in the town centre is inadequate for present day needs and would be expensive to upgrade. Since not all the site would be required for a food store there would be space to accommodate in the region of 96 dwellings on the Stag Lane site in addition to the proposed food store. If the site of the existing store in the town centre was redeveloped as flats a similar number of units to that proposed in the Plan for the Stag Lane site could still be achieved. It also contends that as Tesco Stores own the land it is unlikely to be available for housing during the Plan period.
- 7.19.2. The Council argues that the site is suitable for housing and indicates that the Plan makes provision for mixed-use schemes in a number of locations. It questions whether 120 dwellings could in fact be provided as part of the objector's proposal. In any case, in the Council's view there is insufficient quantitative or qualitative need for further food retail facilities in Berkhamsted to warrant the site being allocated for this purpose. The need for housing land is far stronger and in the light of commercial considerations and the statutory powers the Council has to acquire land there is a reasonable prospect that it could be developed for housing during the Plan period.
- 7.19.3. I deal with the need for additional food retail facilities in Berkhamsted and associated issues in section 9.18 of my report. For the reasons I set out there I am not satisfied that either the quantitative or qualitative need for such facilities would be sufficient, during the Plan period, to warrant allocating the Stag Lane site for such a use. At this stage, therefore, I address only the issues relating to the suitability of the site for housing; the appropriateness of a mixed use of the site; the capacity of the site and whether any shortfall in housing could reasonably be met elsewhere; and finally the availability of the land.

Suitability of site for housing

- 7.19.4. The Stag Lane site lies on a main bus route and within reasonable walking distance of the town centre. If access were provided to the canal towpath as part of the development, it would, in my view, be just within feasible walking distance of the station. It also lies close to existing employment opportunities and other local facilities. It would appear that at present local services, including the local primary school, have the capacity to accommodate the development. I consider, therefore, that Stag Lane would constitute a highly sustainable location for housing.
- 7.19.5. Moreover, the Plan proposal would involve the reuse of vacant or older employment land for housing. I consider that this use of the land would accord with the aims of national policy, especially as set out in PPG3, which seeks to encourage local authorities and developers to make best use of urban land. Owing to the tight constraints imposed by the Green Belt and AONB there are very few sustainable opportunities for housing within Berkhamsted. Although the objector considers the Council's housing strategy would be sufficiently robust to meet the requirement without the whole of this site, I do not share this view. In the light of my findings in section 7.4 of my report, I consider that far more housing needs to come forward on identified sites than the Council's strategy originally proposed. In my view this strongly reinforces the need for the Stag Lane site to be allocated for housing.

Mixed use

- 7.19.6. While national advice gives significant encouragement to mixed-use developments there is no indication that this form of development is preferable to any other use that would achieve the successful and sustainable recycling of brownfield land. Moreover, there is no evidence that the Council is averse to mixed-use schemes in principle. Indeed the Plan proposals in respect of the Plough Site in central Hemel Hempstead and the ex-John Dickinson's site at Apsley (TWA3) indicate that the Council has positively encouraged such schemes in appropriate locations. I am not satisfied, therefore, that the Plan's strategy in relation to mixed-use schemes is at variance with national advice. Having said this I do not accept the Council's arguments that a large food store would necessarily be out of keeping with the residential character of the area due to its bulk, scale and mass.

Capacity of the site and means of addressing any shortfall

- 7.19.7. The illustrative scheme submitted by the objectors which shows that up to 96 dwellings could be accommodated on the site, in addition to the food store, would appear to be deficient in amenity space. However, it seems to me that something approaching this number of units could probably be accommodated in a modified layout. If the site of the existing store in the town centre was redeveloped for flats, as suggested by the objector, I consider that it might be possible to achieve in the region of 120 units from the 2 sites, even with the proposed food store.
- 7.19.8. I note the Council's view that there would be significant legal difficulties in tying the redevelopment of the existing store to the development of the Stag

Lane site. However, I am not convinced that such difficulties would be insurmountable, particularly if the Government makes the changes it proposes to the system of planning gain. Nevertheless, in the absence of a clear need for a food store on this site I am not satisfied that such an approach would be justified in this case.

- 7.19.9. My view is strengthened by the fact that it is apparent from the illustrative scheme that the Stag Lane site has the capacity to accommodate significantly more dwellings than was originally envisaged in the Plan. The use of the whole site for housing would, therefore, be likely to reduce the amount of greenfield land that is needed for housing. In my view, this is a very important consideration in the light of tight constraints on housing land that exist. The central location of the site and its accessibility are further reasons to support the site being developed at a higher density, in line with the advice in PPG3. Judging from the illustrative layout I consider that it would be reasonable to expect this site to be able to accommodate at least 150 units. There is no way this number of units could be achieved if part of the land was developed as a food store, even if the existing store in the town centre was redeveloped for flats.

Availability of the site for housing

- 7.19.10. I understand the Council's views that landowners should not be able to thwart a Plan proposal that is in the public interest. However, the fact that in this case the owner of the land objects to its use for housing is clearly a material consideration in determining whether or not there is a reasonable prospect that the site will come forward for housing during the Plan period.
- 7.19.11. In this instance, I note that Tesco Stores Ltd acquired the land in the expectation that they would eventually be able to develop a store on the land and can therefore appreciate their reluctance to allow it to be put to another use. However, their purchase of the site occurred after permission was refused on appeal for a food store in 1993. It was therefore far from a foregone conclusion that permission for a food retail facility on the site would ever be forthcoming when they obtained the land.
- 7.19.12. More importantly, although it is Tesco Stores Ltd's current intention not to sell the site, I am not persuaded that this stance will necessarily persist for the remainder of the Plan period. Clearly, as the Council suggests, the commercial realities of such an approach would have to be carefully weighed up. While I appreciate that Tesco's is currently receiving commercial rental income on some of the site, I would question whether this would be sufficient to justify them retaining the land for a further ten years. The fact that they are likely to realise a substantial price for the site from a housing developer, bearing in mind that house prices in the town are the highest in the county, would in my view be a significant inducement for them to sell the site.
- 7.19.13. However, even if Tesco's sought to maintain their current stance, it would be open to the Council to use their compulsory purchase powers to acquire the site. Judging from the evidence and in view of the substantial pressure to reduce the amount of Green Belt land that is developed for housing I have every reason to believe that the Council would do so if it proved necessary. In the light of the advice in paragraphs 43 and 44 of PPG3 I

consider that it is realistic to assume that they would receive the support of the Secretary of State for such an approach. In the circumstances, while there may be some delay in the site coming forward, I am satisfied that there is a reasonable prospect of it doing so before the end of the Plan period.

7.19.14. I conclude, therefore, that the need for a food retail facility does not outweigh the overwhelming need for the site to be used to provide additional housing. In my view the site is eminently suitable for this use and would make a valuable contribution to the overall housing requirement. While it might be possible for a scheme to be developed that would provide for the amount of housing specified in the Plan together with the food store, I consider that the site has the potential to make a far greater contribution to the housing requirement. In my view there is a reasonable prospect that the site will come forward for housing before the end of the Plan period, despite the owner's present resistance to selling the land. I am satisfied therefore that the allocation of the site for housing under Proposal H4 is appropriate and I recommend no modification should be made to the Plan in answer to objection 379. However, in the light of my comments in paragraph 7.19.9, I recommend that the net capacity for the site should be increased to 150 dwellings.

(b) Affordable and car free housing

7.19.15. Although there may well be a need for one and two bedroom units, I consider that it is reasonable to assume that there would also be some requirement for larger affordable homes in the town, bearing in mind the high cost of housing in Berkhamsted. I do not consider, therefore, that it would be appropriate to seek to limit the type of affordable dwellings that would be provided in the Local Plan. In my view this is best left to the planning application stage when the Council would be able to better determine the appropriate mix of dwellings in the light of prevailing circumstances and the general requirements set out in Policies 19 and 21.

7.19.16. Although this site is on a main bus route, the furthest point of the site it is over 900 metres from the Kings Road/High Street crossroads, which in my view forms the centre of the shopping area. It is even further from the station. In these circumstances, I do not consider that the site would be very suitable for development as a car free zone. I am not satisfied therefore that it would be appropriate for the requirements to specifically refer to such measures. I see no need to modify the Plan in this regard. However, it would be reasonable, in my view, for the Council to explore methods of restricting car usage at the development brief and planning application stages in the light of the advice in PPG3 and PPG13. Such methods could include requiring a percentage of future occupiers to enter into an undertaking not to use a car, as suggested by the objector. I would, therefore, encourage the Council to consider this matter again at the development brief stage.

(c) Design and layout

7.19.17. I have no doubt that in the light of the advice in paragraphs 13 to 20 of PPG1 the Council should be seeking a high standard of design for new development. However, this advice applies to all developments and I do

not consider it should be necessary to single out individual sites in this regard. I appreciate the objector's concern about the design of the dwellings on the AgrEvo site. However, in this case the site does not lie within the Conservation Area. Providing the Council pays due regard to the requirements of Policy 9 of the Plan and the advice in PPG1 I see no reason why a high standard of housing design should not be achieved on this site.

- 7.19.18. As for the trees that screen the site from the canal towpath I note that the requirements already specify that the relationship to the canal must be carefully considered and the canalside environment significantly enhanced. In my view this gives sufficient scope for the Council to secure the retention of important screening along the boundary of the site with the canal in the development brief. I see no need for the Plan to go into this level of detail. In conclusion, I recommend that no modification should be made to the Plan in response to objection 996.

(d) Access provision

- 7.19.19. The objector gives no reason for concluding that secondary access from Belton Road/Riverside Gardens is very likely to prove unsatisfactory. The requirements merely state that access from these roads should be investigated. There is no indication that provision of secondary access would be essential to the development of the site. Clearly, therefore, it could be omitted from the final scheme if further investigation were to reveal it would be unsatisfactory. I therefore see no need for the Plan to be modified in the light of objection 1014.

(e) Tourism and the Grand Union Canal

- 7.19.20. The requirements make clear that the canalside environment should be significantly improved as part of the development of the H4 site. This would go some way towards improving the tourist potential for the canal. However, as few of the canalside facilities suggested in the requirements for Housing Proposal Site H8 (AgrEvo) have actually been provided, I can understand the Town Council's desire to see greater encouragement given in respect of the Stag Lane site.

- 7.19.21. In this case though, there is generally a significant difference in level between the site and the canal. In my view, this is likely to mitigate against the provision of canalside facilities at this location. I note the Council's suggestion that improved pedestrian and cycle links to the canal could be explored as part of the development brief process. I consider the provision of such links would be beneficial as they would not only enhance the Canal's tourist potential but could also increase its use as a recreational resource. I doubt that the provision of such links would have a significant impact on the capacity of the site.

- 7.19.22. Although I understand the reasons why the Council considers it would be more appropriate to leave such matters to a later stage, I believe that it would be sensible for the requirements to refer to the possible provision of such links. Leaving all such matters to the development brief would not, in my opinion, give a clear enough indication to potential developers as to what is likely to be expected of them. Accordingly, I recommend that, in the

light of objection 1751, the requirements for Housing Proposal Site H4 should be modified to refer to the need for pedestrian and cycle links to the canal to be investigated as part of the consideration of the site's relationship to the canal.

(f) Live-work units

7.19.23. At the inquiry the Town Council extended their original objection to cover the issue of the provision of live-work units. In its view such units would encourage younger people to live in Berkhamsted, which would ensure the future economic health of the community. The Borough Council indicated that it was not adverse to such units being provided where they were appropriate but acknowledged that they had no previous experience of them. There was no evidence to suggest that there was any need or demand for such specialist facilities in Berkhamsted. In the circumstances, the Borough Council considers that it would be inappropriate for the requirements to be amended to specifically require the provision of such units on the Stag Lane site.

7.19.24. I have no doubt that in principle live-work units could form an important seed bed for the establishment of new small businesses. As such they could potentially make a very valuable contribution to the future economic prosperity of the Borough. I appreciate that the Council intends to develop more small and medium sized commercial units at the Northbridge Road General Employment Area to the west of the objection site. However, in an area where property prices and rents are generally very high it is often difficult for new businesses to afford to purchase or rent new commercial premises. In the circumstances, while the provision of the additional units at the Northbridge Road GEA would undoubtedly make a contribution to the future economic vitality of Berkhamsted, I am not satisfied they would entirely address the Town Council's concerns.

7.19.25. Having said this I am not satisfied that it would be appropriate to seek the provision of such units on this site as part of the planning requirements specified in the Local Plan at the present time. While this site would appear to be generally suitable for such units there may be other more appropriate sites elsewhere in the Borough. More importantly, there is currently no evidence of any need or demand for such units. In the absence such evidence I do not consider it would be appropriate for me to recommend that Proposal H4 be modified to require such units to be provided at Stag Lane. Accordingly, I recommend that no modification should be made to the Plan at this stage.

7.19.26. However, I would strongly urge the Council to investigate further the level of need and/or demand for such units. In the light of the changing patterns of the local economy it is possible that imaginative approaches like live-work units may have a vital role to play in sustaining the Borough's economic prosperity in the future. If the study should reveal that there is a significant potential demand then the Council should undertake a follow up study to identify the most suitable locations for such units. If the Plan has not been adopted by that stage, the planning requirements for the housing proposal sites should be modified in order to secure the provision of live-work units on the sites that have been identified as being suitable in the study.

(g) Stability of the canal embankment

7.19.27. Objection 2850 expresses concern about the impact of development on the stability of the canal embankment and suggest that the requirements should be amended to refer to this and to require the developer to contact British Waterways at an early stage. The Council argues that there is no indication that this concern precludes development of the site. In its view, therefore, such matters can reasonably be left to the planning application stage when British Waterways would be automatically consulted as a statutory consultee.

7.19.28. Since British Waterways would be a statutory consultee and presumably would be also consulted at the Development Brief stage I see no need for the requirements to be amended to require the developer to consult them. However, in view of the significant difference in level between the canal and the housing site it is clear that ensuring the stability of the canal will be a critical consideration in any subsequent development of the site. In my view therefore it constitutes a matter of principle and not merely a question of detail as the Council suggest. While I have no reason to believe that it would prevent a suitable scheme coming forward, I believe it would be sensible for this issue to be flagged up at the Local Plan stage to ensure that the matter is given early consideration by any potential developer. Accordingly, I recommend that in response to objection 2850 the requirements should be modified to include a reference to maintaining the stability of the canal embankment.

(h) Archaeological interest

7.19.29. The Council acknowledges that the site lies within an area that is designated as being of archaeological significance. They therefore propose under PIC37 to insert a requirement that the archaeological potential of the site be investigated. However, I am not satisfied that this change would be sufficient to meet the concerns of the objector. More importantly it establishes a lower requirement than has been put forward by the Council in respect of other housing sites which do not fall within an area of archaeological significance (e.g. PIC38 in respect of H16).

7.19.30. While I appreciate the Council's desire to promote the early development of this site, I do not consider that a requirement to undertake a proper archaeological evaluation of the site and any necessary mitigation measures would act as a significant constraint. In a designated area of archaeological significance I think this should be a minimum requirement. I therefore suggest that PIC37 should not be proceeded with. Instead I recommend that the requirements for Proposal H4 should be modified in the same manner as proposed under PIC38 in relation to Housing Proposal H16.

(i) Educational provision

7.19.31. Turning to the issue of educational provision, I agree that where existing facilities need to be improved or expanded in order to accommodate children from a particular development it would be appropriate for the Plan to require a contribution to be made towards educational provision. Where the situation is less clear but it is possible that by the time the development

comes forward their may be insufficient capacity within existing schools to accommodate the expected increase in pupil numbers I consider that the Plan should also indicate that a contribution may be required. In this regard I note that the Council now proposes to make a number of further changes to the Plan in order to meet the County Council's concerns, which I generally endorse.

- 7.19.32. As the proportion of children attending private schools in Berkhamsted is considerably higher than the national average it is possible that the pressure on local state schools from new development will be less than elsewhere in the Borough. However, I am not satisfied that this would be sufficient to justify omitting a requirement to make a contribution towards educational provision, where it appears there might be pressure on the state system. Whether or not children living on a particular site would be educated privately or in the state system will primarily be a matter of parental choice and is not a matter over which the developer or the Council would have any control.
- 7.19.33. In this case the Borough Council argue that as the schools in the centre of Berkhamsted currently have sufficient capacity to accommodate pupils from this site there is no need to refer to additional educational provision in the requirements. However, Berkhamsted has an unusual 3-tier system of schooling. While the evidence indicates that there is currently space at Westfield First School and at the secondary school, both middle schools are apparently full. Moreover, it would appear that the development of the AgrEvo site is likely to increase pressure on the school system in Berkhamsted. I consider, therefore, that it would be reasonable for the requirements to indicate that a contribution towards educational provision may be required in line with other housing sites in the Plan.
- 7.19.34. My view is strengthened in this case by the circumstances surrounding this Proposal. While I am reasonably optimistic that it will come forward for development during the Plan period, the unwillingness of the current owners to release it for housing may result in its development being delayed. It is possible therefore that by the time the site does come forward the situation at local schools may have changed so that there is no longer sufficient capacity at primary level to accommodate the development. I, therefore, recommend that, in the light of objection 4660, the requirements should be modified to state that a contribution towards educational provision may be required.

(j) *Is the Shendish site preferable*

- 7.19.35. As this is a brownfield site situated in a sustainable location close to the centre of Berkhamsted, I consider that it is appropriate for it to be given preference over the development of the substantial greenfield site at Shendish, which the objectors have put forward. A large part of the Stag Lane site is vacant and there appears to have been little interest in its redevelopment for employment purposes. I appreciate that there are businesses operating on the rear part of the site but there is no evidence that their relocation would significantly undermine the economic health of the local community. In the light of my findings in Chapter 8 I am satisfied that the loss of employment land at this location would not be detrimental to the future economic prosperity and sustainability of the Borough. In my

view there is a far more pressing need to find previously developed sites within the existing urban area to accommodate additional housing in order to minimise the long-term impact on the Green Belt.

7.19.36. I appreciate the reasons why the availability of this site has been brought into question. However, I am satisfied that there is a reasonable prospect that this land could be brought forward for housing within the Plan period for the reasons I give in paragraphs 7.19.10 to 7.19.13 above. I am not satisfied, therefore, that there are grounds to justify its deletion in favour of the allocation of land at Shendish. Accordingly, I recommend that no modification should be made to the Plan in response to objection 4811.

Recommendation

7.19.37. **The Plan be modified as follows:-**

- (a) amend the net capacity for the site to 150;**
- (b) delete the last part of the Planning requirements beginning with the words “The relationship of the site to the canal must be carefully considered...” and substitute therefore the following wording:-**

“The relationship of the site to the canal, including the provision of suitable pedestrian and cycle links, should be carefully considered. The canalside environment should be significantly enhanced and the stability of the canal embankment safeguarded. A programme of archaeological evaluation will be required and the implementation of any necessary mitigation measures. A contribution towards the provision of additional educational facilities may also be required. A development brief should be prepared.”

7.19.38. **In addition the Council undertakes a study to determine the need/demand for live-work units within the Borough. If the study demonstrates that there is a need/demand for such units then the Council should undertake a further assessment of the most suitable locations for them to be provided and, if appropriate, amend the requirements for the relevant Housing Proposal sites accordingly.**

Detailed Advice Regarding Deculverting

The following guidance relating to the deculverting of the River Bulbourne and its aftercare is based upon advice received from the Hertfordshire Countryside Management Service.

- Naturalisation of the channel would lead to the establishment of new habitats, typical of a chalk stream and provide continuity to a section of the River Bulbourne.
- Once the culvert is removed, a meandering, natural gravel lined channel should be created, reflecting the existing gradient. Re-grading of the banks should be undertaken to create a berm (wet-shelf) possibly as scallops rather than a strip, with the banks brought back to allow for a gentle slope either side. This will promote the development of marginal vegetation and if necessary can be planted up with native species, specified by the Hertfordshire Biological Records Centre.
- A 'buffer' strip of a minimum of 8 metres either side should be seeded with specified grasses and mown once a year in September. All arisings should be removed. Within this, perhaps on one side only depending on access requirements, a strip up to 8m should be left and mown on rotation once every three years. This prevents succession of scrub and tree species but allows habitat to establish suitable for Water Vole and other species. Temporary fencing may be appropriate to allow vegetation to establish.
- The gravel lined channel should be constructed such that it has a narrow channel meandering within a wider channel to accommodate periods of low flow where this will ensure a velocity and depth of water is retained. Suggested widths are 2m for the shallower channel and 0.5 m for the low flow channel inside, at a depth of 0.15m. These are only suggested and would have to be specified within a design and ratified by the Environment Agency.
- If there is room on the site a scrape could be made and a reedbed created to provide sustainable urban drainage. The size of this would depend on the run-off volumes and may need a separate silt trap/oil interceptor. Both the reedbed and interceptor will need regular maintenance and this will need to be taken into consideration.