

Dacorum Borough Council Core Strategy

Independent Examination

Issue 11 Berkhamsted

Banner Homes Representor ID 211062

This written submission to the Examination is made on behalf of Banner Homes who are promoting the development of land at New Road, Northchurch for housing development. It covers those Questions of particular relevance to the original submissions made to the pre-submission draft Core Strategy.

11.1 Is the policy for growth and change in this area appropriate and justified, including in relation to national guidance and local needs, and in terms of economic, social and environmental impact? Have all reasonable alternative sites been assessed?

The policy for growth and change in Berkhamsted is neither appropriate nor justified. It is clear from Table 1 Settlement Hierarchy that the Council has taken the view that Berkhamsted should not continue to expand and that the population should remain stable. As discussed in the Banner Homes' representations submitted on the Pre-Submission Core Strategy, the proposed Strategic Site and Local Allocation provision is considerably lower than that which would be expected when compared to other settlements. Only 20.3% of delivery from proposed allocations in the draft Core Strategy compared to much higher percentages in all other settlements except Hemel Hempstead.

Apart from the two allocated sites, one of which had been allocated for development in the current Local Plan, the Council appears to be content to rely on sites within the settlement boundary coming forward to meet the local housing needs. Having looked at those sites considered by the Council to be acceptable and listed these in a table along with those sites in the Green Belt which were given some further consideration, it is apparent that the only realistic solution for significant new provision is from Green Belt sites. The 'defined sites' total of 853 units for Berkhamsted and Northchurch in Table 4.5 in Housing Land Availability Paper (July 2011) includes sites for the whole plan period 2006 to 2031. Many of these have already been implemented. Further examination of these sites indicates that there is a limited supply of sites within the built up area for the rest of the plan period and that many of these sites cannot be relied on with any great certainty, see Appendix 1. Also the market town nature of Berkhamsted does not provide many opportunities for changes of use in the future. There are not any large scale brownfield opportunities likely to come forward for example.

The application of a broadly negative approach to the growth of Berkhamsted has resulted in the Council rejecting the allocation of Banner Homes' site in New Road Northchurch, N16. This in itself is not in accordance with the test of soundness in the NPPF which advises local authorities that is 'positively prepared'.

The Sustainability Appraisal which accompanied the Emerging Core Strategy (2009) considered this site in terms of its economic, social and environmental impact along with three other sites including the Hanbury's Shootersway site LA4. The site scored well and was considered to have a similar impact to LA4.

Despite this the site was not included in the Pre-Submission Draft Core Strategy as a Local Allocation site and this decision appears to be based on the decision not to progress the Springfield Road/New Road link road.

This site is highly sustainable, as can be seen from the Council's own assessment, and will bring the following benefits:

- New housing, including a significant proportion of affordable housing all of which could be targeted at meeting the needs of the local population;
- A high quality development which would enhance the appearance of the site and surrounding area;
- Potential consequential improvements to surrounding highway infrastructure;

- A boost to the local economy; and
- Potential job opportunities and training resulting from the construction process

The consideration of this site through the Core Strategy process has been discussed in some detail in the representations made on the Pre-Submission Core Strategy and there is no need to repeat them here. However, what does need to be highlighted however is that in the 'Draft Core Strategy' issued for consultation in November 2010, the Council mistakenly linked the consideration of the merits of this site to the delivery of a possible by-pass to Berkhamsted High Street, referred to as the New Road/Springfield Road link. This was clearly misjudged as by this time the County Council had already issued its report concluding that delivery of this new road was not feasible. Given the Council's pre-set criteria the site did not have a chance of being fairly considered.

The Council is still using the New Road/Springfield Road link as a pre-condition for the consideration of this site. In the Conclusions of the Assessment of Potential Local Allocations and Strategic Sites Final Assessment June 2012 Final Sites document, on page 189, despite the site being identified as ranking second in terms of suitability for release from the Green Belt (with the Local Allocation LA 4 the only site ranked higher), its further consideration has the caveat 'if required to deliver the New Road / Springfield Road link'. There is no justification for this conclusion as there is no real prospect of this road being built. The road is not a proposal in the Core Strategy, the County Council has not supported it and in any event the Council has allowed development to be built on a site which was identified as part of the intended route. Also there is no proven need for the development of the New Road site requiring the New Road / Springfield Road link on transport grounds.

The Officer Conclusion of the assessment of this site in the Final Assessment document is not clear and does not provide any real justification for rejecting the site. It is curious that reference is made to the Inspector's report on the Local Plan Inquiry in 2002 on a number of matters in the Officer Conclusion but it failed to mention that he made it clear that he did not accept that there was any need for the consideration of the potential of this site for development having to be dependent on the delivery of the New Road / Springfield Road link road. Instead he acknowledged that any traffic impacts resulting from the development of the site could be addressed by localized transport improvements. To this end Banner Homes appointed WSP to identify a number of transport improvements. Their report with the suggested improvements was attached to Banner Homes' representations.

Another issue, which is alluded to but not properly dealt with in the assessment, is the Local Plan Inspector's reservations about the site in terms of its potential impact on views from the Chilterns AONB which lies to the north (with the site itself being excluded). The Officer Conclusion fails to mention that Banner Homes submitted a Landscape and Visual Appraisal report in 2006 on this matter which showed that this concern was not founded. This report, which was submitted again to the Council along with the representations submitted by Banner Homes, concluded that the redevelopment of the site would have an acceptable impact on views in and around the site and surrounding landscape designations. There is no reference to this in the assessment nor has there ever been any formal response or acknowledgement of this report.

This site is capable of delivering approximately 50 units of which there is the potential to deliver a significant number of affordable units specifically for local needs. Given the over optimistic assumptions made about the delivery of more housing from within the built up area and the failure to allocate more sites to meet local needs, it is considered that this part of the Core strategy is not sound. It has not been 'positively prepared', it is not 'justified', it not 'effective' and it is not 'consistent with national policy'.

11.2 Is proposal SS1 properly justified, particularly in terms of sustainability? Is there an issue of flood risk to be addressed? What is the timetable for the submission of a planning application?

The prime concern that we have with SS1 relates to the Core Strategy's over reliance on its delivery, particularly given the absence of any alternatives. The Council expects the site to deliver 180 units but it is not clear how much this can be relied on when a planning application has yet to be made. Also it is clear that there is substantial local opposition to the proposal and this is bound to have an effect on delivery.

11.3 Have the consequences of development on local infrastructure (including highways, car parking, schools and health services) been satisfactorily addressed?

No specific response is made to this issue.

11.4 Is there a need for additional retail and/or employment floorspace to be allocated in the town?

No specific response is made to this issue.

11.5 Should there be a specific policy for the town as a whole in order to ensure that the Council's vision will be delivered?

Yes, there should be a specific policy for the delivery of the proposed development identified in the local objectives. This is necessary for the plan to be 'effective'.

11.6 Is local allocation LA4 (Shootersway, Berkhamsted) properly justified?

It is agreed that local allocations are necessary to meet the needs of Berkhamsted and that the only option for this is to allocate some sites that are currently in the Green Belt for development. Having said that, it is considered that the New Road, Northchurch site should also have been included in the plan as a Local Allocation for Berkhamsted.

What part of the Core Strategy is unsound

The Berkhamsted Place Strategy is unsound.

Which soundness criterion it fails

It has not been 'positively prepared', it is not 'justified', it is not 'effective' and it is not 'consistent with national policy'.

Why it fails

The plan has not been positively prepared as insufficient housing allocations have been made for Berkhamsted. This case has been discussed elsewhere under Issues 2 and 6.

There is inadequate justification for not including the New Road, Northchurch site in the plan as a Local Allocation and the inextricable link in the draft Core strategy between the decision not to include the site and the Springfield Road/New Road link road.

The plan is not effective as it is unlikely to be able to meet the needs of Berkhamsted's residents without additional sites being identified. Also the absence of a specific policy for Berkhamsted weakens the ability for the plan to be deliverable and therefore 'effective'.

It is not consistent with national policy because it will prevent the delivery of sustainable development, i.e. the New Road, Northchurch site.

How the Core Strategy can be made sound

Further site allocations should be made for Berkhamsted., In particular, a site allocation for the New Road, Northchurch site should be included.

A specific policy to underpin the delivery of development in Berkhamsted should be added to the plan

The precise change and or wording that you are seeking

New Road, Northchurch should be added as a Local Allocation for Berkhamsted together with an appropriate schedule showing that the site is capable of delivering 50 new homes with approximately 40% affordable housing - primarily for local residents. Also reference could be made to the local highway improvements which could be delivered as part of this development. There should be no linkage between the delivery of the site and the New Road/Sopringfield Road link road.

Appendix 1 to Banner Homes' Submissions Issues 2, 6 and 11

Review of Sites in Berkhamsted / Northchurch Identified as 'Acceptable' for Development SHLAA 2008

| Site Name | Ref No. | Unit Nos. (SHLAA) | Green Belt | LDF Assessment 2012 | Pre-Submission Draft Site | Comments | Potential Future Supply 2012 |
|---|-----------|-------------------|------------|--|---------------------------|---|------------------------------|
| Alma Road / Duncombe Road Northchurch | N1 | 8 | No | No | No | Planning permission for 4 cottages | 4 |
| Land at Egerton Rothesay School, Durrants Lane Northchurch | N13 (N10) | | | Officer's recommendation that there are no significant environmental impacts to reject it as a housing site. | | Part existing Local Plan Housing allocation H37 Net capacity 100 units Proposed strategic site allocation for Berkhamsted SS1- 180 units | 180 |
| Land west of Durrants Lane, Berkhamsted | N15 | 177 | Yes | No | No | | |
| Land west of New Road Northchurch | N16 | 83 | Yes | Considered favourably as second choice site after LA4. Some doubts raised by officers about further consideration. | No | Site was considered in the Emerging Core Strategy consultation, June 2009. Estimated potential 50 units. | |
| Stag Lane/High Street Berkhamsted | BW3 | 27 | No | No | No | Housing Land Availability Paper App 4 and App5 14 units. | 14 |
| Park Street Berkhamsted | BW7 | 8 | No | No | No | App 5 Land Availability Paper Impact on large grounds surrounding church. No developer intentions | |
| Majestic Wine Warehouse High Street Berkhamsted | BW16 | 20 | No | No | No | App 5 Land Availability Paper Still in viable use Loss of employment | |

| Site Name | Ref No. | Unit Nos. (SHLAA) | Green Belt | LDF Assessment 2012 | Pre-Submission Draft Site | Comments | Potential Future Supply 2012 |
|--|---------|-------------------|------------|---|---------------------------|---|------------------------------|
| British Film Institute (BFI) Kingshill Way Berkhamsted | BW24 | 136 | Yes | No | No | 10 units have been allocated to this site in Appendix 4 of Housing Land Availability Paper (July 2011) | 10 |
| Hanburys, Shootersway, Berkhamsted | BW25 | 70 | Yes | Officer recommendation – further consideration. | LA4 | Option considered in Emerging Core Strategy consultation June 2009. Promoted by landowners. Proposed Local Allocation Site LA4 60 units | 60 |
| Land off Shootersway, Berkhamsted | BW26 | 198 | Yes | Part of land south of Berkhamsted. Officer recommendation to give no further consideration. | No | | |
| The Old Orchard, Shootersway, Berkhamsted | BW29 | 8 | Yes | No | No | | |
| Land to east of BFI Kingshill Way, Berkhamsted | BW30 | 159 | Yes | No | No | | |
| Open land off Shootersway (next to Blegberry Gardens), Berkhamsted | BW33 | 154 | Yes | Officer recommendation to give no further consideration | No | Option considered in Emerging Core Strategy consultation June 2009 but not taken forward | |
| Hospice of St Francis and Blue Mist , Berkhamsted | BW34 | 16 | No | No | | Now built | |
| Chilterns, Stoney Close, Berkhamsted | BW35 | 12 | No | No | No | Under construction | |
| Clarence Road, Berkhamsted | BE7 | 16 | No | No | No | Potential site for development. DBC owned App 5 Land Availability Paper | 16 |
| Chesham Road, Berkhamsted | BE12 | 4 | No | No | No | Potential loss of sports use | 4 |
| Off High Street, Berkhamsted | BE15 | 7 | No | No | No | Active garage, poor access | 7 |

| Site Name | Ref No. | Unit Nos. (SHLAA) | Green Belt | LDF Assessment 2012 | Pre-Submission Draft Site | Comments | Potential Future Supply 2012 |
|--|---------|-------------------|-----------------|--|---------------------------|--|------------------------------|
| Egerton School Charles Street , Berkhamsted | BE16 | 5 | No | No | No | Conversion to housing implemented App 5 Land Availability Paper | |
| Ashlyns School and Thomas Coram School, Berkhamsted | BE27 | 65 | Yes | Concluded site should be retained for education. | No | Option considered in Emerging Core Strategy consultation 2009 Loss of school land? | |
| 1 Park View Road Berkhamsted | BE28 | 5 | No | No | No | Planning permission granted 755/06 | 5 |
| Bank Mill Lane, Berkhamsted | BC1 | 1 | No | No | No | Likelihood doubtful?? Part open space/open land | |
| New Lodge Farm and outbuildings, Berkhamsted | BC2 | 85 | Part Green Belt | No | No | Local Plan Housing Allocation H36 Net capacity 50 units 54 units granted on appeal App 5 - Housing Land Availability Paper | 54 |
| Chapel Street, Berkhamsted | BC12 | 7 | No | No | No | Scout Hut close to town centre Potential loss of community use App 5 – Housing Land Availability Paper | 7 |
| Greene Field Road, Berkhamsted | BC20 | 1 | No | No | No | In current use | 1 |
| St Katherine's Way, Berkhamsted | BC30 | 6 | No | No | No | Green Space on housing estate App 5 Land Availability Paper | 6 |
| Rose Cottage, Bank Mill, Berkhamsted | BC38 | 24 | No | No | No | Completed | |
| High Street /Water Lane, Berkhamsted | BC 41 | 49 | No | No | No | Subject to feasibility and concept statement Existing retail uses Multiple ownerships may affect delivery App 5 Land Availability Paper | 49 |
| Manor Street, Berkhamsted | BC42 | 20 | No | No | No | Completed | |

| Site Name | Ref No. | Unit Nos. (SHLAA) | Green Belt | LDF Assessment 2012 | Pre-Submission Draft Site | Comments | Potential Future Supply 2012 |
|---|---------|-------------------|------------|---------------------|---------------------------|---|------------------------------|
| Site off Bank Mill Lane, Berkhamsted | BC43 | 100 | Yes | No | No | | |
| 110 High Street, Berkhamsted | BC44 | 12 | No | No | No | Housing Commitment Plan Ref:622/05 Plannning permission for 13 units. 12 is net figure | |
| Land At Tunnel Fields, Berkhamsted | BC45 | 16 | No | No | No | Completed | |
| Potential Total Future Supply 2012 | | | | | | | 417 |

Additional Sites Considered in June 2012 Final Assessment not referred to above*

| Site Name | Ref No. | Unit Nos. | Green Belt | LDF Assessment 2012 | Pre-Submission Draft Site | Comments |
|----------------------------|----------------|------------------|-------------------|----------------------------|----------------------------------|---|
| Land south of Berkhamsted | | | Yes | Yes | No | Option not included in Emerging Core Strategy consultation but being actively promoted. Includes 7 parcels of land including BE25, BE 24 and BE26 |
| Haslam Field , Shootersway | | | Yes | Yes | No | Site put forward for consideration as part of Pre-Submission Core Strategy consultation Loss of playing fields/open space |
| Home Farm, Pea Lane | | | Yes | Yes | No | Site put forward for consideration as part of Pre-Submission Core Strategy consultation Rejected as in Chilterns AONB |
| Ivy House Lane | BC14 | | Yes | Yes | No | Site put forward for consideration as part of Pre-Submission Core Strategy consultation Rejected due to proximity to Chilterns AONB |