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**Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

**Director of Planning**  
St Albans City & District Council  
St Peters Street  
St Albans  
Hertfordshire  
AL1 3JE

District ref: 5/2020/3022  
HCC ref: SA/5425/2021  
HCC received: 10 February 2021  
Area manager: Alan Story  
Case officer: Samuel Tearle

**Location**

BURSTON GARDEN CENTRE NORTH ORBITAL ROAD CHISWELL GREEN ST. ALBANS AL2 2DS

**Application type**

Full Application

**Proposal**

**AMENDED PROPOSAL**

Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works

**Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

**Condition 1: Existing Access - Improved**

Prior to the first occupation hereby permitted the vehicular access at North Orbital Road shall be upgraded in accordance with drawings numbered. 3019.14, 3019.15 and 3019.16. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

**Condition 2 (Part A): Rights of Way**

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

**Condition 2 (Part B): Rights of Way**

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

**Condition 3: CMP**

No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

**Condition 4: EV Charging Facilities**

Prior to the occupation / use of the development hereby permitted, the development shall include provision for 20% of the car parking spaces to be served by EV active charging points, as detailed in paragraph 8.2 of the Planning Statement.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

**Condition 5: Cycle Parking**

Prior to the first occupation /use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to

and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

**AN1) Storage of materials:** The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

**AN2) Obstruction of public highway land:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

**AN3) Road Deposits:** It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

**AN4) Construction standards for 278 works within the highway:** The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

**AN5) Roads to remain private:** The applicant is advised that all new roads / the routes marked on the plan / the routes described as [south of proposed mini roundabout] associated with this development will remain unadopted and the developer should put in place a permanent arrangement

for long term maintenance. At the entrance of the new private road the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities.

**AN6) The Public Right of Way** should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.  
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

**AN7) A Travel Plan (TP)** for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the TP and engaging in any TP Review. Indexation of this figure will be based on the Retail Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#travelplans>  
Our Travel Plan team can provide further advice at [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk).

### **Planning Obligations (S106)**

- 1) Travel Plan Monitoring and Support contribution of £1,200 per annum for 5 years (£6,000) subject to indexation RPI May 2014.
- 2) HCC's Planning Obligations Toolkit - In accordance with the HCC Planning Obligations Guidance, contributions are sought on a unit rate basis and are pooled where appropriate. For residential use the charge is based on the number of bedrooms. This is calculated based on the site's accessibility zone. The site is in Zone 'Elsewhere' and given the presented proposals (24 x 1-bed units @ £625 and 97 x 2-bed units @ £750 and 3 x 3-bed units @ £1,125) this equates to £91,125 in 2006 prices. The current SPONS pricing index suggest that this equates to £130,427 in today's prices. HCC Highways would distribute this via S106 agreements to the associated schemes to mitigate the impact of the development.

### **Description of Proposal**

A full planning application has been submitted for a proposed development of 80 assisted living apartments and 44 bungalows. The schedule of accommodation is:

- Assisted Living Apartments: 24 x 1-bedroom; 53 x 2-bedroom; 3 x 3-bedroom;
- Bungalows: 44 x 2-bedroom;

Vehicular access to the site is proposed to be via the existing site access / A405 North Orbital Road junction, which is proposed to be upgraded to signals. In 2015 planning permission was granted for the signalisation of the site access / A405 North Orbital Road junction. This signalisation would be implemented as part of the development proposals.

The proposals also include the construction of a mini-roundabout within the site, to the south of the site access / A405 North Orbital Road junction. The proposed arrangement is the same as the proposals that were part of application 5/2018/1324, in which the Highway Authority raised no objection.

Pedestrian access to the site is proposed via the existing site access / A405 North Orbital Road junction. The proposed signalisation includes signal-controlled crossing linking the site with Albany Mews to the north and also a signal controlled crossing linking the footways at the access bellmouth.

Pedestrian access to the site is also proposed to be via new links to the Bridleway St Stephen 003 and new bridleway is proposed along the south of the site that will link Bridleway St Stephen 003 to St Stephen 018.

### **Existing Site Description**

The site is currently occupied by Burston Garden Centre, which is located to the south-east of the A405 North Orbital Road in St Albans, Hertfordshire. The site is bound to the north by the A405 North Orbital Road and to east, south and west by green open space. The A405 North Orbital Road is a dual carriageway Principal A Road and is subject to a 70mph speed limit.

### **Site History**

An application at the site was submitted in 2018 under ref (5/2018/1324). This application was for a development consisting of 64-bed care home, 80 assisted living apartments and 45 care bungalows.

The Highway Authority recommended 'no objection' to the application, subject to planning conditions in their consultee response dated 1/02/2019. Off-site works for the application included the signalisation of the Burston Garden Centre site access junction with the A405 North Orbital Road and provision of a new mini-roundabout at the internal site access/garden centre access. The signalisation scheme on the A405 was permitted in a different application in July 2015.

The application (5/2018/1324) was refused at appeal in January 2020 due to concerns regarding the green belt and non-highway related matters.

### **Design Considerations**

#### **Vehicular Access**

The proposals include the signalisation of the existing Burston Garden Centre / A405 North Orbital Road which is shown on Drawing Nos 3019.14, 3019.15 and 3019.16. This arrangement is in accordance with the scheme agreed with the Highway Authority during application 5/2018/1324.

To support the scheme, a RSA S1 with Designers Response was submitted as part of the previous submission 5/2018/1324. The Transport Assessment states in Appendix 17 that the issues will be

addressed at the detailed design stage. The Highway Authority have reviewed the issues and are satisfied they can be addressed at the S278/detailed design stage.

The Highway Authority are satisfied with the scheme and request it is delivered via a S278 agreement. An RSA S2 must be submitted alongside the detailed design drawings.

### **Pedestrian Access**

The above-mentioned signal-controlled site access / A405 junction is proposed to include a signal operated crossings, tactile paving and guard rail 'sheep pens' to cross the A405, garden centre access and the left turn deceleration lane. An uncontrolled crossing with dropped kerbs and tactile paving is to be provided on Albany Mews to link the route with the signalised crossings on the A405. The Highway Authority are satisfied with this arrangement and request pedestrian visibility splays are provided at the S278 detailed design stage.

The proposals also include a new section of bridleway that is to be provided along the south of the site and Burston Garden Centre. This will provide a new link between the existing bridleway (St Stephen 003) located to the east of the site and the existing footpath (St Stephen 018) located to the west of garden centre and links to Lye Lane.

Within the site, the internal road 'The Avenue' and 'Burston Lane' are to include pedestrian links to the new bridleway proposed to the south of the site. Two further pedestrian links from the site to the existing bridleway 'St Stephen 003' are proposed. The Highway Authority are satisfied with this arrangement and request this pedestrian links are provided prior to occupation .

### **Speed Reduction on A405**

The Transport Statement states an application for a Traffic Regulation Order would be made to Hertfordshire County Council to reduce the speed limit on the A405 from national (70mph) to 60mph between the Noke roundabout and the Tippendell Lane roundabout.

The gateways /signage for the proposed changes to the speed limit are shown on Drawing No.3019.16 which was deemed suitable by the Highway Authority under application 5/2018/1324.

### **Internal Highways**

The proposals include a new internal mini-roundabout that is to be provided on the Burston Garden Centre access, approximately 21m south from the A405 junction. The mini-roundabout will consist of four arms that link to the A405 site access, private road serving the residential and business units at Burston Manor Farm, the proposed site, and Burston Garden Centre. This arrangement is in accordance with the scheme agreed with the Highway Authority during application 5/2018/1324 and Drawing Nos. 3019.15 and 3019.16

The proposals include a new 5.5m wide access road, known as The Avenue, with a 2m wide footway on the eastern side of the carriageway would be provided and continued south east from the new mini-roundabout for some 200m where it would turn and enter the site at an 'arrival court'. The Highway Authority are satisfied with this proposal, and the applicant should be aware the Highway Authority will not adopt the internal highway layouts south of the mini-roundabout.

### **Refuse / Servicing / Emergency Access**

The proposals include a service entrance to the main assisted living building off Hornbeam Lane and refuse bins around the parking courts. Communal bins have been provided for the bungalows and collection is proposed to be undertaken on the internal site roads. Swept path analysis drawings contained in Appendix 11.1 and 11.2 of the TA have shown a refuse vehicle can enter the site, route through the site, and exit in a forward gear.

## **Car Parking**

The Transport Assessment states the proposals include the provision of 141 car parking spaces for resident and staff use. The 80 assisted living apartments and 44 bungalows will be allocated 1 space each, alongside 17 visitor parking spaces.

The Planning Statement states in paragraph 8.2 that 20% of car parking spaces will have active charging points. The applicant should be aware that HCC declared a climate emergency in 2019 and Policy 5 of HCC LTP4 requires new developments to provide active and passive EV Charging provision. It is requested by way of condition that 20% of spaces are fitted with active charging points. It is recommended other spaces should have passive provision.

## **Cycle Parking**

The Transport Assessment states 24 cycle parking spaces in the form of Sheffield Stands will be provided for the assisted living units and 18 cycle stands for the bungalows. The Highway Authority request the stands are in a secure, covered and well-lit location.

It is noted that the Application Form and Planning Statement state 54 cycle parking spaces and 15 dedicated mobility spaces are to be provided. The Highway Authority therefore request that this disparity in the number of cycle parking spaces is clarified.

## **Traffic Impact**

### **Trip Generation**

The Transport Assessment has calculated the proposed and existing land uses. It should be noted that the site land is used by the garden centre mainly for storage and the plant nursery and would not affect its current traffic generation to the retail and restaurant facilities and the fishery. On this basis no traffic has been discounted from the existing use.

### **Existing Land Use**

The trip generation of the existing land use (Burston Garden Centre and Hertfordshire Fisheries) was detailed in the previous TA and was deemed acceptable by HCC in their response dated 06/09/2018. This found the existing vehicle trip generation for the existing site to be:

- AM Peak (07:00-08:00) = 25 two-way trips
- PM Peak (17:00-18:00) = 57 two-way trips
- Saturday Peak (12:00-13:00) = 205 two-way trips

### **Proposed Land Use**

The trip generation of the proposed land use (80 assisted living units and 44 bungalows) has been calculated using the trip rates that were used in the previous TA and was deemed acceptable by HCC in their response dated 06/09/2018. This found the predicted trip generation for the proposed site to be:

- AM Peak (07:00-08:00) = 8 two-way trips
- PM Peak (17:00-18:00) = 26 two-way trips
- Saturday Peak (12:00-13:00) = 21 two-way trips

## **Highway Impact Assessment**

### **Distribution**

The applicant has based the distribution on the results of traffic surveys. This method was deemed acceptable by HCC in their response dated 06/09/2018.

## **Background Growth**

The applicant has derived background growth factors from TEMPro for the period 2018-2025. These growth factors have been applied to the 2018 traffic surveys.

The Highway Authority have reviewed the growth factors and consider them suitable.

The traffic future year flows are also understood to have included the committed development flows for the Radlett Rail Freight Terminal flows from the TPA Technical Note.

### **Capacity Assessments**

The applicant has undertaken capacity assessments of the site access / A405 North Orbital Road signalised junction using LinSig software.

The results have shown the junction is predicted to operate within theoretical capacity in the peak periods.

### **Highway Safety**

The Transport Assessment includes a review of collision data for the highway network surrounding the site. The applicant obtained the most recent 5 years of collision data available to Hertfordshire County Council, this is considered acceptable.

The review of the collision data demonstrated that there were three collisions associated with traffic departing from the existing site access. Vehicles were departing the site to travel westbound and collided with westbound traffic. The applicant has said that the proposed signals would mitigate this safety issue.

### **Sustainability**

#### **Public Transport**

The closest bus stops to the site are located on Watford Road, approximately 600 metres north-west of the site. Both bus stops comprise of a flagpole and timetable information. The bus serving the stops can be used to reach Watford and Luton. Additional bus stops are also located on How Wood, south-east of the site.

The nearest railway station is How Wood, which is 1.7km south-east of the site, and is frequently served by trains between Watford Junction and St Albans Abbey.

#### **Active Travel**

A footway is provided along the north side of the A405 North Orbital Road, which is segregated from the dual carriageway by a grass verge. A narrow footway is provided on the south side of the A405 North Orbital Road and leads to the roundabout with the B4630 which has pedestrian facilities providing access to amenities including a Shell petrol station and a Starbucks cafe. There are no dedicated cycle facilities in the vicinity of the site.

As part of the signalisation of the site access / A405 North Orbital Road, it is proposed that a staggered pedestrian crossing is provided across the A405 North Orbital Road. This would improve pedestrian access to the site.

The proposals will provide a new link between the existing bridleway (St Stephen 003) located to the east of the site and the existing footpath (St Stephen 018) located to the west of garden centre and links to Lye Lane. The Bridleway 'St Stephen 003' links to How Woods, where there are a number of local facilities and public transport.

### **Travel Plan**

The applicant has submitted a Framework Travel Plan. The HCC Travel Plan team have the following comments on the current travel plan which must be addressed prior to occupation:

- An interim TPC contact should be provided to HCC;



- The requirement to provide a secondary TPC contract once a TPC has been appointed should be noted with in the Travel Plan;
- TPC time allocated to role and frequency on site required – this can be an estimate per month;
- Welcome packs should be provided to each resident and staff member;
- Monitoring should also include residents travel;
- Walking groups should be established for residents and staff + promotion of HCC health walks;
- Cycle training should be offered to staff, Dr Bike annually for staff and any residents who cycle;
- The Travel Plan should be reviewed annually.

If planning permission is granted, a Travel Plan Monitoring and Support fee of £1,200 per annum for 5 years (£6,000 subject to indexation Retail Price Index May 2014) is required via a S106. A Full Travel Plan will be required to be in place for 5 years post occupation.

### **CTMP**

If the application is permitted, the Highway Authority request by way of planning condition that a Construction Traffic Management Plan is submitted prior to construction. A CTMP is needed to mitigate any adverse impact from the construction to the operation and safety of the local highway network.

### **Planning Obligations / CIL**

St Albans City and District Council do not currently use CIL. In the absence of this developer contributions would be sought via S106 agreement/s using the HCC's Planning Obligations Toolkit. HCC's Planning Obligation Guidance (2008) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand).

In accordance with the HCC Planning Obligations Guidance, contributions are sought on a unit rate basis and are pooled where appropriate. For residential use the charge is based on the number of bedrooms. This is calculated based on the site's accessibility zone.

The site is in Zone 'Elsewhere' and given the presented proposals (24 x 1-bed units @ £625 and 97 x 2-bed units @ £750 and 3 x 3-bed units @ £1,125) this equates to £91,125 in 2006 prices. The current SPONS pricing index suggest that this equates to £130,427 in today's prices. HCC Highways would distribute this via S106 agreements to the associated schemes to mitigate the impact of the development.

Schemes of improvements are set out in the South Central Hertfordshire Growth and Transport Plan Prospectus (2019). Sustainable transport contributions can be used for, but not limited to, Package 35 'Chriswell Green Corridor Active Travel Improvements'. Package 35 includes 'Improvements along the A405, including roundabout upgrades at the A414/A405/A5183 Park Street Roundabout and at the B4630 Watford Road/A405 Noke Roundabout'.

### **Conclusion**

The Highway Authority does not wish to raise an objection to the proposals, subject to the inclusion of the recommended planning conditions and informatives.

### **Signed**

Samuel Tearle

24 February 2021