

Highway Statement of Common Ground Revision B

Appeal by Canton Ltd

Land off Bullens Green Lane, Colney Heath

WHBC Appeal Ref: APP/B1930/W/20/3265926

SADC Appeal Ref: APP/C1950/W/20/3265925



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Report Reference

18770/HSoCG

Revision History

Rev	Amendments	Prepared By	Checked By	Date
First Issue	N/A	JGF	JGF	22/03/2021
A	Further to HCC Comments	GBR	GBR	21/04/2021
B	Further to HCC Comments	GBR	JGF	23/04/2021

1. Appeal References

1. Appeal References

- 1.1 This Highways Statement of Common Ground (HSoCG) relates to two linked appeals submitted by Canton Ltd (“The appellant”) in respect of land of Bullens Green Lane, Colney Heath (“The Appeal Site”). The site straddles the boundary between Welwyn Hatfield Borough Council (“WHBC”) and St Albans City and District Council (“SADS”). Separate but identical outline applications were submitted to both Local Planning Authorities and this is the reason there are two appeal references.
- 1.2 The two appeal references are:
- WHBC Appeal Ref: APP/B1930/W/20/3265926
 - SADC Appeal Ref: APP/C1950/W/20/3265925
- 1.3 A Main Statement of Common Ground was agreed between the parties on 5th March 2021 which noted that the parties were still working towards reaching agreement on highways matters, this HSoCG sets out matters of agreement in relation to highways.

2. Site Address

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- 2.1 The appeal site address is 'Roundhouse Farm, Land off Bullens Green Lane, Colney Heath, Hertfordshire'.

3. Description of Development

3. Agreed Description of Development

3.1 The parties agree that the following description of development accurately describes the proposals.

“Outline Planning Application for a residential development of up to 100 dwellings, including 45% affordable and 10% self or custom build, together with all ancillary works (All Matters are Reserved except access).”

4. List of Highway Related Plans Informing the Highway Authority's Decision

4. List of Highway Related Plans Informing the Highway Authority's Response

- 4.1 The parties agree that the following plans and documents comprise the iterations of the plans and documents that informed Hertfordshire County Council's (HCC) decision in their role as Highway Authority to recommend refusal of the Planning Applications.

Application Plans

- 17981-1002 - Site Location Plan (CD1.04)
- 17981-1005 - Illustrative Site Layout Plan (CD1.07)
- 18770-FELL-5-500A - Access Plan (CD1.14)

Application Documents

- Transport Assessment (CD1.23)
- Travel Plan (CD1.24)

5. List of New Plans and Documents Not Previously Seen by the Highway Authority

5. List of New Plans and Documents Not Previously Seen by the Highway Authority

- 5.1 As outlined in the Main SoCG, the appellant has produced a number of amended plans and documents due to a need for alternative pedestrian access to the southern end of the site to that proposed in the plans submitted with the application connecting to Roestock Park, as it has not been possible to reach agreement over this point of connection with Colney Heath Parish Council, who have a long-term lease on the park.
- 5.2 The updated plans relevant to the Highway Authority's review are as follows:
- 17981-1005- Rev F-Illustrative Site Layout Plan **(CD1.07)**
 - 18770-FELL-5-501A - Proposed Footpath Connection **(CD2.01)**
- 5.3 Since the Appeals were lodged further plans and documents have been submitted to the Highway Authority seeking to address the reasons that led to their recommendation for refusal.
- 5.4 During the Pre-Application meeting it was agreed with the Highway Authority that due to the timing of the traffic counts and speed surveys they would have no objection in principle to the submission of any outstanding information within a Transport Assessment Addendum.
- 5.5 These additional documents and plans are as follows:
- Transport Assessment Addendum **(CD2.06)**
 - 18770-FELL-5-500B - Access Plan **(CD2.07)**
 - 18770-FELL-5-502 - Refuse Vehicle Tracking **(CD2.08)**
 - Pedestrian Link Road Safety Audit Stage 1 **(CD2.12)**
 - Site Access Road Safety Audit Stage 1 **(CD2.13)**

6. Areas of Agreement

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6.1 The following paragraphs set out how agreement has been reached overcoming the concerns noted in the Highway Authority's Consultee Responses which led to their original recommendation for refusal.

6.2 The Consultee Responses issued by the Highway Authority to the two Planning Authorities on the two planning applications contained three identical reasons, with an additional two reasons being included in the response to Welwyn Hatfield Borough Council.

6.3 The reasons are summarised below:

Hertfordshire County Council Highways response to St Albans City & District Council - 25 September 2020 (CD3.26).

6.3.1. Insufficient information is provided to demonstrate that the impacts of the development would not have a severe impact on the wider operation of the network, contrary to Hertfordshire County Council's LTP4 Policy 5.

6.3.2. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable, in accordance with Hertfordshire County Council's LTP4 Policy 15 (Speed Management).

6.3.3. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Hertfordshire County Council's LTP4 Policy 5.

Hertfordshire County Council Highways response to Welwyn Hatfield Borough Council - 28 September 2020 (CD3.02).

6.4 The following were noted in addition to the response to St Albans City & District Council:

6.5 Detailed design of the access is required to demonstrate that safe and suitable access is achievable.

6.6 The applicant should provide swept path assessments for the proposed access.

6.7 It should be noted that the applicant approached the two planning authorities in regard to the submission of the Transport Assessment Addendum, however, the planning authorities indicated they would be unlikely to accept such an Addendum post-application submission, and the applicant did not in the end formally submit the document with a request for it to be considered.

6.8 The above approach had, however, been agreed during the Pre-Application meeting in light of the fact that it was not possible to undertake traffic counts or speed surveys prior to the submission of the Planning Applications due to school holidays and Covid 19 restrictions. It should be noted that no pre-application discussions were held with either Local Planning Authorities, meaning this approach was not agreed with the LPAs in advance. It is the Local Planning Authority, not the Highway Authority, to whom the information must be submitted, if as part of a planning application, for consultation with the Highway Authority as appropriate.

6.9 The Transport Assessment Addendum (CD2.06) was issued to the Highway Authority on the 04th January 2021. However, as per paragraph 6.8, the document was not provided for formal consultation to the LPAs.

6.10 From the consultation responses noted above, there are five points for refusal, and the current position is as set out in respect of each below:

Impact on wider operation of Highway Network

6.11 As agreed with the Highway Authority in the pre-application meeting held on 11 August 2020 (CD9.33), traffic counts could not be recorded at the time due to school holidays and impacts of the Covid pandemic. It was agreed with Highways that a TA Addendum would be submitted once traffic counts could be undertaken.

6.12 Following completion of the school holidays the Highway Authority agreed that the proposed traffic survey dates were acceptable.

6.13 The Transport Assessment Addendum (CD2.06) was issued as part of the appeal.

6.14 The Addendum includes all of the junction assessments requested by the Highway Authority and concludes that the proposed development traffic has no significant impact on the assessed junctions and that the junctions will continue to operate within capacity with the development fully occupied with network growth to 2030 applied.

6.15 It is therefore agreed between the parties that the proposed development will not have a severe impact on the operation of the wider highway network. This was agreed as part of the Highway Authority's consideration of the documents submitted as part of the appeal process.

Proposed Change to Local Speed Limits

6.16 At the time of the Pre-Application meeting request it was proposed to provide an access onto Fellowes Lane. During the evolution of the illustrative masterplan and in advance of the Pre-Application meeting the proposed access was moved to Bullens Green Lane.

6.17 The speed limit of Bullens Green Lane changes from 30mph to National Speed Limit at the north eastern corner of the site. The proposed site entrance falls within the section of road currently under the National Speed Limit. The site access proposals included the extension of the 30mph restriction to incorporate the site access and visibility splay to the south.

6.18 It was agreed during the Highways Pre-Application meeting that speed surveys should be undertaken to determine the necessary visibility splays and the appropriateness of changing the local speed limits. It was stated that this information would be submitted within the Transport Assessment Addendum which was accepted in principle by the Highway Authority; however, this approach was not agreed with the Local Planning Authorities with whom such a matter should be agreed.

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- 6.19 The speed survey was undertaken between the 25th September 2020 and 01st October 2020. Automatic Traffic Counters (ATCs) were installed approximately 43m to the north and south of the proposed access to suit the proposed visibility splays in accordance with the guidance contained within Manual for streets.
- 6.20 The HA cited Hertfordshire County Councils LTP4 Policy 15 as a reason for refusal. Policy 15 states that the County Council through its Speed Management Strategy, a joint working strategy with the police, will seek to manage the network to achieve appropriate speeds in the interests of safety, other road users and the environment.
- 6.21 The 85th percentile speed was noted are between 28.6mph and 33.6mph, well under the current 60mph speed limit.
- 6.22 In accordance with the speed survey a visibility splay measuring 4.5m x 43.0m was provided on the site access drawings included within the TA Addendum. These visibility splays are easily achievable without the requirement for 3rd party land.
- 6.23 The scheme was taken to Hertfordshire County Council's Speed Management Group (SMG) for consideration. The SMG comprises members primarily from Highway Authority; however, includes members of the enforcement authority - the Hertfordshire Constabulary. The SMG did not support the scheme as proposed and stated that there is a clear difference between the mean and 85th percentile speeds and such a discrepancy is "found to suggest a difference between what is the perceived appropriate speed, and the speed that drivers feel able to progress". The ultimate recommendation made by the SMG was that the scheme was not acceptable in its current form and that the scheme would need to be revisited. The SMG did, however, suggest that a suitable scheme should be achievable.
- 6.24 The applicant is continuing to work with the HA on further measures to reduce speeds.
- 6.25 The Highway Authority have suggested that an appropriate approach may involve introducing a transitional 40mph speed restriction to the south of the site, which, if necessary, can be reinforced through the introduction of physical features such as a chicane.
- 6.26 The principle of the above approach is agreed and it is agreed that the above approach can be secured via a suitably worded Pre-commencement Grampian Condition. However, the proposed works may require additional planning permissions and may be subject to a Traffic Regulation Order and Section 278 Agreement.
- Visibility from the Access**
- 6.27 As noted above, the visibility available from the proposed access location is already considered over and above that required given the actual measured speed.

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- 6.28 The Hertfordshire County Council’s Highway Design Guide “Roads in Hertfordshire: Highway Design Guide 3rd Ed, Section 4 - Design Standards and Advice” (**CD9.32**), sets out the visibility standards for junctions.
- 6.29 The X distance is measured back from the edge of the main road into the site. This figure has been assumed to be 4.5m although it is noted that this could be measured as 2.4m. The use of the 4.5m figure is considered more robust.
- 6.30 The Y distance is measured from the centre line of the minor road along the nearside kerb line of the major road. The HCC guidance note, in Table 4.2.3.1 notes a 30mph road requiring a Y distance of 43m.
- 6.31 It is therefore agreed between the parties that suitable visibility splays are achievable from the site access, with the potential introduction of an appropriate speed reduction scheme.

Detailed Design of the Access

- 6.32 The TA Addendum (**CD2.06**) includes details of the access on drawing 18770-FELL-5-500 B (**CD2.07**) in Appendix J.
- 6.33 It is agreed that the above drawing confirms that a suitable means of access to the site can be provided subject to S38/S278 technical approval.

Swept Path Analysis

- 6.34 The TA Addendum includes swept path analysis on drawing 18770-FELL-5-502 (**CD2.08**) in Appendix I of the TA Addendum.
- 6.35 The refuse vehicle used is the largest refuse vehicle operated by the Local Authorities.
- 6.36 It is agreed that drawing 18770-FELL-5-502 confirms that the proposed agreed site access junction design can accommodate largest refuse vehicle operated by the two local authorities.

Other Matters

- 6.37 It was requested by the Highway Authority that a Stage 1 Road Safety Audit be undertaken.
- 6.38 In accordance with HCC’s request a Stage 1 Road Safety Audit was undertaken on the proposed pedestrian access (**CD2.12**). Although not requested by the Highway Authority, a Stage 1 Road Safety Audit was also undertaken at the site access (**CD2.13**). Both Audits were undertaken on the 05th March 2021. These were forwarded on to the Highways Officer on the 08th March 2021.
- 6.39 The road safety audit noted two minor problems with the proposed pedestrian access off Fellowes Lane. These items included the need for some vegetation to be cut back and the installation of a dropped crossing. These matters would be dealt with under s278 of the Highways Act.

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- 6.40 A separate Road Safety Audit was undertaken at the vehicular site access off Bullens Green Lane.
- 6.41 The road safety audit noted two minor problems with the site access proposals. The first related to standing water. However, it was noted on a site visit on the 19th March 2021 that works were being undertaken to address this issue. The second issue relates to the need to cut back vegetation which is already noted on the proposed access plans.
- 6.42 It is agreed that the road safety audits, undertaken by an independent party, noted minor points which are existing issues currently being rectified or are matters that would be subject to a s278 submission under the Highways Act. However, the HA does not agree that the road safety audits captured all of the safety issues with the schemes. Therefore, the road safety audits require further consideration as part of the S278 submission.

7. Possible Conditions

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7.1 It is agreed that the following Pre-Commencement Grampian Conditions are suitable to address the outstanding issues relating to the proposed site access and footway provision on Fellowes Lane.

7.2 Grampian Condition 1 - Site Access (Bullens Green Lane)

Part 1

No development of the site shall commence until:

a) A scheme to reduce speeds (to support the access proposals designed to 30mph) on Bullens Green Lane, Colney Heath, is provided to and approved in writing by the Local Planning Authority. Any scheme is required to be designed in line with the requirements of Hertfordshire County Council's (HCC) Speed Management Strategy (SMS).

And

b) Any necessary Traffic Regulation Order (TRO) is made in respect of part a) to this condition. 'Made' means that the TRO has been approved and can be implemented.

Part 2

No occupancy of the site can occur until the Traffic Regulation Order referred to in Part 1 to this condition is implemented and brought into force. Evidence of the implemented scheme, in the form of a Certificate of Completion of the Section 278 of the Highways Act 1980, must be submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 and Policy 15 of Hertfordshire's Local Transport Plan (adopted 2018) and National Planning Policy Framework's Paragraphs 108 and 109.

7.3 Grampian Condition 2 - Footway Provision (Fellowes Lane)

Part 1

No development of the site shall commence until a scheme for the provision of a safe and suitable pedestrian crossing and footway on Fellowes Lane, Colney Heath, in line with drawing number 18770-FELL-5-501 in principle, is provided and approved in writing by the Local Planning Authority and is designed in line with the requirements as set out in Hertfordshire County Council's Roads in Hertfordshire: Highway Design Guide (3rd edition).

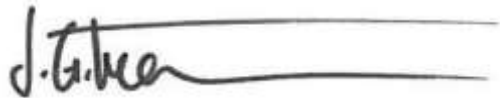
Part 2

No occupation of any part of the development may occur before implementation of the approved scheme referred to in Part 1 of the condition.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policies 1, and 5 of Hertfordshire's Local Transport Plan (adopted 2018) and the National Planning Policy Framework's Paragraphs 108 and 109.

Signatures

Signed on behalf of Canton Ltd

A handwritten signature in black ink, appearing to read 'J. Freeman', is written over a horizontal line.

John Freeman
Partner
Woods Hardwick Infrastructure LLP

Date: 23 April 2021

Engineering Consultant for Canton Ltd

Signed on behalf of Hertfordshire County Council Highway Authority

Lindsay McCauley
Principal Transport Planner, Development Manager, Whole Client Service, Environment
& Infrastructure
Hertfordshire County Council

Date: 23 April 2021

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