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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: 5/2022/0599  
HCC ref: SA/11502/2022  
HCC received: 17 October 2022  
Area manager: Mark Youngman  
Case officer: Samuel Tearle

### Location

Land To Rear Of 96 To 106 High Street Colney Heath Hertfordshire

### Application type

Outline Application

### Proposal

AMENDED PROPOSAL

Outline application (means of access sought) for up to 45 dwellings including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works

### Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

#### Condition 1: Outline Application

The detailed plans submitted in connection with approval of reserved matters shall show, to the satisfaction of the Local Planning Authority:

- The details of all hard surfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
- The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
- That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
- The provision of sufficient facilities for cycle storage.
- The provision of sufficient EV charge points.

All these features shall be provided before first occupation and maintained in perpetuity.

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

**Condition 2: Offsite Works**

Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the site access and associated highway works, as shown indicatively on drawing number 23356-04b. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.

**Condition 3: Construction Traffic Management Plan**

No development shall commence until a Construction Management Plan 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;
- k. Phasing Plan.

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: No Parking Signage**

Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the provision of 'No Parking on the Footway' signs on the section of the internal access road that bounds Colney Heath School and Nursery.

Reason: In order to protect highway safety and the amenity of other users of the public highway in accordance with Policies 5 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 County Council website at:

<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 highway:** 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 County Council website at:

<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) Debris and deposits on the highway:** It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

**AN4) Avoidance of surface water discharge onto the highway:** The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

**AN5) Works within the highway (section 278):** 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 County Council website at: <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.

## **Planning Obligations and Agreements** **S106 (Town & Country Planning Act 1990)**

### **Sustainable Transport**

In accordance with the HCC Planning Obligations Guidance (2021), second strand sustainable transport contributions are sought for residential developments on a unit rate basis of £6,826 per dwelling.

The total S106 sustainable transport contribution sought is £307,170 [Note this figure is subject to indexation SPONS January 2019]. This contribution will go towards, but not limited to, Package 30 of the South-Central Hertfordshire Growth and Transport Plan. Package 30 includes the following measures:

- Improving the A414 cycleway between London Colney and Hatfield to facilitate cycle journeys.
- A414 Colney Heath Longabout Improvements.

Additional details regarding the calculations for the S106 can be found under the subsection 'Planning Obligations'.

### **S278 (Highways Act 1980)**

A Section 278 agreement will be required between the applicant and HCC. Details of the S278 process is stated above in Informative AN5.

## **COMMENTS / ANALYSIS:**

### **Background**

The Highway Authority have previously issued a statutory consultee response dated April 2022 which recommended refusal due to the following issues:

- **Pedestrian Access Concerns** - the footway network to the east of the site is unsuitable to support the proposed development. The proposed development is expected to result in an increase in vehicular trips, with all vehicles routing on the High Street, and therefore increasing the number of potential conflicts and severance for pedestrians whilst reducing the level of pedestrian comfort and attractiveness of walking.

The access bellmouths for both the High Street 96-106 and Park Lane are unnecessarily wide and represent a risk to pedestrian safety as the width allows vehicles to enter and exit at high speeds. Additionally, there is no formal pedestrian crossing on the High Street that falls on a pedestrian desire line to serve pedestrian trips which route to/from the east of the private access drive and wish to access the primary school entrance on the private access.

- **Vehicular Access Design** - the access arrangement must be updated to provide a continuous footway crossover instead of the currently proposed bellmouth arrangement. Updated visibility splay drawings and swept paths must be submitted.

- **Parking** - The Highway Authority are concerned the proposed changes to the private access road will lead to a displacement of 'unofficial' parking for Colney Heath School & Nursery and football club. No details of current usage have been provided and therefore the Highway Authority are concerned the displacement of parking may result in inappropriate and unsafe parking occurring on sections of the surrounding highway and footway network.

The applicant has since submitted a Transport Technical Note (dated August 2022). The Highway Authority have reviewed the amended proposals in the section below.

### **Pedestrian Access Concerns**

The Transport Technical Note states the proposals are to:

- Improve the footway to the east of the site access by widening to 2.0m wide and provide dropped kerbing with tactile paving near the junction of Park Lane.
- Reduce the bellmouths for Park Lane and High Street 96-106. Dropped kerbing with tactile paving will also be provided at High Street 96-106 to facilitate pedestrian desire lines.

These works are shown on Drawing No 23356-04b. The Highway Authority have reviewed these proposals and are satisfied they overcome a number of pedestrian access concerns for future residents and existing neighbouring residents.

These works must be delivered via a S278 agreement, as secured via the recommended condition 2.

The Highway Authority welcome the provision of x2 2m footways on both sides of the internal access road. It is requested by way of planning condition that 'No Parking on the Footway' signage is provided on the section of internal access road which borders the school.

### **Vehicular Access Design**

The Transport Technical Note states the proposals are to:

- Provide a continuous footway crossover at the site access.

These works are shown on Drawing No 23356-04b. The Highway Authority are satisfied with these proposals. The access works must be delivered as part of the S278 process.

It is noted the proposals include the extension of double yellow lines on the southern side of the High Street. The applicant must note these will need to be delivered as part of the S278. As part of the S278 delivery, any faded lining ('slow' markings / Double Yellow Lines / line markings) and missing signing at the section of the High Street that approaches and fronts the access must be reinstated / or added.

Updated visibility splays in-line with wet weather calculations and MfS calculations have been demonstrated on Drawing No 23356-04b.

### **Parking Concerns**

The Transport Technical Note has included a Car Parking Beat Survey and results.

The proposals include the loss of 17 spaces for the provision of the footway on the eastern side of the internal access road. The applicant has demonstrated through a letter from the football club which confirms that they have no objection to Colney Heath Primary School and Nursery using the football club car park for parents dropping off/ picking up children. The Highway Authority are satisfied with this arrangement.

It is noted the footway on the western side of the internal access road will be in the form of a moderate upstand and contrasting surfacing. The Highway Authority are satisfied with this proposal and request implications to drainage are considered.

### **Traffic Impact**

#### **Trip Generation**

The Transport Assessment has included a predicted vehicular trip generation and distribution. The Highway Authority are satisfied with the accuracy of the trip rates used and assignment methodology.

## **Junction Assessment**

The applicant has undertaken a capacity assessment using LinSig of the High Street / A414 North Orbital signal-controlled junction.

The results have shown the impact of the proposed development will not have a nil-detriment effect and will worsen the degree of saturation, queues, and practical reserve capacity which are already approaching / exceeding theoretical capacity. To mitigate these impacts and encourage active travel trips, improvements are sought under 'Planning Obligations'.

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

A set of swept path analysis drawings must be submitted at the reserved matters stage once the layout has been fixed. The swept paths must demonstrate:

- An 11.2m length refuse collection vehicle can enter the site, manoeuvre within a 20m bin drag distance, and exit in a forward gear without having to reverse excessive distance at turning points.
- An fire appliance of 10.1m entering the site, accessing within 45m of all residential units, and exiting in a forward gear.

## **On-site Parking**

The Transport Assessment States Car and Cycle Parking will be provided in accordance with local standards.

The Highway Authority will request that each dwelling is served by an active EV charging unit.

The Highway Authority will also request that each dwelling includes a space that is secure and covered for two cycles.

## **Sustainability**

The Highway Authority are concerned the site is in a location that is car dependent due to limited number of local amenities, employment opportunities, and public transport (rail) in close proximity.

It is noted in the Transport Assessment that the nearest doctor's surgery, secondary school, dental practice and employment opportunities are all 2km-5km from the site.

Therefore, to make the site acceptable in planning terms, mitigation through enhanced pedestrian improvements was sought as this will help encourage trips by active travel modes. In addition to this, to help mitigate the impact of the development, S106 Sustainable Transport planning obligations are sought as set out below.

## **Planning Obligations**

In line with HCC Local Transport Plan, a sustainable transport contribution (via a S106 agreement) is sought in order to mitigate the future impact of the site in terms of vehicle traffic and additional pressures to the active travel and public transport networks. The mitigation will focus on the enhancing and encouraging active travel and public transport use by improving facilities, walking and cycling environments, and improving the safety of trips.

In the absence of Community Infrastructure Levy (CIL) developer contribution are sought via S106 agreement/s using the HCC's Planning Obligations Guide (2021). HCC's Planning Obligation Guidance 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 (2021), second strand sustainable transport contributions are sought for residential developments on a unit rate basis of £6,826 per dwelling.

The total S106 sustainable transport contribution sought is £307,170.

The Highway Authority will distribute the contributions to the associated schemes to mitigate the impact of the development, typically through schemes identified in the HCC's Local Transport Plan (LTP) and its supporting documents, South-Central Hertfordshire Growth and Transport Plan.

Mitigation to offset the highway and sustainable impact of the site will be sought from Package 30 of the South-Central Hertfordshire Growth and Transport Plan. Package 30 includes the following measures:

- Improving the A414 cycleway between London Colney and Hatfield to facilitate cycle journeys. [Improve the existing footway alongside the A414 to accommodate pedestrians and cyclists between the London Colney Roundabout and the A1001 Comet Way in Hatfield].
- A414 Colney Heath Longabout Improvements. [A safety and capacity related improvement to the existing longabout junction which includes introducing a signal-controlled right turn 'cut through' for traffic exiting from High Street towards A414 East].

### **Travel Plan**

Based on HCC Travel Plan Criteria, a Travel Plan Statement is not required to support the application and future residents. If the application is permitted, the Highway Authority would encourage the developer to provide sustainable travel information welcome packs to future residents upon first occupation.

### **CTMP**

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

### **Conclusion**

The Highway Authority have reviewed the amended development proposals and does not wish to raise an objection subject to the inclusion of planning conditions, informatives, obligations and agreements.

### **Signed**

Samuel Tearle

22 November 2022