

Statement of Common Ground  
in relation to  
LAND TO THE REAR OF 42-100 TOLLGATE ROAD & 42  
TOLLGATE ROAD, COLNEY HEATH  
on matters of  
Highway and Transportation

Planning Application Number: 5/2022/1988  
Planning Appeal Reference: APP/B1930/W/23/3323099

Between  
Hertfordshire County Council as Highway Authority  
and  
RPS Consulting Services Ltd  
on behalf of Vistry Homes Ltd

## 1 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been prepared to assist the Inspector in the consideration of the highway and transportation matters relating to the application for up to 150 dwellings on Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath, St Albans, Hertfordshire.
- 1.2 This SoCG has been prepared by RPS on behalf of the applicant, Vistry Homes Ltd., in conjunction with Hertfordshire County Council (Highway Authority) and seeks to set out the matters where agreement has been reached over the proposals and where matters that relate to the reason for refusal are unresolved.
- 1.3 The Appeal Scheme was validated by the Local Planning Authority, St Albans District Council (SADC), on 23 August 2022. The Appeal Scheme was given reference 5/2022/1988.
- 1.4 As part of the application a Transport Assessment was submitted dated 29 June 2022, which was prepared following pre-application scoping discussions with Hertfordshire County Council (HCC) held on a call 15 March 2022. A response letter was received from HCC dated 21 October 2022. An updated Transport Assessment was prepared to address comments raised and provide further information including a Stage One Road Safety Audit. The updated Transport Assessment was submitted on 6 January 2023 along with an updated Travel Plan and a note setting out how HCC comments had been addressed.
- 1.5 HCC provided further comments 9 January 2023 on an updated site access plan, mitigation measures plan and a request for comment from the Road Safety Audit team. A response to these requests was issued on 3 February 2023.
- 1.6 A further set of comments from HCC was issued on 5 May 2023 which was used to complete the SADC Officer's Report. The HCC letter dated 5 May 2023 has been used as the basis for sections of this SoCG below.
- 1.7 The SADC Planning DM Committee resolved to refuse the application on 22 May 2023.
- 1.8 Following the exchange of evidence, the applicant and HCC have continued to engage to narrow matters of difference. Further agreement has been reached on a level of contribution towards public transport services which removes this element of HCC objection.

## 2 DEVELOPMENT PROPOSALS

- 2.1 The development proposal is an outline application for the demolition of the existing house and stables and the erection of up to 150 dwellings, including affordable and custom-build properties, together with all ancillary works (all matters reserved except access).
- 2.2 It is proposed that the development is served by a single access via Tollgate Road at the north west corner of the site. Pedestrian and cycle access will be via the proposed vehicular access arrangement. The vehicular access will provide cyclists with access to Tollgate Road and 2 metre wide footways would be provided on both sides of the access and connect to the existing southern Tollgate Road footway. As part of this planning application, approval is only being sought on the access and not the internal road layout which would be a reserved matter.

### 3 MATTERS OF AGREEMENT

3.1 The following are considered matters that are agreed between RPS and HCC. Where possible these have been quoted from the 5 May 2023 letter from HCC to SADC as the latest set of comments on the application.

3.2 **Site Access:** This is identified on Drawing reference no. JNY11289-RPS-0100-001B. It is agreed that this drawing is designed to current design standards including matters of site access road width, radii, footway provision and visibility splays. The local bus operator has confirmed that there is no objection to a raised table subject to ensuring suitable construction and maintenance.

3.3 **Road Safety Audit.** The HCC response sets out –

*“A Stage 1 Road Safety Audit (RSA) of the proposed access arrangement and Designer’s Response has been undertaken and is recorded in the submitted Transport Assessment. The audit identifies problems for pedestrian users on Fellowes Lane due to the proposed vehicle access arrangement. As a result of initial comments from LHA, the design teams response has been updated. As part of the detailed design, pedestrian intervisibility will be checked and appropriate splays ensured. If needed, measures to prevent inappropriate parking on the grasscrete will be provided.*

*The LHA requested that any outstanding safety concerns from the RSA must be addressed. The TA has now been updated and all the RSA recommendations have now been accepted by the applicant and the outstanding concerns would be addressed at detailed design stage. This is considered acceptable.*

*Furthermore, the applicant has confirmed in the second submitted Highways Technical Note (February 2023) that the Audit team have confirmed that the addition of the proposed crossing location at the site access makes no change to the recommendations of the previous RSA1.”*

3.4 RPS agree with the above comments.

3.5 **Walking and Cycling (Existing Infrastructure Audit):** The HCC response sets out –

*“The applicant has undertaken a walking and cycling route audit, and suggested potential improvements/mitigation on routes leading to local schools and facilities. The walking audit highlights the requirements for pedestrian crossing facilities at the site access to the northern footway on Tollgate Road, refreshing zebra crossing markings at the southern end of the High Street and the provision of tactile paving at Park Lane. The cycle route audit has identified that the underpass at the A1(M) would benefit from lighting and cosmetic improvements to make it more attractive to cyclists.”*

3.6 The context of the above paragraph was in relation to the audit of infrastructure which was initially requested of the applicant in the HCC response dated 21<sup>st</sup> October 2022. In the latest response HCC were satisfied the detail within the audit covered the site area in enough detail and agreed on the conclusions relating to the routes and current condition of infrastructure. However, it is worth noting the wider sustainability issue, as identified in the Matters Not Agreed in Section 4 below, includes cycling trips to amenities not in the local area such as secondary schools, employment opportunities and public transport facilities.

3.7 RPS agree with the above comments.

3.8 **Public Transport (Existing Infrastructure Audit):** The HCC response sets out –

*“The nearest bus stops are located to the southeast of the proposed site access on Tollgate Road (Fellowes Lane). These bus stops are accessible via the footway provision on either side of Tollgate Road. The bus stops are located within an approximate 400m (4-minute*

short walk) from the centre of the site. Bus stops are also located on Hall Gardens within approximately 390m (5-minute walk) of the site and provided access to bus service 200. Bus stops located on Roestock Lane are within approximately 480m of the site and provide access to the 305 service that runs between Sandridge and Potters Bar. Existing bus services are demonstrated to be accessible to most passengers from the proposed development site. The LHA requested an audit of the suitability of the existing bus stop facilities and infrastructure identified within the TA. The result of the audit suggests that improvements should be made to bus stop kerbing at the westbound bus stop, bus stop kerbing and bus cage for the eastbound bus stop and also an improved shelter and raised kerb at Roestock Lane eastbound bus stop. The nearest train station is Welham Green circa 3.7km distance from the proposed development and accessible via Tollgate Road / Dixons Hill Road, approximately a 48-minute walk or 20-minute cycle. The station and all trains serving it are currently operated by Govia Thameslink Railway. The station provides services between Welwyn Garden City and Moorgate, London.”

- 3.9 The above conclusions are made with regards to accessibility to infrastructure and the factual assessment made in the audit as to the time and distance to reach public transport infrastructure by walking and cycling means.
- 3.10 RPS agree with the above comments. For the purposes of clarity, an agreed table of bus services is set out in Table 1.

Table 1 – Existing Bus Services in Colney Heath

Service	Route	Services		
		Mon-Fri	Saturday	Sunday
200	Essendon Mill – Colney Fields	Mondays only. 10:23 out, return 12:41	No service	No service
230	Welwyn Garden City – St Albans	Wednesdays only 11:13 out, return 14:23	No service	No service
305	Sandridge – Potters Bar	5 Services per day in each direction	5 Services per day in each direction	No service
312	Bell Bar – Hatfield Tesco	Wednesdays only 10:00 out, return 12:26	No service	No service
355	Enfield – Welham Green – Nicholas Breakspear School	HCC schooldays only 08:05 out, return 15:27	No service	No service
356	Enfield – South Mimms – Nicholas Breakspear School	As above, slightly different route from Enfield	No service	No service
842	Hatfield – Chancellor’s School	HCC schooldays only at 07:43 out, return 15:12	No service	No service

- 3.11 Contributions through the s106 agreement are proposed to enhance the 305 service as set out below.
- 3.12 **Mitigation Measures:**
- 3.13 Following further discussion between the applicant and HCC, it has been identified that a contribution of £433,000 (indexed to April 2023) paid annually for three years following the first occupation of the development will enable HCC to provide an enhanced bus service similar to the 305, but with 2 services per hour weekdays and Saturday, with the

introduction of a Sunday service. The inclusion of this contribution within the s106 agreement resolves the HCC objection on public transport grounds.

3.14 **Impact Assessment:** The HCC response sets out –

*“The Transport Assessment dated 11 November 2022 set out the approach to trip generation, distribution and capacity assessment at the following junctions*

- *A414 North Orbital / High Street – signalised junction;*
- *High Street, Roestock Lane, Tollgate Road, Courses Road – roundabout junction;*
- *Tollgate Road / Fellowes Lane – priority junction;*
- *Dixons Hill Road / Swanland Road – priority junction; and*
- *A1000 Great North Road / Dixons Hill Road – roundabout junction.*

*In addition, the impact of the proposed residential development on Tollgate Road in relation to the existing on street parking to the east of Fellowes Lane was also determined. No significant adverse impacts were identified on these roads / junctions and no highway capacity mitigation measures are deemed necessary.”*

3.15 RPS agree with the above comments.

3.16 **Travel Plan:** A Framework Residential Travel Plan has been provided with the application documents and was revised following comments from HCC. The implementation of the Travel Plan should be secured through a s106 agreement.

3.17 **Planning Obligations and Agreements:** The HCC response sets out –

*A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum (index linked RPI May 2014) Evaluation and Support Fee must be secured by Section 106 agreement Under the Town & Country Planning Act 1990 in accordance with Hertfordshire County Council’s Travel Plan Guidance.*

3.18 This is agreed and has been included in the s106 agreement.

3.19 As detailed in 3.13 a public transport contribution shall also be secured via planning obligation in the s106 agreement.

3.20 **Conditions:**

3.21 The following conditions in relation to transport matters are considered appropriate and are agreed by both parties.

**Condition 1: Outline Condition**

*No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.*

*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: New Access and Surface Water**

*Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing*

number (Drawing JNY11289-RPS-0100-001 Rev B). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

*REASON: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

**Condition 3: Offsite Works / Mitigation**

*A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the offsite works include but are not limited to: -*

- i. Installation of tactile paving at Park Lane*
- ii. Refresh zebra crossing lining at Southern End of High Street*
- iii. Upgrade shelter, add raised kerbing at eastbound bus stop on High Street*
- iv. Look to improve kerbing and investigate shelter at westbound bus stop on High Street*
- v. Investigate raise kerbing for east and westbound bus stops on Tollgate Road*
- vi. Implement a bus cage on eastbound bus stop on Tollgate Road*
- vii. Investigation and Implementation of lighting and cosmetic improvements to the pedestrian underpass at the A1(M)*

*B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.*

*REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).*

**Condition 4: Cycle Parking Provision**

*Prior to the first occupation 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 scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. 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).*

**Condition 5: Construction 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 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).*

- 3.22 The wording for Condition 3 'Lighting and cosmetic' have been added to part vii of the above, to align with RPS assessment and HCC letter dated 5 May 2023.

## 4 MATTERS NOT AGREED

- 4.1 It is HCC's view that:

Colney Heath has a number of facilities and services expected for a settlement of this size such as primary school, public house, church, village hall, hairdressers, takeaway, Post Office etc. However, residents are expected to travel to larger settlements such as St Albans, London Colney and Welham Green for services such as medical facilities, train stations, larger supermarkets, secondary schools and employment.

Making such trips to wider settlements is a problem because cycle journey connections are not direct.

With regards to cycling trips, the wider sustainability issue is associated with a lack of direct routes to amenities outside of Colney Heath. The routes presented in the audit are not direct and therefore increases the likelihood of more direct options being taken by less desirable routes to get to wider amenities outside of Colney Heath. This is not compliant with LTP4 Policy 1 and 5.

The above points lead HCC to the conclusion that the wider sustainability of the site is a fundamental issue which cannot be resolved for all highway users being offered a suitable and reliable alternative to the private car when trips to be made by cycle are not direct

- 4.2 RPS disagree with this conclusion and references in the submitted Transport Assessment the Bullens Green Lane Inspector's decision (ref: 5/2020/1992/LSM –14 June 2021) which disagrees with the Councils conclusions on a similarly located site. RPS consider that the

Inspector's comments and conclusion (paras 37-41) can equally be applied to the appeal site.



## 5 SUMMARY AND CONCLUSIONS

5.1 It is therefore agreed and concluded that all matters except for those identified in Section 4 above are agreed.

Signed on behalf of Hertfordshire County Council ..... 

Date 18/09/2023

Signed by RPS on behalf of Vistry Homes Ltd



Date 18/09/2023