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

Director of Planning

Welwyn Hatfield Borough Council
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AW

District ref: 6/2020/3451/MAJ
HCC ref: WH/5158/2021
HCC received: 15 June 2022
Area manager: Matthew Armstrong
Case officer: Samuel Tearle

Location

WELLS FARM NORTHAW ROAD EAST CUFFLEY POTTERS BAR EN6 4RD

Application type

Full Application

Proposal

AMENDED PROPOSAL
Demolition of existing buildings and erection of 14 dwellings

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 conditions, informatives and obligations set out below.

Overview

The Highway Authority have been reconsulted on this application following the submission of amended plans. Relevant plans include:
- Updated landscape strategy plan.

The Highway Authority have previously issued a response, dated 12 March 2021, which recommended no objection subject to planning conditions, informatives, and obligations.

Conclusion

The Highway Authority remain satisfied with the recommendation of no objection, subject to planning conditions, informatives, and obligations. The Highway Authority wish to make the following changes to these:

Planning Obligations - S106 (Town & Country Planning Act 1990) - Sustainable Transport

Since the issued response dated 12 March 2021, the Highway Authority have released new S106 Sustainable Transport Toolkit in July 2021. Therefore, as this site remains undetermined, the application is now subject to the new S106 Sustainable Transport toolkit, as set out below.

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.

This is to mitigate adverse pressures generated by the proposed development to the future operation and safety of the local highway, footway, cycleway and public transport networks. The mitigation will also focus on enhancing and encouraging active travel and public transport use by improving facilities, walking and cycling environments, and improving the safety of trips.

The total S106 sustainable transport contribution sought is £95,564 [Note this figure is subject to indexation SPONS January 2019]. This contribution replaces the requested contribution in the Highway Authority response dated 12 March 2021.

The contribution will be used for maintenance and improvements to the footway and cycle environment and bus stop facilities along Northaw Road East between the site and local amenities and public transport facilities in Cuffley. It may also be used for Packages 35-38 & 39-40 of the South East Hertfordshire Growth and Transport Plan.

Planning Conditions

All remain applicable from response dated 12 March 202. For reference, these are:

Condition 1: Construction Management Plan

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 2: 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)

Condition 3: Electric Vehicle Charging Provision

Prior to the occupation / use of the development hereby permitted, the development shall include an active Electric Vehicle charging provision for each dwellings and all other spaces are to be served with passive charging infrastructure.

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 4: Visibility Splays

Prior to the first occupation / use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (1911-066.PL03 Rev C). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

Condition 5: On-Site Speed Management

Prior to the first occupation / use of the development hereby permitted, a private on-site speed management strategy must be submitted to the Local Planning Authority that identifies on-site measures that ensures vehicles travel at low speeds on approach to the footway crossover. Pedestrian visibility splays at the footway crossover must be submitted as part of the private speed management strategy.

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

Planning Informatives

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.

AN6) Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

Signed
Samuel Tearle

24 June 2022