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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: 6/2021/2260/FULL  
HCC ref: WH/8633/2021  
HCC received: 20 October 2021  
Area manager: Matthew Armstrong  
Case officer: Samuel Tearle

**Location**

SHELL WELWYN GARDEN CITY STANBOROUGH ROAD WELWYN GARDEN CITY AL8 6XA

**Application type**

Full Application

**Proposal**

AMENDED PROPOSAL

Redevelopment of petrol station; including demolition of existing sales building, canopy link and car wash/jet washes, erection of a new sales building, provision of car parking spaces, provision of EV charging bays and associated plant, erection of a new bin store, retention of forecourt and canopy, and associated 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: Access Works**

Part A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number PD001 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Part B) Implementation / Construction

Prior to the first use of the development hereby permitted, the 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 2: Surface Water**

Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

### **Condition 3: Construction Management Plan / Statement**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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).

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) 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.

**AN5) Construction Management Plan (CMP):** The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

**AN6) 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.

**AN7) Projecting signs:** Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx> or telephoning 0300 1234047.

## **COMMENTS/ANALYSIS**

### **Background**

The Highway Authority have previously reviewed this application and issued a statutory consultee response on the 9th September 2021. The previous response recommended refusal due to the access arrangements and conflicts with safe pedestrian access and vehicles entering / exiting the site at speed.

The applicant has since submitted a Transport Technical Note, dated October 2021. This Technical Note includes an updated access arrangement and is shown on Drawing No. PD001 and a subsequent swept path analysis shown on Drawing No SP01.

The Highway Authority have reviewed the additional information in the section below.

### **Analysis**

The updated access arrangement, as shown on Drawing No. PD001 includes the narrowing of the access and provision of dropped kerbs and tactile pavings at both of the site access. The Drawing No SP01 demonstrates a max UK legal length vehicles (16.5m) can suitably enter and exit the site in a forward gear following the proposed access works. The Highway Authority are satisfied with this proposed design as it is in line with Policies 1 & 5 of the HCC Local Transport Plan and principles of the NPPF.

The proposals also include a widened access corridor for the dragging of bins between the bin storage area and likely position of a refuse vehicle.

### **Conclusion**

The Highway Authority are satisfied with the additional details contained in the Transport Technical Note. This response must be read in conjunction with the previous Highway Authority response dated 9th September 2021 which included details of the CTMP and Licences.

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

### **Signed**

Samuel Tearle

27 October 2021