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From: alan.story@hertfordshire.gov.uk
Sent: 09 July 2019 14:05
To: Planning
Subject: Planning application 6/2018/3292/MAJ - Land adjacent to 45 Broadwater Road

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

District ref: 6/2018/3292/MAJ
HCC ref: WH/24/2019 (Amended)
HCC received: 03/07/2019
Area manager: James Dale
Case officer: Alan Story

Location

Land adjacent to 45 Broadwater Road
Welwyn Garden City
AL7 3AX

Application type

Full application

Proposal

Erection of four-storey development comprising 91-bed care home with 13 care suites

Amendment

Amendment to proposal:

<https://planning.welhat.gov.uk/Planning/Display/6/2018/3292/MAJ?cuuid=DE1BF719-1C5A-439C-AA81-12526BD5C5B7>

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.

Planning permission be granted subject to the completion of a Section 106 Agreement between the applicants, Welwyn Hatfield Borough Council and Hertfordshire County Council to secure the following: 1. Travel Plan 2. Travel Plan monitoring fee of £6,000 3. Sustainable Transport Contribution £16,500 4. S278 works to close any access to the site and reinstate the footway

Conditions

1: Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the accesses shown on the approved in principle plans. Any other access or egress shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, and such works

complete prior to occupation of any part of the development. Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

2: Prior to the first occupation of any part of the development hereby permitted the proposed on-site car and cycle parking / servicing / loading, unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. 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).

3) Prior to the first occupation of any part of the development hereby permitted a Waste and Servicing Management Plan shall be submitted for approval in writing to the Local Planning Authority describing the time, management activity, size of vehicles and parking management arrangements associated with waste collection activities, and to implement such management plan in perpetuity thereafter except where agreed with the Local Planning Authority. Reason: In order to protect highway safety and the amenity of other users of the public highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4: 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. 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).

Advisory Notes

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". 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 website <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

AN2) 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 website <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) 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Comments:

Within my response to this application (11/3/19), significant concern was presented that the solution to servicing (refuse collection) was not considered to be sufficiently workable, with insufficient mitigation / evidence provided for the necessary loss of parking on collection days, giving rise to a recommendation of refusal on behalf of the Highway Authority.

The applicant now submits “Technical Note – Response LHA Consultation” Mayer Brown (undated) and responds direct to the HA’s earlier observations.

The Highway Authorities concern was that the application (drawing BPWELWYNGC.1/TK05 Rev A) provided swept path for refuse lorries (12.1m) but the ability for such vehicles to turn within the site required 10 parking spaces to be empty (such spaces all adjacent to each other). Such level of parking represented one third of all parking within the site.

The HA recognised that parking is provided in accordance with the Welwyn Hatfield interim parking standards, and represents the provision at the recommended level of 33 spaces. Such spaces shall be for use by staff and visitors noting that use by residents is unlikely dependent on their level of care needs. Application form suggests 23 staff members, but no information exists on whether this is at any one time nor details on staff handover (whereupon pressure on parking is intensified). Hours of visiting may include daytime hours.

The Technical Note directs that day (care) shifts would represent circa 14 persons at any time with night shift being less intensive in terms of staffing. Ancillary staff start / finish times are shown as occurring outside of shift handover.

The HA would not wish to dispute this assessment. The HA would note that on the findings of the report Guidance on Safe Nurse Staffing Levels in the UK (December 2010, Royal College of Nursing(there would be on average a ratio of 18 patients per registered nurse during the day, and 26 patients per RN at night in a care home. Applied to full occupation of the care home proposed (104 beds), this would equate to 6 staff – but recognised this is Registered Nursing staff only and not support etc. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulation 18 in relation to staffing states that: ‘Sufficient numbers of suitably qualified, competent, skilled and experienced persons must be deployed in order to meet the requirements of this Part’, and therefore the applicant shall have established likely levels of staffing.

The Technical Note has presented likely mode of travel to work (Census) and applied this to proposed staff levels with regard to TRICS trip rate profile for vehicle trips for care homes. The Technical Note concludes

that, for staff, maximum levels of occupancy within the car park for staff parking are unlikely to significantly exceed the maximum occupancy of the car park such that it would detriment the removal of parking (temporarily) for servicing requirements.

On the basis of this assessment, the loss of parking from sterilizing spaces at time of servicing, is minimal and represents negligible risk of displacing parking onto local roads that might be prejudicial to highway conditions.

It is, however, recognized that the above assessment considers staff trips only and not those of visitors.

The Technical Note describes that servicing (refuse) shall reasonably occur before 11am. Such a time is unlikely to be significantly attended by visitors of residents within the care home.

Further, the Technical Note has undertaken swept path analysis for vehicles employed by WHBC. Such vehicles are shorter than recommended by the HA in terms of undertaking swept path assessment, as use of shorter vehicles based on current stock, does not future proof development for a time that change of contracts / vehicle fleet might result in larger vehicles. Notwithstanding this observation, the revised tracking demonstrates loss of parking (temporary) as 8 spaces.

Further, the applicant describes that for waste collection this would be subject to private contractor – and that the vehicle used would be shorter wheel base than a refuse freighter. All such matters are deemed reasonable.

I repeat, as per my earlier comments, that whilst the application was supported by a Site Waste Management Plan (an the appendix to the Design and Access Statement) (CLA Architects, issue 2) it fails to make reference to any requirement for special management on dates of collection. I recommend that, if this application, is found acceptable to the LPA that, by condition, a revised Waste Management Plan be secured describing all mitigation necessary to comply with those measures presented within the Technical Note, and implemented thereafter.

Matters in respect of access / trip impacts / sustainability were each dealt with within my earlier response.

As per HCCs previous recommendation to the 2014 application, it is considered reasonable to seek improvements to the local highway network to encourage and enable greater access by sustainable modes.

Due to the scale of development, it is the policy of Hertfordshire County Council to secure financial contributions towards sustainable travel measures. The Community Infrastructure Levy Regulations 2010 states that local authorities still have the ability to collect pooled contributions through S106 until they have either adopted CIL or until 6th April 2015, whichever is sooner. Welwyn Hatfield Council has not adopted CIL and the requirement is therefore that any planning obligations must meet three of the five tests that were previously set out in Circular 05/05:

- Necessary to make the development acceptable in planning
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

It is Hertfordshire County Council's policy, approved by cabinet in January 2008, to seek a planning obligation in respect of Sustainable Transport including, but not limited to, highway and rights of way improvements, for all developments.

There are a number of relevant schemes that strand 2 contributions could be applied to which are contained within the Welwyn Garden City Urban Transport Plan (January 2008). However, potentially most suitable in this case are targeting works towards improving access to buses and improvements to pedestrian links. It would therefore be appropriate to improve local facilities to further promote accessibility to the site by public transport.

The emerging Town Centre North Masterplan (draft) identifies opportunities to increase cycle access along Bridge Road as well as a number of interventions along Broadwater Road, further encouraging the accessibility of the local area by cycling and walking, and supported by the objectives of the LTP. Contributions would support any improvement measures in this regard immediately serving the development.

For non-residential development the contribution is calculated on the basis of £500 equating to one parking space, or £1000 per one, peak hour 2 way trip. The development proposals include 33 parking spaces, and therefore the calculation shall provide a contribution of £16,500.

The site is reasonably close in proximity to Welwyn Garden City Town Centre, however shorter walk routes between the site and the town centre would involve the use of Hydeway and bridge over railway, which – presently – is stepped access only and might represent a barrier to pedestrian travel for persons with a mobility impairment. Potential development options for the former Shredded Wheat Factory may address the absence of lifts at this point. Walk distances are therefore 1.1km, or 950m (Stepped) Access to main line rail services (from Welwyn Garden City station) are subject to same restrictions in terms of accessibility. The site is closely bounded by bus stops, featuring Kassel kerbing (high kerbs) served by routes including the 601 providing 2 services per hour.

Cycle parking is shown adjacent to the service entrance, and subject to visibility from users of the main entrance.

Development proposals are submitted supported by a Travel Plan (Mayer Brown, December 2018). Review of the document suggests that it is broadly acceptable, however it is recognised that it represents an interim travel plan, with Travel Plan Coordinator identified as being appointed as an action rather than defined within the document, and – importantly – baseline survey and setting of targets are each defined as actions upon opening (50% occupation as the trigger for the former). It shall have been possible to utilise modal split from TRICS assessment or Census 2011 in the production of interim targets. Notwithstanding these observations, the Travel Plan is broadly acceptable. It does however identify that its' scope is employees, however there are opportunities (through provision of information and promotion of alternatives to the private car) to influence visitor travel also.

Any grant of consent shall require the Travel Plan, amended as necessary to address the above, to be secured by way of planning obligation. In accordance with the Highway Authorities guidance on residential and commercial travel plans (found; <https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>) there would be an evaluation and support contribution of £6,000 associated with this.

Alan Story

Date 09/07/2019

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