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

Director of Planning

North Hertfordshire Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

District ref: 25/02092/FP
HCC ref: NH/26398/2025
HCC received: 31 March 2026
Area manager: Manjinder Sehmi
Case officer: Senober Khan

Location

45 Bury Mead Road, Hitchin, Hertfordshire, SG5 1RX

Application type

Full Application

Proposal

AMENDED PROPOSAL

Full Planning Permission : Change of use from Class E (g)(office and light industrial) to Class F.1(Mosque) including enlargement (Alterations to roof and the addition of domes) and alterations to the building form of both buildings (including external cladding) and fenestration. Provision of 16 parking spaces, cycle store and bin storage following demolition of existing two outbuildings

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 recommends that permission be refused for the following reasons:

Based on the information submitted and the HA's detailed assessment, safe and suitable access for all users cannot be achieved at this location, and the proposed use would result in unacceptable highway safety impacts, contrary to NPPF (2024) paragraph 133 and local transport policy. The constraints of the industrial estate, the inadequate pedestrian environment, the conflict with HGV operations, and the inability to deliver workable or enforceable mitigation measures mean that the development is fundamentally unsuitable at this site.

The HA therefore recommends refusal of the application on highway safety and accessibility grounds.

Highways comments:

In response to the Highway Authority's (HA) comments dated 15 December 2025, the applicant has submitted a covering letter dated 26 March 2026 and an accompanying Technical Note - Highways Response Note Addendum (HRNA) dated 24 March 2026. The HA has reviewed these documents and provides the following comments, structured in line with the order presented.

Covering letter review:

1. Comments relating to the existing Mosque at Florence Street

The covering letter states that *"it is important to understand the challenges faced by the community at their current Mosque on Florence Street."* While the HA recognises the operational issues associated with the existing site, this application must be assessed solely on the basis of the transport, access, safety and movement impacts arising from the proposed development at 45 Bury Mead Road.

In accordance with NPPF (2024) paragraphs 119-124, the HA must assess the proposal against the characteristics and constraints of the application site, not those of the applicant's current premises. Any issues at Florence Street are a separate matter for the applicant and relevant authorities to manage.

The suggestion that relocating to a new site may improve conditions relative to the existing facility does not justify a development that introduces new or heightened highway safety risks, operational conflicts or access limitations. The proposed site must independently comply with relevant policies, including NPPF (2024) paragraph 133 and the HCC Place & Movement Planning and Design Guidance, which require safe, efficient and well designed access arrangements based on the site's specific context.

2. Reference to the 2013 permission at 27 Bury Mead Road

The covering letter notes that a Mosque was approved at 27 Bury Mead Road in 2013 and suggests that parking expectations at the time reflected a lower emphasis on sustainable travel. However, all planning applications must be assessed against current policies, standards and site-specific highway conditions. Historic decisions and dated policy contexts are not material to the assessment of this proposal.

The covering letter continues with further discussion of the 2013 application and then refers to cycle parking and internal parking arrangements. While such matters may be capable of revision, they do not address the HA's principal concern that: "the site is within an active industrial estate designed for HGV movements and loading operations, not congregation based activity."

3. Lambeth Parking Survey Methodology

The applicant argues that the HA has rejected the Lambeth methodology without offering an alternative, this is misleading. The HA has already set out at the teams meeting, that the Lambeth methodology is a residential, overnight survey technique, designed to measure night time parking stress and therefore not suitable for a proposal where peak parking demand occurs during the daytime, coinciding with industrial activity and the proposed congregation based use. Furthermore, the HA advised that no parking survey, regardless of methodology, will overcome the fundamental constraint that the site sits within an area intended for HGV movements and loading operations, not high volume visitor/pedestrian/car activity.

Notwithstanding, it is the applicant and their transport consultant's responsibility to provide appropriate evidence in support of their proposal. If the applicant considers that survey work is necessary, it is their choice and for their consultant to identify and undertake a methodology that

reflects the operational characteristics of the industrial estate in conjunction with the proposed uses activities.

Conclusion:

The covering note suggests that the HA's position is unlikely to change because "*Bury Mead Road is considered an unacceptable location*," and questions where the community should be located if neither this site nor Florence Street is suitable. However, as stated throughout this response and at the meeting, the HA assesses proposals objectively, based solely on the site-specific highway conditions and the requirements of current national and local transport policies.

Both NPPF (2024) and HCC Place & Movement Guidance make clear that high footfall, congregation based uses must be located where safe access, suitable infrastructure and appropriate movement conditions can be achieved. Bury Mead Road is an active industrial estate designed for HGV movements and loading operations and cannot safely or suitably accommodate the concentrated pedestrian and vehicle activity generated by the proposed use.

The HA's position is therefore policy led, the proposed development cannot be safely accommodated at this site, regardless of challenges experienced at the existing premises.

Technical Note review:

The HA has reviewed the applicant's Technical Note (TN) and associated Road Safety Audit (RSA). While the TN repeats elements previously discussed with the HA and acknowledges some earlier comments, it does not provide any new evidence capable of changing the HA's position. The core and unresolved issue remains that 45 Bury Mead Road is in an active industrial estate designed for HGV movements and is fundamentally unsuitable for a high footfall, congregation based use.

1. Misrepresentation of site context

The TN describes Bury Mead Road as a "*mixed-use*" *commercial environment*, this is misleading. To clarify the limited mixed-use elements (nursery, café, gym) exist only at the far eastern end of Bury Mead Road. The application site sits wholly within the western industrial zone, characterised by constant HGV movements, loading yards, depot activity and commercial operations. The congregation based peak activity proposed is incompatible with this setting.

2. Policy tests under NPPF not met

The TN asserts compliance with NPPF paragraphs 110 and 116. This is incorrect. The relevant test is whether:

- safe and suitable access can be achieved for all users; and
- the development would avoid unacceptable impacts on highway safety.

Given the site's industrial context, narrow footway, uncontrolled parking, and intense arrival / departure peaks during Friday prayers, these tests are not satisfied.

3. Footway width requirements ignored (MfS & HCC Guidance)

National and local design guidance, including Manual for Streets (MfS) and Hertfordshire's Place & Movement/Design Guidance, require substantially wider footways (typically around 4m) in locations where groups congregate, queue or move in large numbers, such as outside schools, sports venues and places of worship. These standards exist specifically to prevent pedestrians being forced into the carriageway during peak demand.

By contrast, the footway outside the application site is approx. 1.5m, far below recommended widths and wholly inadequate for Friday peak flows of 200+ attendees. This creates predictable crowding, overspill and conflict with HGV movements.

Critically, the RSA fails to identify or assess this fundamental design non-compliance, rendering its conclusions incomplete and unreliable.

4. RSA mitigations are operational, not design based

The RSA places reliance on temporary, behavioural management measures such as marshals, cones and advisory signage. These measures are not legally enforceable in their proposed form, rely on voluntary compliance, and fall outside the applicant's control once operating on the public highway. They are inherently temporary and do not provide a permanent or self-enforcing means of managing risk.

The industrial estate functions primarily as a movement led environment, characterised by frequent HGV activity and servicing operations, rather than as a pedestrian focused place. The reliance on management measures fails to address the inherent incompatibility of introducing pedestrian intensive activity into such an environment and does not reduce risk at source through appropriate land-use planning or physical design, contrary to Hertfordshire County Council's Place & Movement Planning and Design Guidance. Consequently, unacceptable residual risks to pedestrian safety remain.

As such, the RSA cannot meet NPPF 2024 paragraph 133, which requires developments to avoid highway safety impacts through design, not temporary management.

5. Hazards arise from land-use incompatibility

The TN repeatedly suggests mitigation can resolve the HA's concerns. It cannot. The safety risks arise directly from the land-use conflict:

- concentrated pedestrian flows
- increased vehicle trips and drop-offs
- uncontrolled parking behaviour
- all occurring within a tight industrial road used by large vehicles.

These are not "design fixable" and cannot be addressed through minor crossing enhancements or signage.

6. Trip generation and travel behaviour assumptions are unreliable

The TN relies on self reported questionnaires rather than TRICS data for places of worship located on unrestricted industrial roads. Given:

- no parking restrictions at Bury Mead Road,
- likely shift to private car use due to poorer accessibility,
- inclement weather increasing car dependency, and
- expected high demand at Friday prayers,
- the TN's travel forecasting cannot be relied upon.

7. Parking stress analysis remains irrelevant

The TN's reference to a 500m parking stress cordon is flawed and irrelevant. As repeatedly stated by the HA:

- congregation parking stress occurs immediately around the site, not 500m away,
- Bury Mead Road is already heavily used by vans and HGVs on-street,
- parking pressures will concentrate near the mosque entrance, creating congestion, reversing, conflict and overspill onto the carriageway.

This was raised at the HA meeting and remains unaddressed.

8. Bus stop distance/pedestrian environment still unsuitable

The TN does not alter the fact that:

- nearby bus stops on Old Hale Way just meets the 400m accessibility threshold however bus stops on Grove Road are located approx.500m from the site, and
- the footway at the site frontage is far too narrow to accommodate large numbers of pedestrians safely.

These constraints cannot be mitigated.

Overall HA position unchanged

The TN and RSA do not change the HA's position. The evidence submitted does not overcome the fundamental and unresolvable incompatibility of locating a place of worship with peak congregation activity and high pedestrian movements within a dedicated industrial estate designed for HGV traffic.

Temporary management measures cannot substitute for safe, suitable access, nor do they meet the design requirements of national and local policy. The development therefore does not satisfy NPPF 2024, HCC design guidance, or established safety principles.

The proposed use remains unsuitable and unsafe at this location, and the HA's objection stands.

RSA review:

The hazards identified within the RSA, and the corresponding designer responses, rely predominantly on operational management measures such as marshals, cones, temporary or advisory signage, stewarding, and messaging systems. These measures are inherently temporary, are not legally enforceable in their proposed form and would operate on sections of the public highway that remain outside the applicant's control. As such, they do not represent legally workable or acceptable highway mitigation and cannot substitute for properly designed, permanent and engineered safety provision.

This approach seeks to manage behaviour rather than to design out risk. It therefore fails to accord with paragraph 133 of the NPPF (2024), which requires developments to avoid creating unacceptable highway safety impacts through appropriate design, rather than reliance on ongoing operational or management measures.

Many of the suggested "mitigations" would also necessitate actions on, or alterations to, the public highway over which the applicant has no authority, control, or certainty of future rights. Reliance on volunteers, event marshals, or informal traffic management measures such as cones does not constitute a robust, lawful, or enforceable strategy, particularly within an environment characterised by frequent and continuous HGV movements.

Such informal arrangements give rise to significant concerns regarding legal liability and duty of care in the event of an incident, as they would not be implemented or regulated through statutory highway powers, a Traffic Regulation Order (TRO), or an approved traffic management regime. In these circumstances, responsibility for safety would be unclear, exposing users of the highway, and potentially the HA, to unacceptable risk. Accordingly, the HA cannot support or condone mitigation measures that are not legally permissible, capable of enforcement, or secured through appropriate statutory mechanisms.

Several RSA identified measures further rely on voluntary compliance rather than robust, self-enforcing and permanent interventions appropriate to a movement led, HGV dominated street. Some proposals also conflict with established highway policy or could not be legally implemented in the form suggested (for example, unilateral warning signage, alterations to crossing provision, or

controlled parking measures without statutory backing). Such measures do not comply with Place & Movement principles, which require highway safety to be addressed through design led solutions.

In particular, marshals, cones and temporary or advisory signage have no statutory force in themselves: marshals possess no legal powers; advisory signage does not create enforceable obligations unless supported by formal legal mechanisms; and applicants have no authority to enforce behaviour on the public highway. HA enforcement is only possible where appropriate statutory controls are in place.

From both a highway safety and Place & Movement perspective, reliance on these measures does not deliver a robust, self-enforcing or permanent approach to risk management and is therefore inappropriate for a movement led street environment.

More fundamentally, the RSA is unable to address the inherent incompatibility of introducing a high footfall congregational use into an active industrial estate specifically designed for HGV access, turning and loading. The identified risks arise from the unsuitability of the proposed land use within this highway environment, rather than from design deficiencies that could be remedied through minor amendments or management interventions. As a result, the RSA cannot resolve the underlying safety concern.

It is also relevant that RSAs undertaken in accordance with GG 104 are advisory in nature and are limited to the scope, assumptions and information provided by the commissioning party. They rely on the methodologies, trip rates and design assumptions contained within the applicant's Transport Statement or Assessment. Where those underlying assumptions are not accepted by the HA, the RSA cannot be relied upon as a sound basis for decision making.

By contrast, the HA is the statutory consultee and must assess the proposal holistically, having regard to the wider highway context, land-use compatibility, precedent setting, ensuring equality of treatment, pedestrian activity, cumulative impacts and national and local policy requirements. The HA is not obliged to agree with the conclusions of a developer commissioned RSA, particularly where fundamental issues, such as the industrial HGV environment and the incompatibility of the proposed use, remain unresolved.

In summary, while the RSA is an advisory document, the professional judgement of the HA is determinative. The RSA does not provide workable, acceptable or policy compliant solutions and cannot overcome the HA's concerns regarding the safety and suitability of the site.

Recommendation:

Based on the information submitted and the HA's detailed assessment, safe and suitable access for all users cannot be achieved at this location, and the proposed use would result in unacceptable highway safety impacts, contrary to NPPF (2024) paragraph 133 and local transport policy. The constraints of the industrial estate, the inadequate pedestrian environment, the conflict with HGV operations, and the inability to deliver workable or enforceable mitigation measures mean that the development is fundamentally unsuitable at this site.

The HA therefore recommends refusal of the application on highway safety and accessibility grounds.

Signed
Senober Khan

16 April 2026