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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: 24/01962/FP
HCC ref: NH/22297/2024
HCC received: 16 September 2024
Area manager: Manjinder Sehmi
Case officer: Paul Marshall

Location

Land Adjacent To Red Brick Cottage, The Street, Kelshall, Royston, SG8 9SQ

Application type

Full Application

Proposal

Full Planning Permission : Erection of custom/self-build detached 5-bed dwelling with shared vehicular access

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 following conditions:

CONDITIONS

CON1) 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. Access arrangements to the site;
- b. Traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);

- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h. 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).

INFORMATIVES

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) 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) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN4) 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.

AN5) 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.

COMMENTS

The proposals are for Full Planning Permission: Erection of custom/self-build detached 5-bed dwelling with shared vehicular access. The Street is maintainable by the highway authority and is unclassified and provides a local access function in the road hierarchy. The vehicle speeds past this site are limited to 30 mph. There have been no recorded accidents near the site in a rolling 5-year period.

Policy Review:

The key documents used to assess the application are:

- Manual for Streets 2007
- National Planning Policy Framework (July 2021)
- Hertfordshire County Council's (HCC) Local Transport Plan-4 [2018-2031, May2018]
- Cycle Infrastructure Design DfT Local Transport Note 1/20 (July 2020)
- HCC's Place & Movement Planning Design Guidance (adopted in March 2024)

PLANNING HISTORY

The application site previous planning history with 22/012291/FP.

DRAWINGS

The Highway Authority note the submission of materials in support of the planning application, including drawing numbers: PO1-02, P3708-B-SLS01, Design & Access Statement (D&A), and Location Plan.

PARKING

Cycle

'Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) recommends for cycle parking storage should be 2m (1.8m is acceptable) in length by 0.3m space between cycles. There should be parking for 1 cycle per dwelling. Outside cycle parking should be covered and lockable. The provision of well-located, safe and secure cycle parking for residents and visitors is a key factor in encouraging people to cycle as an alternative to using the private car. The LPA should consider if the garage as illustrated on drawing Ref (P3708-B-SLS01) would be large enough to use a cycle hook or other means of storage.

Vehicles

Submitted drawing (Ref P3708-B-SLS01) demonstrates space for parking of two vehicles. There is space for vehicles to enter and exit in a forward gear.

VEHICLE ACCESS

The site access is shared with dwelling approved under (Ref 22/012291/FP). The access has already been approved to accommodate both dwellings.

Rights of Way (RoW)

Drawing (Ref P01) illustrates Public Right of Way Kelshall 007. The D&A states: The existing RoW would be diverted around the boundary. Should this be given planning permission please see guidance below.

Whilst any works are underway, the Public Right of Way (Kelshall 007) must remain unobstructed and safe for public use at all times. If, for safety reasons, it becomes necessary to close the footpath then a Temporary Traffic Regulation Order must be applied for and granted before any such works take place.

With regard to an application to divert the footpath, the current Definitive Line of Kelshall Footpath 007 must remain unobstructed and safe for public use whilst an application is being processed. It must also be stressed that there is no guarantee that an application to divert the footpath will be successful. No works that would obstruct the existing route of the footpath may take place until a diversion application has been successfully confirmed.

The proposed diversion route is restricted on both sides by a fence and hedgerow and includes a sharp right-angled bend; neither of these features are desirable and could raise objections from user groups and local residents. It should be noted that HCC's policy on new footpaths states that they must be an absolute minimum of 2m in width, with greater widths being preferred, especially by user groups.

If the developer would like to discuss the diversion process, they should contact Hertfordshire Rights of Way at: row@hertfordshire.gov.uk

VISIBILITY

Drawing (Ref PO1) illustrates vehicle-to-vehicle inter-visibility have an acceptable level of vehicle visibility and accords with the principles found in Hertfordshire's Place & Movement Planning Design Guide Part 4 Chapter 6 section 18.1, page 70.

EMERGENCY ACCESS

The nature of the site puts the proposals / access within 45 meters from the public highway (As required in accordance with MfS 6.7.2)

REFUSE / RECYCLING

The proposals for recycling bin storage must be in line with Manual for Streets MfS 6.8.9 residents should not be required to carry waste more than 30m and be within 25m of the kerbside/bin collection point.

CONSTRUCTION MANAGEMENT PLAN (CMP)

It is important that a CMP is provided considering the nature of the site and the narrowness of the carriageway. The Plan must have or be shown as a drawing of the construction site and the dedicated areas within. These should include but not limited to, construction parking area, wheel washing, and storage area. (see condition 1 above)

CONCLUSION

Should the LPA be minded to approve the application please note the above conditions and informatives. This level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission.

Signed

Paul Marshall

2 October 2024