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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: 24/01604/FP
HCC ref: NH/21816/2024
HCC received: 31 July 2024
Area manager: Manjinder Sehmi
Case officer: Senober Khan

Location

Temple Dinsley, (formerly The Princess Helena College), School Lane, Preston, SG4 7RT

Application type

Full Application

Proposal

Full Planning Permission : Change of use of the Former Princess Helena College and associated land from a former all-girls boarding school to 69no. private residential dwellings (Use Class C3), including the conversion of the main Grade II* Listed House to 35no. new apartments, the conversion of the retained Teaching Block to provide 8 new apartments, the demolition of the existing sports hall building and science block and replacement with 20no. new houses and 2no. new apartments, the conversion of the Tank House and the Pump House buildings to provide 2no. detached dwellings and the erection of 2no. new dwellings located within the summerhouse plantation. The provision of a new car-park together with domestic storage units and covered parking bays to include solar PV Panels, and waste storage units and the provision of new driveways and associated works. Erection of new sub-station building and plant room. In addition, the associated landscaping of the site including provision of new pathways and gates and the reinstatement of Grade II* Listed Parks and Gardens and the provision of a new Cricket Pitch and associated Cricket Pavilion

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:

Until the above issue has been satisfactorily addressed, the HA cannot support or recommend any conditions for this application in its current submission, therefore the default position is for a refusal,

due to the application has failed to demonstrate a satisfactory policy and design-led approach to the accessibility of the proposed development for non-car mode of travel, contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF.

Brief description in support of the proposed development by the applicant:

A Transport Assessment (TA) has been submitted to support a planning application for the redevelopment at the former Princess Helena College boarding school to a residential scheme. Accordingly, the existing main building and teaching block will be converted into 43 apartments, formed of 12 x one-bedroom, 25 x two-bedroom, 5 x three-bedroom and 1 x four-bedroom units.

It is also proposed that 22 houses will be provided in five residential blocks located around the main building and teaching block. These will offer 2 x two-bedroom, 14 x three-bedroom and 6 x four-bedroom units.

Four detached houses, located away from the main building and teaching block are also proposed, with 2 x three-bedroom houses (Tank House and Pump House) located in the south of the site, and 2 x five-bedroom houses (Summer House and Harwood House) located in the north of the site.

The development will also offer a new reserve cricket pitch and associated pavilion for use by Preston village cricket team.

EAS engaged in Highways Pre-App discussions with Hertfordshire County Council (HCC), as the highway authority, on two separate occasions, once during the early site feasibility stage and a second time when redevelopment proposals became more advanced.

Site Location

The site is bound to the east by undeveloped land and with Preston Road, School Lane and St Albans Highway bordering to the north, west and south respectively.

The site is located directly to the east of Preston and as such the village centre can be accessed in relative ease. Preston offers a variety of facilities, including a public house/restaurant, children's nursery, children's primary school, a church, playground, and cricket club.

Vehicular Access

The site is served by two vehicular access points, with the main vehicular site access meeting School Lane, within the south-west of the site. The access is located circa 10m south of Crunnells Green, which joins School Lane on its western side.

A secondary vehicular access point is located at the site's eastern border and connects to the St Albans Highway.

Pedestrian Access

The main pedestrian access into the site is located along the western border, opposite the School Lane/Crunnells Green junction. This route is not currently formalised, with access from the site being made through a gate and via the existing verge located on the eastern side of School Lane; no formal crossing point of School Lane is in place.

In addition, there is a (permissive) footpath on the site which commences at the main vehicular site access at School Lane, running across the field at the south of the site and joining back with School

Lane in the east, near to where the junction with St Albans Highway. This would offer future residents' safe access from the western portion of the site to St Albans Highway in the east, whilst avoiding a section of road with no separate pedestrian facility.

Walking

A Footway runs along the western side of School Lane, commencing at Chequers Lane in the north. The footway is circa 1.8m in width and continues into the village, terminating to the south between The Red Lion Pub and Crunnells Green Road.

There are no formal or informal crossing points along School Lane, within the vicinity of the site, although the footway does offer access to other routes that allow users to access the western expanse of the village.

The site is surrounded by a number of Public Rights of Way (PRoW) which link the existing school site to the wider village of Preston. The PRoWs link the site to Preston primary school, located to the south-west, as well as St Martins Church and Preston Playground, located to the north.

Cycling

There is no dedicated cycling infrastructure present within the village or on the surrounding local highway network. However, the local village roads would be conducive to cyclists, and it is noted that recreational Cycle Route 16 runs through Preston, offering an unbroken connection from the site to the southern side of Hitchin.

Public transport - bus

The Red Lion Public House bus stops are located a circa 50m/1-minute (southbound stop) and a circa 140m/2-minute (northbound stop) walk from the site via the main pedestrian access.

The southern bus stop is indicated by a pole and flag, with timetable information provided, while the northern bus stop offers a small shelter. There are no bus cage markings on the carriageway, Kassel kerbs, nor real-time bus information.

These stops offer access to the 88 bus route that runs east/west between Luton and Hitchin. The route operates 6 services in each direction throughout the day Monday to Friday, with 4 services in each direction running throughout the day on Saturday.

Further to the above, negotiations were opened with the operators of HertsLynx, to explore the option of extending the existing coverage in North Herts to provide a service that runs into the village and potentially the site itself. Unfortunately, the Demand Responsive/Community Transport Project Officer within HCC confirmed that Preston falls outside of the HertsLynx operating zone. The officer did however not rule out the potential of expanding the zone in the future.

Highway Safety Review

The Crashmap website has been used to assess the safety record near to the site access points for the most recent five-year period available (2018-2022 inclusive).

No collisions are identified as having occurred within 150m of any vehicular or pedestrian access.

The nearest incidents to the site access points occurred along School Lane, circa 160m and 170m south of the School Lane site access on 22nd September 2022 and 10th November 2022. Both incidents involved cars colliding while proceeding normally along the carriageway. Both collisions resulted in a 'slight' injury.

Due to the distance of the above collisions from the proposed site accesses and, given a decrease in traffic movements associated with the redevelopment, as discussed later, highway safety is not considered to be a notable concern.

Proposed Development

Overview

The existing main building and teaching block will be converted into 43 apartments, also proposed are 26 houses, total 69 residential units.

The site will provide two main car parking areas, both located to the southeast of the main building and teaching block, with one car park making use of existing hardstanding provision, while a second car park is to be constructed to the south of this.

Existing vehicular speeds were recorded along St Albans Highways to infer the required visibility splay lengths at the access point. The drawing contained at Appendix H shows that visibility splays of 2.4m x 83m and 2.4m x 66m can be achieved to the north and south respectively; both splays terminate at the nearside kerb line. This is in line with recorded 85th percentile speeds of 35mph and 30.5mph respectively. Both splays remain wholly within land owned and maintained by the highway authority.

Staff, players and visitors of the proposed cricket pitch will access the facility by entering the site off St Albans Highway, following the internal driveway for circa 170m, turning left into the pitch. Vehicles will then also egress from the site via St Albans Highway.

Formalisation and improvement to the existing pedestrian access, located to the west of the main buildings is proposed. This will offer future residents a separate vehicle-free access into the site and direct connection to the centre of Preston village.

The new pedestrian route will make use of existing internal footpaths that will be resurfaced and extended, ensuring they run to meet the existing access point along the western boundary. Internal pedestrian connections will extend to each respective residential block and throughout the two main parking areas via dedicated walkways and landscaped areas.

Further to this, a new internal footpath is proposed, linking the Dower House development, located to the north of the site, to the aforementioned new pedestrian access at School Lane. The path is proposed to run close to and in line with the existing northwestern boundary of the site.

The existing permissive path on site, which commences at the main vehicular site access at School Lane and runs across the site, joining back with School Lane in the east, will also be maintained. This will offer future residents' safe access from the western portion of the site to St Albans Highway in the east avoiding the need to otherwise walk in the carriageway of School Lane.

It is also proposed that additional footpaths will be provided, spurring off from the main permissive path, linking to an existing gated access off School Lane as well as the proposed cricket pitch and PROW Preston 002 located in the east.

Discussions have taken place with NHDC regarding parking provision and layout. The current proposal for 127 car parking spaces.

This level of parking is slightly less than the relevant guidance set out in 'North Hertfordshire's Vehicle Parking at New Developments Planning Document', adopted in September 2011. This gives

a recommended parking requirement of 151 spaces for the development, formed of circa 118 allocated and circa 33 unallocated visitor spaces (0.5 visitor spaces per dwelling assumed).

Cycle Parking

It is proposed that the site will provide a minimum of 158 cycle parking spaces, formed of 130 long stay spaces for residents and at least 18 short stay cycle parking spaces for visitors; this meets the policy requirements as set out by NHDC.

Long stay cycle parking for the 43 apartments will be provided within the car port of the resident's allocated car parking spaces, with a store of 2.5m x 3.0m provided. Long stay cycle parking spaces associated with the 22 houses will have two spaces provided in cycle stores within their residential blocks.

Cycle parking for Summer, Harwood, Tank and Pump House will be provided in the curtilage of each dwelling.

18 short-stay cycle parking spaces will be provided for visitors, split between two cycle stores, with 6 visitor spaces located within the residential block to the north of site and 12 visitor spaces located in the cycle store in the main teaching block, in the centre of the site.

Delivery and Servicing Arrangements

Refuse collection will be undertaken from within the site by the district's waste collection services.

A refuse vehicle can enter and egress from the site in a forward gear, also showing where the refuse vehicle will wait within the site as waste is transferred into the vehicle.

A fire tender is able to serve most points within the development. It is understood that alternative arrangements would be made where a fire tender cannot provide direct access.

Proposed Off-Site Improvements

In the first Highways Pre-App completed with HCC, it was considered that there was scope to provide off-site improvements within Preston village, to enhance sustainable travel options for future residents of the site to nearby facilities.

Off-site land ownership queries were made to identify what parts of the village could facilitate improvements.

This initial mapping showed that verges/footways on either side of School Lane, between Crunnells Green and The Red Lion Pub were classified as Highway land and therefore could facilitate off-site improvements, for example new footway construction.

Another land ownership query was made to HCC Land Charges on 20/11/2023 to gauge land ownership around the village green, as well as School Lane, where the proposed pedestrian access is located.

On the receipt of this second mapping request, it was clear that there was some disagreement in land ownership classification between the two maps, with the mapping received on 21/11/2023 now showing that the eastern side of School Lane was classified as 'Village Green' land.

At this point, a query was made to HCC Land Charges on 21/11/2023 to clarify the discrepancy between the two received highway boundary maps. Within this email exchange the HCC officer

stated that both highway boundary maps are correct, and that Highway land always takes precedent over 'Village Green' land.

With the aim of clarifying this further, EAS then reach out to HCC's Commons Enquiry Team, as well as the Right of Way team on 24/11/2024 to understand the development constraints that may be in place when trying to develop on land classed as 'Village Green'.

As a result of this email, Hertfordshire's Commons Enquiries Team highlighted that the 'Village Green' land within the Highway boundary plans is owned by Preston Parish Council. The Commons Enquiries Team also explained the difficulty of reaching agreement for any amendments to this land, stating the following:

"The registration of land as a town or village green makes it extremely difficult for anyone, even the landowner, to undertake works or make any changes. Technically it is not possible to do anything which would interfere with the local inhabitants use or enjoyment of a village green, this includes encroachment, fencing, grazing, or erecting any structures, unless it is for the better enjoyment of the green. Unlike section 38 of the Commons Act 2006, which applies in relation to common land, there is no way of obtaining consent to carry out works or install structures on a village green. Legally, village greens are protected by two Victorian Statutes, the 1857 Inclosure Act, and the 1876 Commons Act."

Highways comments:

The proposals involve the redevelopment at the former Princess Helena College boarding school to a residential scheme. The existing main building and teaching block will be converted into 43 apartments along with 26 houses resulting in a total of 69no. residential dwellings (Use Class C3), with associated car and cycle parking. The development also involves a new reserve cricket pitch and associated pavilion with associated car and cycle parking.

The proposed car parking provision is the responsibility of the LPA to determine the level and suitability of the car parking proposals, however, it is essential that it is operated in efficient and safe manner to minimise the impact on the local highway network which is the responsibility of the HCC HA.

The HA has reviewed the Transport Assessment (TA) it is considered that the proposed increases in traffic flows on the local highway network are not of a scale that would materially impact the relative operation and safety of the local highway network.

With new developments the planning process seeks/provides the opportunity to improve conditions for both development and highway safety by applying current higher standards of policies, design, accessibility, and safety to new developments, and not to retain and/or continue with past obsolete standards.

Cycling and walking are a key part of HCC/NPPF plans, the HA expects sites to be permeable from all feasible directions for pedestrians and cyclists, requiring provision of safe footways to these points (where possible and feasible), which is one of the key issues identified in HCC/NPPF to encourage active sustainable transport choices.

Also, it is Hertfordshire County Councils policy to seek a planning obligation in respect of Sustainable Transport including for all developments. The revised NPPF -July 2021 promotes accessibility by sustainable means including bus, cycling, and walking, and the provisions of S106 of the Town and Country Planning Act-1990 allows that planning obligations, governed by the guidance

within CIL Regulations may be used to mitigate the impact of development. On 22 June 2021, HCC adopted a new toolkit to seek planning obligations towards sustainable transport.

In the pre-app stage the HA in its comments and subsequent meeting advised the applicant/consultant that in their assessment greater consideration/emphasis should be given to improving/enhancing pedestrian and cycle connectivity between the development and the village green and public transport points including bus services to encourage sustainable modes of transport.

As part of improving/enhancing pedestrian connectivity, the HA advised that provision of extending and connecting existing footways along School Lane and Hitchin Road should be provided including an improved and enhance public transport accessibility.

However, the applicant's consultant (in email dated 10 Oct 2024) has advised "as outlined in the feasibility letter, that one of the biggest issues with providing offsite footways within the village is the lack of support from the Parish Council (PC) and other residents.

Whilst the PC and residents (unclear who and how many residents) do not support the provision of footways, which would be wholly on Highway Land, unfortunately no substantive reason has been provided by the PC and residents to the HA for not wanting footways other than they don't support it.

The HA's paramount consideration, which it is duty bound to follow, is to ensure that developments are safe for all road users by ensuring the design, build and provisions are compliant with all the relevant policies and guidance's.

Pedestrian route to and from the development access must also consider the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters (Equalities Act).

The provision of adequate footways can be a more effective means of improving pedestrian safety and to facilitate the developments sustainable transport connectivity by improving the existing infra-structure thereby encouraging walking to nearby locations and reducing car use/travel particularly short distances.

The provision of footways identified are as follows:

- a) along the eastern side of School Lane connecting Crunnells Green with the existing footway approx. 100m to the north.
- b) Along the eastern side of Hitchin Road connecting the existing footway south of School Lane junction with Chequers Lane with the bus stop approx 40m to the north.

Whilst the applicant's consultant has advised a direct access from the development could be provided located opposite the bus stop, which the HA would welcome, nevertheless the provision of b) footway will provide safe accessibility to and from the bus stop for development and local residents who decide to travel by bus to/from the green.

In view of the opposition to the provision of footway the applicant's consultant has also suggested that internal footpaths could be provided as an alternative to the offsite footways, again the HA would welcome such provisions that enhance the choice and permeability of the site. However, the footway is still required again to provide a safe walking provision for locals including from the development (now and future developments) who would want to access the sports facilities located south within the site, and which will be a more direct route too.

Improving bus service in the applicants brief description above, the following was stated:
“negotiations were opened with the operators of HertsLynx, to explore the option of extending the existing coverage in North Herts to provide a service that runs into the village and potentially the site itself. Unfortunately, the Demand Responsive/Community Transport Project Officer within HCC confirmed that Preston falls outside of the HertsLynx operating zone. The officer did however not rule out the potential of expanding the zone in the future.”

Subsequently, a more detailed review undertaken by HCC Bus Service Development Officer, the following comments are provided:

Given the scale of this development in such a remote location, I recommend an annual contribution of £50,000 (index linked) for 5 years to be put towards the local bus service to support its long-term viability. This would be used to enhance the current service where needed, examples are increasing Saturday operational hours or adjust weekday services to better serve local schools. This figure has been derived from existing data and costs and will support integrating the development into the current service.

Recommendations:

- Enhancing the current stops with Kassel kerbs and bus stop poles (if needed). The developer to collaborate with the parish council to replace/repair the existing shelter and install a new, suitable shelter on the green, ensuring a safe and dry waiting area for bus passengers.
- Provide pavements and pedestrian crossing points to ensure safe and easy accessibility to bus stops for everyone – School Lane, Hitchin Road, and Church Lane.
- Enhance road safety by improving speed signage and warnings on the approaching roads - Hitchin Road.
- Additional pedestrian paths from within the development on to School Lane to reduce the walking/wheeling distance to bus stops.
- Developer to demonstrate that they are promoting the local bus service/s along with travel vouchers to encourage sustainable modes of travel.

S106 Clause:

Contribution to be used towards local bus service provisions allowing the extension of, or a new service to be routed close to the development, and not limited to an individual service.

Regarding “the deliverability issues surrounding the requested upgrades to PROWs” the applicant’s consultant has advised that “It is anticipated that farmers may not be in favour of resurfacing or widening footpaths that traverse their fields, as this could create operational challenges when managing their land, this could prevent PROW upgrades.”

The inclusion of permissive routes within the development boundary is positive, the routes provide a good link between the network to the east of the village and Preston itself. Dedicating these permissive routes as Definitive Rights of Way (ROW) should be taken into serious consideration. Dedication of the permissive routes as formal ROW (i.e. Public Footpaths) would secure the rights for the public to use the routes in perpetuity and would be a benefit to multiple user groups including the residents of Preston and the wider public that use the ROW network. New ROW within the development would secure a key access route between Preston and the ROW network to the east. Currently, not-including permissive routes, the only way for users to travel between Preston and the ROW network to the east is via School Lane or Preston Road. Having a legally secured route between the village and the footpaths to the east which take users to Stevenage would be of great benefit.

Dedication of the routes should also be paired with surface construction according to HCCs Non-Motorised Routes Design Guide which provides specifications for surface construction and

materials. Further advice on dedicating Rights of Way and providing appropriate surfacing can be sought from Hertfordshire County Councils Countryside and Rights of Way team, they can be contacted at: row@hertfordshire.gov.uk

As for improvements to the wider network, whilst it would appear the affected landowners are against the idea of dedicating the rights of way to Bridleway status, however the HA would seek to improve the surface of existing routes which would be beneficial if the routes were upgraded in status. Further detailed assessment would be required to provide an estimate of costs for surface improvements, but those would be sought through a S106 contribution.

Regarding the LCWIP, School Lane is a secondary route, Preston has an adopted neighbourhood plan which outlines the key issues and aspirations within the village in the context of new development. School Lane is referenced in regard to speeding and sections that lack footway. Please find below an extract from the plan:

11. Transport and Communications

Policy TC1: Safe and Sustainable Transport:

Policy TC2: Broadband and Mobile Coverage:

11.1 The biggest concern under this heading for residents of Preston is the problems connected with traffic, transport and travel. People are concerned about speeding, especially on certain roads and over half of residents responding to the Preston Survey 2017 would like speed limit reductions to 20mph. Heavy traffic is also an issue at certain times of the day. For some, this is exacerbated by a lack of pavements and street lighting in certain places (although others highlight these as positives about living in Preston). Indeed, the main worry for some young people about their safety in the village is roads and pavements with 65% concerned about lack of pavements, 45% concerned about the width of pavement and 52% concerned about speeding traffic. A poor bus service and badly maintained roads are other bugbears raised by residents of all ages, with 69% of young people concerned about an inadequate bus service.

Preston Parish Neighbourhood Plan 2018 - 2031 (preston-np.org.uk)

Preston is also part of the 20mph scheme list, whilst it isn't an active scheme this could change if funding becomes available: 20 mph Programme Update - List of Schemes (hertfordshire.gov.uk)

Between the LCWIP, Neighbourhood Plan and 20mph programme list, measures for traffic calming could be considered which could then be taken forward either through the LCWIP or 20mph programme.

Hertfordshire's Planning Obligations Toolkit (2021) sets out that in order for the County to be able to support the very significant amount of new development coming forward over the next few years, a very significant amount of new and improved sustainable transport infrastructure is needed. In high level principle therefore, each new development should make a contribution towards this infrastructure to mitigate its own impact (subject of course to meeting the 3 CIL tests). The headline figure as stated in our Toolkit is £6826 per dwelling (i.e., the average amount each new dwelling across the county needs to pay in order for the necessary new infrastructure to be delivered). Multiply this by 7 dwellings = £470,994 index linked by SPONS to January 2019.

Recommendation:

Until the above issue has been satisfactorily addressed, the HA cannot support or recommend any conditions for this application in its current submission, therefore the default position is for a refusal, due to the application has failed to demonstrate a satisfactory policy and design-led approach to the accessibility of the proposed development for non-car mode of travel, contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF.

Signed

Senober Khan

29 October 2024