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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

THURSDAY, 15TH JULY, 2021

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No Item

6. **19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD, AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE**
(Pages 3 - 34)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline planning application for residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10-12-2020).

Please find attached late representations received relating to this application.

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LATE REPRESENTATIONS REGARDING APPLICATION 19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD, AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE

REPRESENTATIONS INCLUDED FROM:

18 Croft Lane

30 Ordelmere

58 Norton Road

Entran Ltd

Letchworth Garden City Heritage Foundation

Norton Action Group

Transport Planning Associates: Technical Note on behalf of Green Lane

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Planning application 19/00520/OP

Residential development of up to 42 dwellings,
all matters reserved but access

Former Norton School Playing Fields

Croft Lane, Letchworth Garden City

Consultation response from

Mr and Mrs K Jones
18 Croft Lane
Letchworth Garden City
Hertfordshire SG6 1AP

2nd July 2021

We write in response to Vincent & Gorbings's clarification letter of 11th June and the accompanying documents. The clarifications do not alter our **objection** to application 19/00520/OP. It seems that, in attempting to show that access via Croft Lane is the only suitable option for the site, they have in fact demonstrated that other access options are perfectly viable, subject only to minor changes.

Harm to Croft Lane Conservation Area

The applicant states:

“The Highways Authority acknowledged that the main challenge is that the applicant is dealing with an existing historic environment which cannot be re-engineered to modern standards without severely affecting the look and feel of Croft Lane, to the detriment of the heritage asset of the Conservation Area.” (paragraph 2)

This is precisely the point that we and many others have been making since the scheme was first presented in 2017. Various minor amendments have been proposed, but none can address this fundamental issue for as long as Croft Lane is used as the main vehicular access point. Consequently we consider the application to be in contravention of paragraph 195 of the National Planning Policy Framework:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

We also consider the application to be in contravention of Policy 57 of the North Hertfordshire District Council District Local Plan no. 2 with Alterations:

“Special account [should be] taken of the site's location at the edges of towns and villages and within or adjoining Conservation Areas. Development proposals on sites with areas having an 'established' character will need careful consideration as to whether they are acceptable at all. If they are, then the design and siting of buildings should enhance the area's character... Letchworth, in particular, has a character theme which is common throughout much of the town, being planned as the World's First Garden City early this century. These environments should be reflected and improved in all new housing, large or small, and changes to existing buildings.”

(Policy 57, guideline 2)

The “substantial harm” to the Croft Lane Conservation Area, described in Section 2 of our response of 12th April 2019 and in many other responses, will not be necessary if alternative means of access are sought.

Requirements for access

The applicant states:

“For this size of development (circa 40 houses) the technical baseline for the required vehicular, pedestrian and cycleway is as follows:

- **Minimum 5.5m two-way carriageway**
- **1.8m footway (ideally on both sides of the road)**
- **3m shared cycle/pedestrian route, (ideally located to link in with any existing cycle network)”** *(paragraph 3)*

This is inconsistent with the advice contained in “Roads in Hertfordshire”, which states that the minimum requirement for a development of up to 100 dwellings is a 4.8m wide carriageway. The relevant section of “Roads in Hertfordshire” is reproduced in the Appendix.

We do not understand who is insisting on a 5.5m wide carriageway to serve the proposed development of 42 homes, nor do we understand their motivation. It is clear to all parties that there is no sense in mandating a carriageway 5.5m wide, when it feeds into Croft Lane (3.8m wide) and Cashio Lane (4.3m wide). The capacity limit is self-evidently set elsewhere.

Furthermore we do not see why the provision of a 3m shared cycle/pedestrian route is presented as a baseline requirement when the Highways Authority has raised no objection to the lack of such provision at other sites, including site LG3 for 128 homes.

Alternative access options

The applicant states:

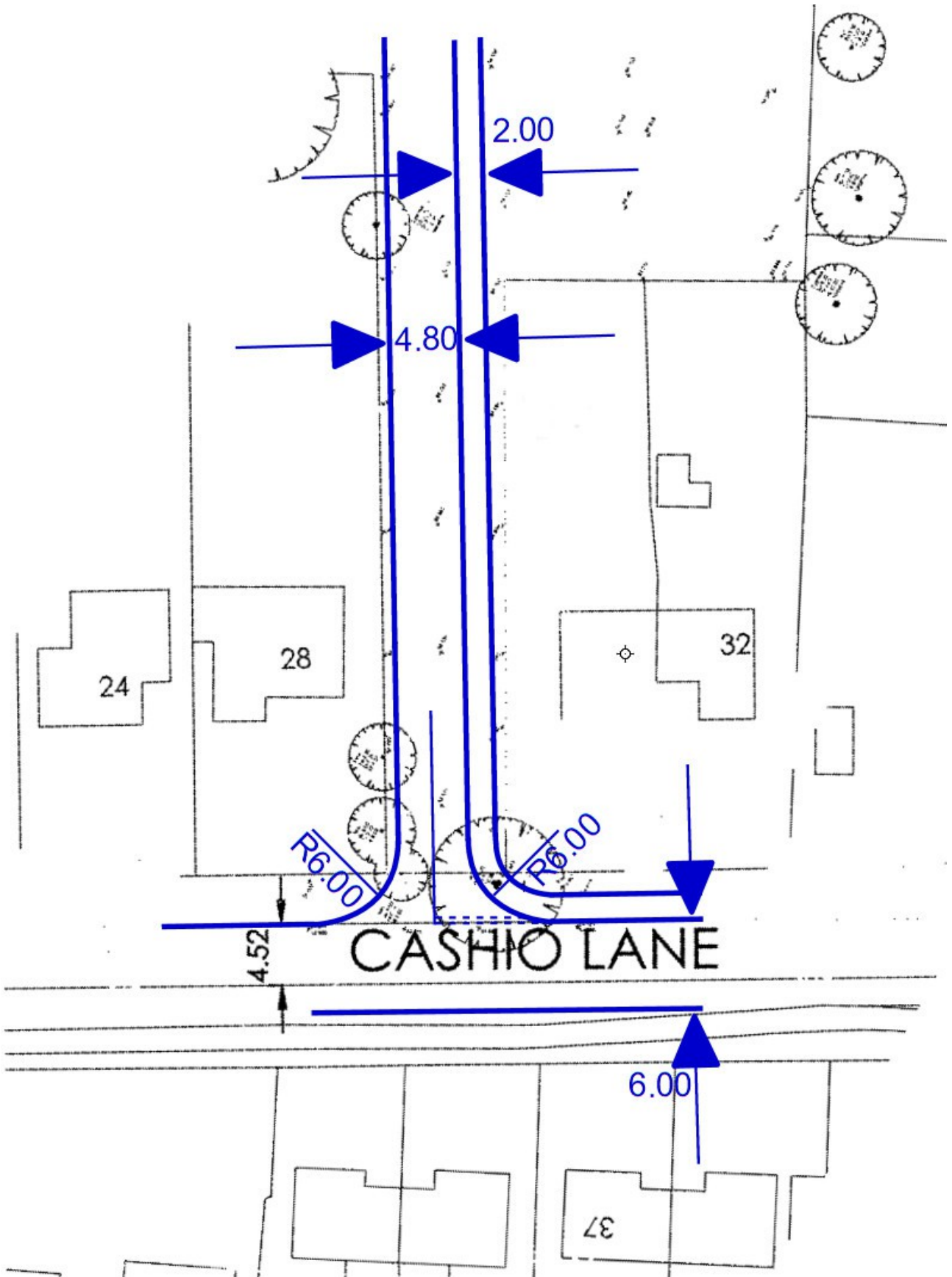
“[Access via Cashio Lane] would not require any works to access or widen Croft Lane area, therefore would not lead to any harm to the Conservation Area.”

The applicant presents a diagram showing how a 5.5m carriageway and a 1.8m footpath could be accommodated within the 8.4m width of the access strip on Cashio Lane. The applicant further states that modification to the access of 30 Cashio Lane would be required.

All technical requirements can be met with minor amendments to this access plan, as follows:

- The carriageway width can be reduced from 5.5m to 4.8m, in line with the guidance in “Roads in Hertfordshire”
- The kerb radius can be reduced from 8m to 6m. The applicant did exactly this to the proposed Croft Lane access on their plan of 8th June 2020, so it is hard to see why the same measure cannot be applied to the Cashio Lane access.

On our illustration below, we have shown the footway to the south of the carriageway, thus keeping the carriageway further away from the entrance to 30 Cashio Lane. However, the footway and carriageway could be configured either way round.



Our illustration shows a 2m footway, sufficient for two wheelchairs to pass, rather than the 1.8m footway proposed by the applicant.

Cycle provision

There is sufficient width for a 4.8m carriageway plus a 3m shared cycle/pedestrian route. However, we would note that this access road is only 54m long, this being the length of the plot at 28 Cashio Lane. No vehicle can attain high speeds on a road only 54m long.

A dedicated cycle path could still be provided onto Croft Lane. The extra distance to cycle into the centre of Letchworth – approximately 300m – seems barely significant and could even be regarded as positive in terms of promoting health and fitness. Furthermore, a cyclist turning left onto Croft Lane, continuing to the bus stop on Eastern Way and then turning left towards Norton Way North would avoid a busy section of Norton Road, which might confer health benefits of a different kind.

Conclusion

The applicant acknowledges that access via Cashio Lane would have the great advantage of causing no harm whatsoever to the Croft Lane Conservation Area. Our illustration above shows that this can readily be accommodated within the 8.4m width of the Cashio Lane access point, whilst meeting all technical requirements. This would reduce traffic levels and improve safety on both Croft Lane and the northern part of Cashio Lane, which is narrow (the applicant states 4.3m) and unsuitable for significant extra traffic.

LTP4 Policy 5 urges planners to “resist development that would either severely affect the rural or residential character of the road, or severely affect safety”. The applicant claims that access via Croft Lane is the only deliverable option for the site, and that all other access plans “result in greater harm to the Conservation Area, and do not deliver on the sustainable transport benefits required by LTP4”. This claim cannot be supported.

Appendix: Minimum road widths

An extract from “Roads in Hertfordshire” is reproduced below:

Roads in Hertfordshire: Highway Design Guide 3rd Edition
 Section 4 – Design Standards and Advice
 Chapter 1 – Road Design Criteria



Table 4.1.1.1 Road Design Criteria

	Secondary Distributor	Local Distributor	Major Access	Minor Access	Shared	Industrial
Maximum dwellings	Not applicable	Not applicable	300	100	50	Not applicable
Frontage access	Not normally	Not normally	Yes	Yes	Yes	No
Connections	Main Distributor (1).	Secondary Distributor(1)	Local Distributor	Local Distributor & Major Access	Major & Minor Access	Local Distributor
Gateway	None	None	Not normally	Desirable	Essential	Normally signing
Target maximum speed	40mph	30mph	25mph	20mph	10mph	25mph
Min forward visibility(3)	66m	43m	33m	25m	11m	51m
Junction spacing	40m opposite 66m adjacent	30m opposite 43m adjacent	20m opposite 33m adjacent	Not applicable	Not applicable	30m opposite 50m adjacent
Min c'way width (2)	7.3m	6.75m	5.5m	4.8m	4.1m	7.3m
Min horiz curve (radius)	DMRB standard	90m	40m	30m	25m	60m
Reverse curves (min separation)	DMRB standard	20m	17m	14m	11m	20m
Max distance betw'n speed restraints	Not applicable	150m	100m	60m	40m	Not applicable
Min vert curve (radius)	DMRB standard	1000m	1000m	600m	300m	600m
Carriageway construction	DMRB standard	Min 250mm total bitmat	Min 190mm total bitmat	Min 190mm total bitmat	Min 90mm r/b + block paving	Min 250mm total bitmat

NOTES:

1 - Main and Secondary Distributor roads are normally classified as 'A' and 'B' respectively. **The Principal Road Network comprises the most important routes in the County, which are normally 'A' roads.**

2- For Major Access and lower category roads the notional minimum widths of carriageway indicated above may be reduced locally for speed reduction purposes and in accordance with the aims of **MFS** subject to an absolute minimum width of **2.75m**.

June 7th 2021.



Mr A. Hollis
30 Ordelmere
LETCHWORTH GARDEN CITY
SG6 4QR

Dear Sir,

To build 47 houses, in
CROFT LANE, LETCHWORTH, will be an
environmental crime!

20 hours a day, 7 days a week, the
area will be full of cars and vans!

CROFT LANE, is a country walk for
the thousands nearby, on the GRANGE
ESTATE.

Yours faithfully,

A. Hollis

N.H.D.C.

10 JUN 2021

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Simon Ellis
Development & Conservation Manager
North Hertfordshire District Council
PO Box 10613
Nottingham
NG6 6DW

Your ref: 19/00520/OP

2 July 2021

Dear Sir

**Outline Application: residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10-12-2020)
Land between Croft Lane, Norton Road and Cashio Lane, Letchworth Garden City, Hertfordshire**

We write in response to your letter dated 16 June 2021 and make the following representations.

1. Briefing Note – Land between Croft Land and Cashio Lane – LTP4 Provisions

The Applicant has sought to establish that the proposed scheme complies with LTP4 by listing various scheme provisions. This is somewhat misleading, as it does not address the areas in which the proposed scheme does not comply with LTP4. We would also note that Applicant's summary of various policies omits certain terminology from LTP4 (which is underlined below for completeness). In particular:

- a. Policy 5: Development Management. Paragraph (g) sets out the following objectives for a local planning authority: *"Resist development that would either severely affect the rural or residential character of the road or other right of way, or severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users..."*. The scheme proposal to widen the Croft Lane footpath to secure 2m width is contrary to Policy 5, as:
 - i. it would, severely affect the rural character of the road. As a reminder, the rural nature of the road was detailed in the Conservation Area Character Statement (please refer to paragraph 2 of our letter dated 7 July 2020); and
 - ii. it would severely affect safety of the road and existing rights of way. The proposal to increase traffic volumes on a road that has no footpath to the eastern side of the site, which is used by schoolchildren (vulnerable road users) and other pedestrians as a right of way, is contrary to Policy 5.

- iii. the Applicant's submission that "*Signage on Croft Lane warning of no footpath*" complies with safety requirements of Policy 5 is incorrect – a sign that warns that road is unsafe does not extinguish the fact that it will be unsafe given the additional traffic volume.

Per paragraph (d) the Local Planning Authority should "*resist development where the residual impact of development is considered to be severe*". For the many reasons detailed in our previous representations (and those of other neighbours), the impact of this development will be severe and therefore should be resisted.

- b. Policy 7: Increase priority for pedestrians relative to motor vehicles. The applicant submits that various aspects of the scheme comply on the basis that pedestrian links are increased and that proposals in respect of the road at the eastern end of Croft land are safe. We submit that the proposals do not increase priority for pedestrians relative to vehicles (existing and generated by the proposed development of 42 dwellings) and fall short of any reasonable test of safety considering the existing right of way exercised by pedestrians to the eastern end of Croft Lane. Please refer to para 1a above.

2. Briefing Note - Access Options: Land between Croft Lane and Cashio Lane

The applicant has highlighted that the Highways Authority acknowledged that the applicant "*is dealing with an existing historic environment, which cannot be re-engineered to modern standards without severely affecting the look and feel of Croft Lane, to the detriment of the heritage asset of the Conservation Area*". The proposals submitted by the Applicant (summarised at "Option 6") are fundamentally flawed:

- a. The proposals will have severe detrimental impact on the Conservation Area – the applicant acknowledges at paragraph 19 that there will be harm to the Conservation Area (although their analysis that these proposals will "minimise" harm is not accepted); and
- b. The proposals will have severe impact on safety of pedestrians, cyclists and other road users..

The Applicant states that this application delivers benefits of housing with the "*least harmful in terms of impact on the Conservation Area*". The Applicant seeks to justify detrimental impact to a conservation area through delivery of 42 dwellings – that is not a commensurate benefit.

Given the substantial harm that this proposal would cause, we restate that per Para.195 of the National Planning Policy Framework, the local planning authority should refuse consent for this proposed development.

3. Previous representations – letter dated 7 July 2020 and 4 February 2021

We refer to and restate our previous representations as detailed in our letter dated 7 July 2020 and 4 February 2021. The proposed development remains unviable given insufficient / unsuitable access, non-compliance with NPPF and wider significant impact on a Conservation Area without substantial public benefit. It is clear that the proposed development is undeliverable and the land should not have been allocated by the planning authority as land for housing development.

Yours faithfully,

Mr. P and Mrs. J Hawkes, 58 Norton Road, Letchworth Garden City.

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Our Ref: TP53xx_L1_RF

Your Ref: 19/00520/OP

Date: 8th June 2021

Entran Ltd
78 York Street
London
W1H 1DP

Director of Planning
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

Dear Sir/Madam,

**Land between Croft Lane, Norton Road and Cashio Lane, Letchworth Garden City – 19/00520/OP
Means of Access**

I am writing in connection with an outline planning application for up to 42 houses on land served by Croft Lane. All matters are reserved except means of access. I have reviewed the comments made by Hertfordshire County Council (HCC) as local highway authority, and I watched the online Planning Control Committee on 27th May 2021; I am slightly alarmed by the inconsistent approach HCC appear to be taking in respect of this particular application when compared to other residential developments in the County.

HCC's Highway Development Management home page has a statement which advises developers that the DfT has suspended Local Transport Note 1/11: Shared Space and therefore HCC "*will pause all shared space schemes except for: raised junctions, speed tables etc.; raised pedestrian, cycle, or equestrian crossings; cul-de-sacs for motorised traffic serving less than 25 dwellings, or; schemes where detailed design is complete or technically approved*".

It should be noted that in September 2018 the MHCLG and DfT issued a joint Ministerial statement clarifying the Government's position on shared space schemes. It stated that "*the pause does not apply to streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic, such as appropriately designed mews and cul-de-sacs, which take into account the relevant aspects of the National Planning Policy Framework and associated guidance.*" The HCC website statement is therefore not entirely consistent with the ministerial advice, but on other residential developments in the County they have applied their website statement vigorously when commenting on planning applications.

In February 2020 HCC objected to a planning application for just six houses at the Rose and Crown pub in Aston (East Herts ref 3/20/0094/FUL) due to the width of the access road and the existing road from which it was proposed to take access. HCC eventually withdrew their objection when the developer agreed to widen the existing highway to 5.5m and provide a 2m wide footway along the entire site frontage. The developer argued that there were no footways anywhere close by and so any pedestrians would have to walk in the carriageway to reach local facilities in the village as the local lanes are all effectively shared spaces; however, HCC insisted on the highway works to widen the road and provide a footway in front of the six houses. Planning permission was refused for other reasons but more recently permission has been granted for just four houses on the site, still with the road widening and footway works.

In 2019 HCC objected to a planning application for seven houses served by a short layby off a main road in Goffs Oak (Broxbourne ref 07/19/0562/F). The shared-space layby, which serves as a through route for



pedestrians walking along the main road, serves five houses at present. The developer offered to widen out the layby area to 6.5m to improve the existing shared space but HCC objected. The developer then offered to include a demarcated 2m walkway to clarify the use of the space. HCC still objected but BBC granted planning permission on that basis. Unfortunately, when the developer applied to discharge the condition in respect of the approved highway works, HCC objected again. The developer offered to include a low 25mm kerb to demarcate the walkway (at considerable additional expense), but HCC continued to object. They stated repeatedly that the additional traffic generated by the seven new homes would require a new 2m wide footway to be provided along the entire length of the existing shared space (approximately 100m). In justifying their position HCC stated there were “*only two reasonable options that can be considered in principle: A proper fully shared scheme and a proper fully segregated scheme*”.

We were therefore very surprised by HCC’s inconsistent approach to the Croft Lane scheme where they have raised no objection to 42 new homes taking vehicle access from an existing residential shared-space road with a width of 3.8m in some locations and no footway for 220m. This seems to be entirely at odds with their approach to other private developments in the County and it is unclear why they would take this alternative stance to the development of the former Norton School Playing Field.

In the first (undated) consultation response from HCC they objected to the application on the basis that the internal access roads were not wide enough and required 2m footways as they serve more than 25 houses. Strangely, the consultation response was silent on the width of Croft Lane and its lack of footways.

A Stage 1 Road Safety Audit was submitted in support of the application; however, it only reviewed the off-site highway works proposed by the developer. It too was silent on the narrow shared-space nature of Croft Lane.

HCC provided two further consultation responses in August 2020 and March 2021 raising no objection to the development subject to conditions and obligations. In the latest response HCC have accepted the scope and findings of the Safety Audit despite its failure to address the potentially unsafe nature of additional traffic and pedestrians using Croft Lane.

At the Planning Control Committee Mr Hanks from TPA spoke on behalf of the local residents in expressing concern about the additional traffic using Croft Lane and that at just 3.8m wide this intensification of use of a narrow shared-space would be contrary to Roads in Hertfordshire and HCC’s LTP4. It is regrettable that no one from HCC was present to explain or justify their position.

Please be aware that we are not objecting to this planning application, but we feel it is important for officers and Members to be aware of HCC’s inconsistent approach to shared space and intensification of use of existing highways. It would appear that if NHDC grant planning permission for this scheme, that decision may be challengeable; or conversely a number of recent decisions to refuse planning permission on highways grounds may be subject to appeal.

We would be grateful if you could take this matter into consideration when this application goes back to committee, and would suggest that the Highway Authority is asked not only to explain their position on the Croft Road application, but their inconsistent approach when compared to other recent applications.

Yours sincerely

Richard Fitter
Director FCILT, FICE, FIHE
M.

Sam Dicocco

From: Sam Dicocco
Sent: 13 July 2021 09:31
To: Sam Dicocco
Subject: FW: 19/00520/OP - Residential Development Croft Lane

Dear Sam

Thank you for advising us of the additional information on this application.

We appreciate the applicant's agent setting out the various options that have been explored, which is very clear. It does however remain our view that the use of Croft Lane for the level of traffic resulting from the completed development and during the construction phase will be harmful to the safety of its users, the amenity of residents and the character and setting of the Conservation Area.

We do query the approach taken of continually trying to amend the existing proposed access through minor changes in order to seek to address concerns, when there should be a more fundamental review of the scheme, including the potential for alternative access that in our view has not been explored in sufficient detail.

This also leads to a series of questions, for example, has the County Council Highways formally confirmed that they would not accept alternatives on Cashio Lane on the ground of cycle and pedestrian compromises that this may necessitate if this is presented as a compromise? What attempts have been made to acquire land on Norton Road and Cashio Lane, which could be an alternative?

There is an opportunity to re-examine the whole basis of the scheme, so for example, what would be the implications if the density of the scheme was to substantially reduce? Would this mean that the impact on Croft Lane be reduced to a more acceptable level, could the development then be served by Cashio Lane? Could this then facilitate a two access approach (Croft Lane and Cashio Lane) both serving parts of the site? Are there any temporary options for construction vehicles?

In the absence of this fundamental review of the scheme, we cannot be satisfied that the access as proposed on Croft Lane is the only option as presented in the supporting material and we remain concerned about its impact.

If you have any queries, please do contact me.

Many thanks

David

David Ames
Executive Director – Stewardship & Development

Letchworth Garden City Heritage Foundation
One Garden City
Broadway
Letchworth Garden City
Herts
SG6 3BF
01462 530345
07713 565644
www.letchworth.com

Registered office: Letchworth Garden City Heritage Foundation, One Garden City, Broadway, Letchworth Garden City SG6 3BF

Registration Number: 28211R

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Sam Dicocco

From: Sam Dicocco
Sent: 13 July 2021 09:11
To: Sam Dicocco
Subject: FW: 19/00520/OP - NAG objection for the portal

Norton Action Group continue to object to this application.

- 1. Consultation:** The latest information from Vincent Gorbng doesn't offer any further insights into the suitability of Croft Lane as an access solution; or address the critical road safety, highways and conservation issues that make this access solution still the "achilles heel" of the application.
- 2. Conservation Area:** We are still awaiting visibility of the Conservation Officers report - despite this specific NHDC department being approached for formal consultee comment in 2019 and 2021. The legal advice we've received indicates that this information is essential to comply with government legislation to protect Conservation areas. Additionally, we'd like to reference the NHDC report on Croft Lane that reinforces its significance as a Conservation area - https://www.north-herts.gov.uk/sites/northherts-cms/files/Croft%20Lane%20CA%20Character%20Statement_0.pdf
- 3. Redacted Documents.** We are due a response from ICO w/c 5 July regarding their challenge to HCC to release redacted documents following our requests for this information for the past 9 months. This includes details of minutes taken in Highways meetings explaining their **sudden u-turn** from rejecting this access due to safety, to suddenly approving it despite no material changes to the application.
- 4. Ecology:** We are also awaiting the consultee response to the Ecology reports that have been submitted by HCC as part of this application.

For these reasons, we feel that this application can not go back to committee until these outstanding points are resolved. As it stands this is still an incomplete application that can not be evaluated fully by the committee..

Best regards, Norton Action Group

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Consultation response on behalf of
MR & MRS HANKS, GREEN LANE, LETCHWORTH

In respect of
**Former Norton School Playing Field, Croft Lane,
LETCHWORTH**

Technical Note

July 2021



Document Management

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Document Review

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Issued by:

Bristol
 Cambridge
London
 Manchester
 Oxford
 Welwyn Garden City

Transport Planning Associates
 90 High Holborn
 London
 WC1V 6LJ

020 7119 1155
 london@tpa.uk.com
 www.tpa.uk.com

Contents		Page
1	Introduction	1
2	Access options Briefing Note	2
3	LTP4 Provisions Briefing Note	4
4	Summary & Conclusion	6

1 Introduction

Background

- 1.1 Further to the recent planning committee at which this application was deferred, with members requesting additional detail on highways matters, Vincent Gorbing, the scheme architects, have submitted documentation setting out the process that has been followed in terms of site access option analysis.
- 1.2 Four documents have been issued, a covering email, a plan illustrating access options that were considered, a briefing note describing those options and a second briefing note setting out how Vincent Gorbing consider that the proposals comply with highways guidance, specifically LTP4.
- 1.3 Transport Planning associates has been commissioned to assess the new documentation and to provide a review. This review sets out responses to the submitted documents, with specific focus on the drawing and two briefing reports.

Executive summary

- 1.4 The additional details submitted do nothing to overcome the highway safety issues raised by local residents previously and shared by Committee Members at the previous planning committee.
- 1.5 The information submitted is misleading and highlights a low quality of analysis. Key matters have been ignored and the reasoning for choosing one option rather than another is fundamentally flawed.
- 1.6 There are factual errors, especially in the 'LTP4 compliance' document which suggest that the scheme provides something which it clearly does not and then goes on to rely upon that to justify the scheme's compliance with LTP4.
- 1.7 The additional information provides no answer as to why Hertfordshire County Council have failed to object to proposals which are clearly contrary to their own safety guidance. This is a matter that has repeatedly been queried and Committee Members have now also asked for it to be answered, however HCC as highway authority have still failed to provide any answer.

2 Access options Briefing Note

- 2.1 Paragraph 2 sets out that it was agreed with HCC highways that the proposals should “*focus on meeting LTP4 objectives, through securing wider connectivity via sustainable travel options*”. The proposals however fundamentally fail to achieve this as they rely upon access to the nearest primary school being via a sub-standard road with no pedestrian footways. This is further reinforced in setting out that the requirements include a 1.8m footway (ideally on both sides of the road) – clearly something that the development fails to achieve.
- 2.2 Paragraph 3 also refers to a ‘requirement’ for a 3m shared cycle / pedestrian route however no such facility is required by HCC policy. Clearly HCC do not consider that such a facility is necessary for this scale of development, given that they have recently responded to the current planning application for 128 houses at the site known as LG3 and have raised no objection to the proposals (app reference 21/00504 – Land east of Talbot Way, Kristiansand Way and Flint Road). That proposal does not include any shared cycle / pedestrian route. Pedestrian access is provided by footways alongside the access road and the public footpath to the north of the site (where cycling is prohibited).

Cashio Lane access options

- 2.3 Analysis of the Cashio Lane options confirms that the access is 8.4m in width, enough for a 5.5m road and 2m footway with just under 1m to spare and plenty of scope to widen Cashio Lane and maintain footway provision (all outside of the conservation area). These options have however been dismissed on the basis that, supposedly, a 3m shared pedestrian and cycle access is required. As explained above, that is not a requirement for this scale of development. The analysis of access via Cashio Lane is therefore fundamentally flawed.

Croft Lane access options

- 2.4 The option of constructing a footway along the section of Croft Lane which does not currently have a footway is discussed and is shown on the submitted plan, annotated as “Option 5”. This option is dismissed as not being acceptable due to “*unacceptable harm to the conservation area*”. That conclusion is however an odd one as much of Croft Lane already has footways and some sections have a footway on one side with no adjacent grass verge, plus the proposals as they stand include footway widening along parts of Croft Lane, therefore clearly additional hard surfacing has been considered acceptable within the Conservation Area.
- 2.5 This option would therefore appear to be in keeping with the nature of Croft Lane within the conservation area. The conclusion set out by Vincent Gorbings is not supported in writing by the NHDC conservation officer, as no written comments have been provided by that officer at any time during this application.

- 2.6 Analysis of this option therefore appears to have been flawed, incomplete and the conclusions are neither consistent with conclusions made elsewhere with regard to the development proposals, nor are they supported in writing by the NHDC conservation officer, written advice / opinion from whom appears conspicuously absent throughout this application.
- 2.7 Paragraph 22 of the Briefing Note, supporting Option 7b which is the option that the proposed development is intended to follow, suggests that footways are provided leading east and west from the access on Croft Lane enhancing *“sustainable transport provision in line with LTP4”*. This is however misleading and incorrect as there is only a short ‘stub’ of footway proposed to the east of the access on Croft Lane, then no footway at all for 220m – failing to meet the objectives of LTP4.

Briefing Note conclusion

- 2.8 The conclusion of the Briefing Note suggests that the proposals are based upon an access option that is the *“least harmful in terms of impact on the Conservation Area, having considered all possible access options, which is acceptable in planning policy and technical highways terms. There are other options that deliver the public benefits, but these all result in greater harm to the Conservation Area, and do not deliver on the sustainable transport benefits required by LTP4.”* This statement is grossly inaccurate as the access options have not been analysed correctly and options that are less detrimental to the Conservation Area have been dismissed based upon incorrect assumptions as to what is *“necessary”* for a development of this scale, in Hertfordshire.
- 2.9 The lack of any reference to highway safety is also notable, as the proposals clearly fail to meet HCC highways standards with respect to pedestrian safety and the safety of vulnerable road users, including children, the elderly and disabled persons.

3 LTP4 Provisions Briefing Note

- 3.1 This Briefing Note begins by setting out the key objectives of LTP4, which are stated as including *“securing sustainable development”* and *“providing safe and efficient travel”*. The proposals fail on both fronts, providing sub-standard access arrangements / links to key local amenities, to the detriment of highway safety and which will encourage future residents to drive rather than walk or cycle to / from the site.
- 3.2 Paragraph 3 sets out Policy 1 of LTP4 and references that the policy requires *“built environments that encourage greater and safer use of sustainable transport modes, with priority given to walking & cycling”*. As stated above, the proposals do not comply with Policy 1 of LTP4 as they fail to secure a built environment that provides safe access to the nearest primary school via foot or cycle.
- 3.3 Policy 5 of LTP4 is discussed at paragraph 5 and part b of that policy sets the objective to *“Ensure access arrangements are safe, suitable for all, built to an adequate standard and adhere to Design Standards”*. Once again, the proposals clearly fail to comply with Policy 5 of LTP4 by not providing safe access arrangements and not adhering to the relevant Design Standards, with particular respect to the lack of any footway on Croft Lane east of the site.
- 3.4 Paragraph 7 deals with Policy 7 of LTP4, which has a focus on Walking. The policy text states that development should *“encourage walking by implementing measures to increase priority for pedestrians relative to motor vehicles, delivering infrastructure to provide safer access to key services”*. Once again, for the reasons already highlighted, the development proposals fail to adhere to this policy.
- 3.5 The Briefing Note goes on to provide a table titled *“Sustainable Transport Attributes of the Scheme”*. The second box of the table states *“Footpath to the east and west of the proposed access onto Croft Lane”*. This is misleading and rather than being a point of compliance, this is actually the key matter of non-compliance with LTP4, as there will be no footway to the east of the Croft Lane access, bar a short ‘stub’.
- 3.6 Various references are made within the table to a Road Safety Audit (RSA) which, it is suggested, *“confirms the proposals are safe”*. This is again misleading and inaccurate – an RSA confirms that proposed highway works are safe, or recommends changes to them if they are not however an RSA does not take into consideration the safety of pedestrians using a section of an existing road that has no footway as this is not an area of proposed highway works.
- 3.7 The correct Audit to consider that matter is a PERS (Pedestrian Environment Review System) Audit or a Safer Routes to School Audit and neither has been undertaken, despite the proposals relying upon primary school access being via Croft Lane, for at least the majority of residents and it being an existing school access route, where the development will increase peak traffic three fold.

- 3.8 Notably, the proposals include a new traffic signal controlled pedestrian crossing across Norton Road on the desire line to the nearest Primary School, which will increase the likely demand for parents / children using Croft Lane as a route for walking to the school, further compounding the issue with the lack of footway on Croft Lane.

4 Summary & Conclusion

Summary

- 4.1 The additional details submitted do nothing to overcome the highway safety issues raised previously and shared by Committee Members at the previous planning committee.
- 4.2 The information submitted is misleading and highlights a low quality of analysis. Key matters have been ignored and the reasoning for choosing one option rather than another is fundamentally flawed.
- 4.3 There are factual errors, especially in the 'LTP4 compliance' document which suggest that the scheme provides something which it clearly does not and then goes on to rely upon that to justify the scheme's compliance with LTP4.
- 4.4 The additional information provides no answer as to why Hertfordshire County Council have failed to object to proposals which are clearly contrary to their own safety guidance. This is a matter that Committee Members have now asked to be answered, however HCC as highway authority have still failed to provide any answer.

Conclusion

- 4.5 The application proposals remain flawed and fail to comply with relevant safety related highways guidance and sustainable travel guidance in LTP4 and should therefore be refused on highway safety grounds, being contrary to policies T1, SP6 and SP7 of the emerging Local Plan, to the National Planning Policy Framework, paragraph 109, as they will result in an unacceptable impact upon highway safety.
- 4.6 The proposals are also contrary to Policy 57 of the 'District Local Plan No.2 with Alterations – Saved Policies under Planning & Compulsory Purchase Act 2004' (dated September 2007), as they do not provide safe pedestrian access to local community facilities.

Figures

APPENDIX A

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