

# Public Document Pack

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Your Ref.  
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To: Members of the Committee: Councillor David Barnard, Councillor Fiona Hill, Councillor John Bishop, Councillor John Booth, Councillor Paul Clark, Councillor Bill Davidson, Councillor Jean Green, Councillor Cathryn Henry, Councillor Tony Hunter, Councillor Ian Mantle, Councillor Michael Muir, Councillor Mike Rice, Councillor Adrian Smith, Councillor Harry Spencer-Smith and Councillor Martin Stears-Handscomb

Substitutes: Councillor Elizabeth Dennis, Councillor Sarah Dingley, Councillor Faye S Frost, Councillor Gary Grindal, Councillor Simon Harwood, Councillor Ben Lewis, Councillor Valentine Shanley and Councillor Terry Tyler

You are invited to attend a

## **MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

## **SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH GARDEN CITY**

On

**THURSDAY, 28TH SEPTEMBER, 2017 AT 7.30 PM**

Yours sincerely,



David Miley  
Democratic Services Manager

## **Agenda Part I**

<b>Item</b>	<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether any item(s) raised will be considered.	
<b>3. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
<b>4. PUBLIC PARTICIPATION</b> To receive petitions and presentations from members of the public.	
<b>5. 17/02023/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell only route by CALA dated 4/8/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 4 August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)	(Pages 1 - 42)
<b>6. 17/02024/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Condition 6 - Construction Management Plan & Traffic Management Plan - Pirton and Holwell route by CALA dated 4/8/17 Construction Route Plan - Arrival via Pirton, Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 4th August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)	(Pages 43 - 58)

**7. 17/01024/1 - LAND BETWEEN A505 AND, YORK WAY, ROYSTON**  
**REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER**

(Pages  
59 - 78)

Erection of 2 retail foodstores with ancillary cafe; provision of 170 associated car parking spaces; plant and service yards; provision of new road on junction of A505 and new link road to Orchard Road Industrial Estate; landscaping and all other associated works (as amended by plans received on 16 May 2017).

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<b>ITEM NO:</b>	<u>Location:</u>	Land Adjacent To Elm Tree Farm, Hambridge Way, Pirton
<b>5</b>	<u>Applicant:</u>	CALA Homes
	<u>Proposal:</u>	<b>Construction Management Plan &amp; Traffic Management Plan - Condition 6 - Holwell only route by CALA dated 4/8/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure &amp; Environment Ltd dated 4 August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)</b>
	<u>Ref. No:</u>	17/02023/ 1DOC
	<u>Officer:</u>	Simon Ellis

**Date of expiry of statutory period:** 02 October 2017

### **Reason for Delay**

N/A. Statutory expiry date is 2 October 2017.

### **Reason for Referral to Committee**

Under the Council's constitution and scheme of delegation the Development and Conservation Manager has full delegated powers to determine all applications for the discharge of details submitted pursuant to conditions of any planning permission. The Development and Conservation Manager does however have discretion to refer any decision to the Planning Control Committee where there has been significant public interest. Proposals relating to construction management and construction traffic routes associated with the proposed residential development on land at Elm Tree Farm, Pirton, is clearly an example of a proposal that has generated significant public interest, as is set out in the relevant sections of this report below. On that basis I have decided to refer this application to be determined by the Planning Control Committee rather than under powers delegated to me.

On a related point there is no requirement under relevant legislation and regulations to consult local residents on any application to seek discharge of a pre-commencement condition of planning permission.

However, given the level of public interest in this proposal officers decided to undertake a wide public consultation exercise enabling local residents to have three weeks to comment on this application as a minimum. This formal consultation period ends on 19 September 2017 shortly after this report has been finalised.

### **1.0 Relevant History and Procedural Matters**

- 1.1 At the meeting of the Planning Control Committee held on 17 December 2015 Members resolved to grant outline planning permission on this site for the following development proposal (ref. 15/01618/1):

**Outline application (all matters reserved) for residential development of up to 82 dwellings with associated infrastructure, public open space and planting (amended description).**

- 1.2 Following the completion of the associated S106 Obligation outline planning permission was granted on 27 May 2016.

Condition no. 2 of this outline planning permission reads as follows:

**Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.**

**Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 1.3 The timing of this decision means that any submission of reserved matters needed to be submitted before 27 May 2019 and development must commence within 2 years following the approval of the last of the reserved matters.

Condition no. 6 of this outline planning permission reads as follows:

**Prior to the commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area of construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details construction vehicle routing to and from the site.**

**Reason: In the interests of maintaining highway efficiency and safety.**

- 1.4 At the meeting of the Planning Control Committee held on 25 May 2017 Members resolved to grant reserved matters approval for the following development proposal (ref. 16/02256/1):

**Reserved matters application for approval of access, appearance, landscaping, layout and scale to serve a residential development of 78 dwellings (31 affordable and 47 private), pursuant to outline planning application 15/01618/1 granted 27.5.16 (as amended).**

- 1.5 Following the Committee decision the reserved matters approval decision notice was issued on 30 May 2017. Referring back to the implementation time table outlined above (condition no. 2 of outline planning permission no. 15/01618/1) in order to keep this planning permission extant work on this development must now commence before 30 May 2019.

- 1.6 Rather than submit separate details of a Construction Management Plan under a separate application to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1, the applicant submitted the Construction Management Plan (CMP) as part of the reserved matters approval application (ref. 16/02256/1, received as a valid application on 3 October 2016). This meant that as well consulting local residents on the reserved matters application the Council also consulted local residents on the CMP.

- 1.7 During the determination process of the reserved matters application ref. 16/02256/1 officers advised the applicant that to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1 required a separate application to the reserved matters application. When considering applications for the approval of reserved matters, consideration of construction management arrangements are not material and it was therefore necessary to separate the two issues.
- 1.8 Following this advice the applicant then submitted a separate application to seek discharge of the requirements of condition no. 6 of outline planning permission no. 15/01618/1. This separate application was received on 9 February 2017 and was given the reference number 17/00335/1DOC. As is explained above there is no requirement under relevant legislation and regulations to consult local residents on applications which seek to discharge the requirements of conditions of planning permission. However, given that local residents had already inadvertently been consulted on the CMP by virtue of being consulted on the original reserved matters application (indeed many comments had already been received before the separate application was submitted), officers felt it was now clearly in the public interest to consult widely on the separate application to seek discharge of the requirements of condition no. 6 of outline planning permission no. 15/01618/1; and indeed to refer a decision on the application to the Planning Control Committee in the public interest at the discretion of the Development and Conservation Manager. The application was subsequently reported to the meeting of the Planning Control Committee held on 25 May 2017.
- 1.9 At that meeting Members resolved to defer a decision on application ref. 17/0335/1DOC:

**Details reserved by Condition 6 (Construction Management Plan) of planning permission reference no. 15/01618/1 granted on 27 May 2016.**

- 1.10 The associated officer report to Committee and minutes of this meeting are attached as **appendix 1 and 2** to this report.
- 1.11 To summarise the application contained 4 possible construction routes for Members to consider as follows:
1. Arrival and Departure via Holwell
  2. Arrival and Departure via Pirton
  3. Arrival via Pirton, Departure via Holwell
  4. Arrival via Holwell, Departure via Pirton
- 1.12 The reasons for deferral are complex and set out in the minutes attached as appendix 2. Essentially Members did not feel at the meeting that they could confidently grant approval for any of these options. They requested officers to liaise with the applicant and Hertfordshire County Council (Highways) to seek more clarification on highway safety issues relating to the CMP. Members also requested that consideration be given to other possible options, including the potential for a completely new road to access the site across open countryside, potentially from the A600 to the site to avoid conflict between construction traffic and other vehicles on the public highway.
- 1.13 Following the meeting officers, the applicant and Hertfordshire County Council (Highways) held discussions to attempt to address the concerns expressed by Members at the meeting and following these discussions a revised proposal was submitted under the same application proposing a construction traffic one-way through route entering Pirton from the south and exiting the site via Holwell to the A600. The idea behind this proposal was to spread the traffic across the two villages and by making the route one-way for all vehicles seeking to avoid conflict with other construction traffic on the public highway.

- 1.14 Another consultation exercise was undertaken in July 2017 and following formal advice from Hertfordshire County Council (Highways), the Hertfordshire and Middlesex Wildlife Trust and Hertfordshire Ecology officers sought further information from the applicant before being prepared to report this application back to the Planning Control Committee. The intention being to re-notify local residents again following the submission of the information requested.
- 1.15 This information was not forthcoming and on 10 August 2017 the applicant submitted a deemed discharge application to seek a decision on the application within 2 weeks (i.e. by 24 August 2017) or a deemed consent would follow.
- 1.16 **What is a deemed discharge consent application?**
- Measures contained within the 2015 Infrastructure Act sought to speed up the process of discharging pre-commencement planning conditions with a view to improving efficiency of local planning authorities in decision making and to avoid unnecessary delays to development proposals. The Act enabled the Secretary of State to instigate a deemed discharge system which came into effect under the Town and Country Planning (General Permitted Development) Order 2015.
- 1.17 Article 27 of this order requires local planning authorities to determine all applications for the discharge of conditions within 8 weeks from receipt of such applications or within any agreed extension to this period between the applicant the local planning authority.
- 1.18 Article 28 of the order allows an applicant (for certain conditions) to apply for a deemed discharge application no earlier than 6 weeks from the date of submission.
- 1.19 Article 29 of the order gives the local planning authority 14 days within which to make a decision on the application (i.e. to either approve the details and discharge the requirements of the condition or refuse the details with clear reasons) within the 14 day period. Failure to make a decision within that period results in a deemed discharge which is effectively a default approval of the application and the applicant can rely on this non decision an effective discharge of the condition.
- 1.20 Whilst there was a scheduled meeting of the Planning Control Committee on 17 August 2017, following receipt of the deemed discharge application on 10 August there was not sufficient time to prepare a report for that meeting in order to seek Members decision on the whether or not to approve application ref. 17/00335/1DOC and discharge or not the requirements of condition no. 6 of planning permission no. 15/01618/1.
- 1.21 Officers advised the applicant that a decision to approve (or to allow a deemed discharge) of this application would not be made under delegated powers and it therefore needed to be referred to the Planning Control Committee for a decision. Officers also advised that it was not possible to organise a special meeting of the Planning Control Committee at such short notice and following this advice the applicant decided to withdraw application no. 17/00335/1DOC on 22 August 2017, two days before the deemed discharge deadline imposed on the local planning authority.
- 1.22 Members must be advised that the applicant has every right to apply for a deemed discharge application for these decisions under the legislation. The applicant clearly wants the Council to agree a CMP without delay so they can implement the planning permission.



- 1.23 The right to submit a deemed discharge application (giving the local planning authority 14 days to reach a decision) applies to this current application also (the subject of this report). The 6 weeks minimum period to submit a deemed discharge application runs from 18 September 2017 (after the completion of this report) and if such an application is made the Planning Control Committee will need to decide whether to grant the approval of details or refuse the application with reasons. If a deemed discharge application is submitted on the earliest date (18 September 2017) the local planning authority has until 2 October 2017 to reach a decision or a deemed discharge consent is effective from that date.
- 1.24 Members must also note that the right to submit a deemed discharge application remains from the minimum 6 week period (i.e. in this case 18 September 2017) right up until such time as the application is determined. Following such an application the local planning authority must make a decision within 2 weeks following the deemed discharge application.
- 1.25 As can be seen from the timing of this application (submitted on 7 August 2017) it was necessary for officers to arrange a special meeting of the Planning Control Committee on 28 September 2017 to avoid a situation where the application could not be reported to the Committee in time following any potential deemed discharge application.
- 1.26 For the avoidance of doubt and to inform Members and local residents I must clarify that a decision to defer consideration of an application is not a decision to approve or refuse that application, it is nothing more than a deferral of a formal decision of the application. The decision of the Planning Control Committee at the meeting held on 25 May 2017 in relation to the previous application (17/00335/1DOC) was a not a decision on that application it was a decision to defer a decision. Moreover, the applicant is not legally obliged to follow up on all the reasons why the Committee deferred a decision. The applicant is allowed to seek a Committee decision on any proposal it puts forward. The applicant has a right of an appeal to the Planning Inspectorate (PINs) against any decision to refuse the details.
- 1.27 My role is to provide Members with my professional opinion as to whether I consider Members should approve or refuse the proposals that have been put forward. It is not my role to insist that the applicant follow up all the comments that were made by Members. It is however for the Committee to determine the applications and as can be seen above, with the risk of deemed discharge, it is necessary in this case for the Committee to make a formal decision and not defer the application for future consideration.

## **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):**  
No policies relevant to applications seeking discharge of conditions relating to construction management.
- 2.2 **National Planning Policy Framework (NPPF):**  
Section 4 - Promoting Sustainable Transport  
Section 11 - Conserving and Enhancing the Natural Environment (paragraph 123)  
Paragraphs 203 - 206 - Planning Conditions and Obligations
- 2.3 **National Planning Policy Guidance (NPPG):**  
Use of Planning Conditions
- 2.4 **North Hertfordshire District Submission Local Plan (2011-2031):**  
Policy T1 - Assessment of Transport Matters

### **3.0 Representations**

#### **3.1 Hertfordshire County Council (Highways):**

See full comments attached as **appendix 3**

Recommend that the condition is discharged subject to various amendments and clarification and only subject to the completion of the necessary S278 Agreement to secure the proposed passing places and associated safety audits and highway authority licences.

#### **3.2 Environmental Health (Noise):**

Nothing Received at the time of writing any comments to be reported orally. Please note traffic noise is not covered under statutory nuisance provisions.

#### **3.3 Environmental Health (Air Quality):**

##### **17/02023/1DOC:**

The construction traffic route proposed as part of the discharge of Condition 6 under this application is more acceptable than that proposed by 17/02024/1DOC because it does not actively direct construction traffic, whether arriving at or leaving the site, to travel via Hitchin. This should mean that this route will generate less traffic through the AQMAs in Hitchin than the route proposed by 17/02024/1DOC and therefore have a smaller adverse impact on the air quality in the AQMA.

##### **17/02023/1DOC and 17/02024/1DOC**

Ideally, for the protection of the health of the public within the AQMAs in Hitchin both of the construction traffic routes would prevent all construction traffic from travelling through both of the AQMAs in Hitchin. However, it is acknowledged that this may be considered unreasonable, given the existing road network in and around Hitchin and the permitted development site.

##### **Recommendation:**

My first recommendation is that **17/02023/1DOC** can be discharged, although I would request that, because there is no restriction on construction traffic passing through Hitchin to access Holwell Road, or on leaving Holwell Road, the following additional mitigation is required of the applicant.

All HGV (Heavy Goods/Duty Vehicles) and all LGV (Light Goods/Duty Vehicles) utilised as part of the construction phase of the permitted development must be Euro V or Euro VI engine compliant. And that a methodology is submitted to, and agreed by, the Local Planning Authority (LPA) to demonstrate how this will be managed, enforced and verified by the applicant/developer.

#### **3.4 Hertfordshire and Middlesex Wildlife Trust:**

No comments on this application - see comments on application ref. 17/02024/1DOC

#### **3.5 Hertfordshire Ecology:**

Nothing received at the time of writing. Any comments received to be updated.

#### **3.6 Pirton Parish Council:**

Nothing received at the time of writing. Any comments received to be updated.

#### **3.7 Holwell Parish Council:**

Nothing received at the time of writing. Any comments received to be updated.

### 3.8 **Response to Local Residents consultation:**

This application has generated significant public interest and Members are advised to read comments displayed on the Council's website which is updated regularly as comments are received. I set out below a high level summary of the issues raised:

\* **Highway safety** - the construction traffic route through Holwell is unsafe. There are insufficient passing places on narrow roads. Construction traffic, including HGVs will lead to conflict with other road users leading to a risk of highway safety in many instances, particularly during busy periods. Many properties do not have a footpath outside their front doors and risk to pedestrian safety will increase also. All the rural roads around this site are unsuitable and the temporary new road should be constructed from the A600 to enable construction.

\* **Congestion** - Construction is proposed to start at 9am therefore vehicles will be using these roads at peak periods adding to delays already caused by congestion, particularly on the Holwell Road/A600 junction which is already busy at peak periods. The construction project is due to last 3 years and the congestion will be disruptive for a considerable period.

\* Some respondents consider that of the two options this is the least disruptive whereas others point out that Pirton residents also use the Holwell Road to access the A600 and these journeys will be disrupted.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site is located to the east of Royal Oak Lane, south of Holwell Road and north of Hambridge Way. It has a frontage onto Holwell Road of approximately 65 metres and approximately 140 metres along Hambridge Way. The depth of the site is approximately 400 metres. The area of the site totals approximately 4.4 hectares and consists of an open field area for the majority of the northern part of the site bounded by landscaping along its eastern boundary and an area of agricultural buildings to the south of the site with a paddock area to the rear of these buildings. Part of the western boundary of the site is located adjacent to the Pirton Conservation Area. Three new detached properties are now located adjacent the site, to the rear of 40 Royal Oak Lane.

4.1.2 The construction route is outside the application site and on the public highway.

### **4.2 Proposal**

4.2.1 The applicant seeks approval of the details required pursuant to condition no. 6 of outline planning permission no. 15/01618/1. The condition reads as follows:

**Prior to the commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area of construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details construction vehicle routing to and from the site.**

**Reason: In the interests of maintaining highway efficiency and safety.**

4.2.3 The application is accompanied by two documents dated 4 August 2017, a Construction Route plan prepared by Waterman Infrastructure and a Construction Management Plan and Traffic Management Plan.

4.2.4 The key elements of the plan can be summarised as follows:

- \* Deliveries to the site by HGVs limited to between 9am and 3pm;
- \* Site working hours - 0800-1700 Monday to Friday; 0800-1300 on Saturdays and no work on Sundays or bank holidays;
- \* Given the nature of the rural roads, HGVs limited in length to 12m;
- \* As a result of restricted vehicle sizes, the length of the construction is likely to increase by 3 months than would otherwise had been the case. Total construction period likely to be 3 years as a result;
- \* The proposed construction route is arrival from the A600 (Bedford Road), through Holwell Road - Pirton Road - Waterloo Road - Holwell Road to the site;
- \* Departure from site - Holwell Road - Waterloo Road - Pirton Road - Holwell Road - A600 (Bedford Road);
- \* The highway width survey has identified the need for the creation of one new passing place and two areas where the carriageway will need to be widened;
- \* The developer will schedule deliveries to avoid conflict with local bus services;
- \* Letter drops to local residents who live along key parts of the construction route;
- \* Signage to be erected at both ends of Waterloo to communicate that this a construction route;
- \* The CMP is a live a document to be monitored and reviewed by the developer;
- \* Phase 1 is for 6 dwellings, associated infrastructure and works to the proposed 'Y' junction to be constructed with a mini compound on site;
- \* The S278 works (i.e. passing place and carriageway widening) would be undertaken while phase 1 is being constructed and the S278 works will be completed before the wider development beyond phase 1. Phase 1 would be 8-10 months and is essentially the equivalent;
- \* Phase 2 is the remaining 72 dwellings and associated infrastructure and would not commence until after the S278 works have been completed;
- \* Materials and plant to be stored on site together with contractors car parking;
- \* Site secured by 2.4m temporary fencing;
- \* Dust control, wheel washing and street cleaning;
- \* Pre and post construction condition survey with and repair of any damage;
- \* Estimated 25-30 construction vehicles per day;

4.2.5 The option of a separate track being used from Hitchin Road has been discounted for the following reason:

**'This route involves land outside CALA's control and potentially involves a number of separate land owners and requires the crossing of existing Rights of Way / Bridleways.'**

#### 4.3 Key Issues

4.3.1 Taking account of the local and national planning policy guidance outlined above and all comments received from interested parties I consider the main issues to be considered in the determination of this application to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1 are as follows:

- \* Whether the measures set out in the CMP would be safe;
- \* Whether any harm to living conditions, use of the highway and congestion would be acceptable;
- \* What realistic and reasonable alternatives are available?
- \* Any other technical matters such as air quality and ecology issues must also be considered.

#### 4.3.2 **The Principle of the Development and Procedural Matters**

Before addressing the key issues that are relevant to the determination of this application it is necessary to advise Members on procedural points.

- 4.3.3 The imposition of conditions of planning permission must among other tests be reasonable, enforceable and precise. To impose excessive burdens on developers when considering applications to discharge pre-commencement conditions local planning authorities need to be reasonable and proportionate. The NPPG advises that conditions of planning permission can be imposed which require the submission of further information, however this government guidance goes onto advise that:

**'Where it is practical to do so, such conditions [i.e. pre-commencement conditions] should be discussed with the applicant before permission is granted to ensure that unreasonable burdens are not being imposed. The local planning authority should ensure that the timing of submission of any further details meets with the planned sequence of the developing the site. Conditions that unnecessarily affect an applicant's ability to bring development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used.'**

- 4.3.4 It is also clear from case law that a condition cannot be imposed which effectively prevents a development from being implemented. The Planning Control Committee have granted outline planning permission and reserved matters approval for this development scheme (this combined is the planning permission). The local planning authority cannot then use condition no. 6 of the outline planning permission as a means to prevent the development going ahead. This would be akin to granting permission with one hand and taking it away with the other. On this basis I can only advise Members that there must be a CMP that is suitable to the Committee to fulfil the requirements of condition no. 6. To refuse every realistic option would prevent the development from going ahead. Moreover, in accordance with the requirements of the NPPG quoted above, any solution must not represent an unreasonable burden on the developer.

- 4.3.5 As with any decision to refuse planning permission or impose conditions, the applicant in this case has a right of appeal against any refusal to discharge the details of this condition. Any refusal must in my view be evidence led and based on planning policy considerations.

#### 4.3.6 **What is Reasonable in this Context?**

The proposed CMP in this case requires the developer to enter into S278 Agreements with Hertfordshire County Council (Highways), as part of this process the applicant will need to prepare safety audits and receive necessary licences from the highway authority to carry out the works on the highway. As is mentioned above, the developer has until 30 May 2019 to start development on site. Whilst I am not familiar with the technical details I consider that this process can realistically be undertaken within this time frame.

- 4.3.7 The CMP also relies upon use by the developer of the public highway to carry out their legitimate business of building homes for which they have planning permission. It is in my view unreasonable and disproportionate to require the developer to construct a new road to facilitate construction of this development; the new road would need to be planned and constructed prior to commencement on site and in my view this would threaten their ability to implement the development. Attractive as this option may sound it would in my view be an unreasonable demand on the developer and to insist upon this as the only option would be a very difficult position to defend at appeal.

- 4.3.8 The Council as part of its wider planning strategy is seeking to plan positively for housing growth in the Submission Local Plan (2011-2031); part of that strategy is to demonstrate a five year land supply of deliverable housing sites. It may be necessary to defend this position against hostile planning applications and appeals for unplanned development schemes outside the land allocation sites. If the Council places unreasonable burdens on house builders in situations where planning permission has been granted for much needed homes (including 40% affordable housing in this case) other applicant's may seek to demonstrate that the Council cannot realistically demonstrate proper housing delivery.
- 4.3.9 It is therefore necessary in my view to carefully consider the merits of the proposal set out in this CMP. The following paragraphs set out my analysis of these issues.
- 4.3.10 **Highway Safety**  
The highway authority consider that this CMP is capable of being safe in relation to highway movement from their point of view, subject to delivery times being restricted from 9.30am to 3.00pm rather than the currently proposed 9.00am start. However, the CMP requires works to the highway to widen the highway and provide passing places. To undertake these works the developer needs to enter a S278 agreement with the County Council, receive necessary licences and safety audit approval. These separate legal processes are for Hertfordshire County Council (Highways) to determine not the local planning authority.
- 4.3.11 However, I am aware that there is significant public interest and concern about the proposed construction traffic route set out in this CMP. As the highway authority agree (see appendix 3) I propose in the recommendation set out below that Members resolve to grant the proposed CMP set out in this application; subject to delivery times being after 9.30am and before 3.00pm and subject to the applicant securing the necessary S278 Agreement (including associated safety audit approval and highway authority licences to undertake the necessary highway improvements to enable a safe construction route on the public highway). If Members agree with this recommendation it would mean that the requirements of condition no. 6 of outline planning permission no. 15/01618/1 cannot be formally discharged until the safety audits, licences and the S278 Agreement have been agreed between the developer and the highway authority.
- 4.3.12 Since condition no. 6 is a pre-commencement condition work cannot legally commence on site until the condition is formally discharged which as is explained above cannot happen until the licences, safety audits and legal agreements have been completed. In my view by agreeing this recommendation Members can be reassured that they have prevented any development on site until all highway safety matter associated with the CMP have been resolved to the satisfaction of the highway authority.
- 4.3.13 **Congestion and Living Conditions**  
As is advised above, noise impacts on residents from traffic using the public highway is not capable of being a matter that can be addressed under noise nuisance powers contained within the Environmental Protection Act. In any event by restricting deliveries to the times set out and extended to 9.30am to 3.00pm I consider that noise from passing traffic would not be unduly detrimental to living conditions.
- 4.3.14 Construction noise on site can only take place in the hours set out above, no earlier than 8.00am and no later than 5.00pm with no construction on Sundays or bank holidays. In my view this is again reasonable and would not unduly harm the noise climate in the local area.

- 4.3.15 In terms of congestion, I understand concerns about increased journey times over the 3 year construction period. However, this must be considered in the context of the planned growth across the District that is needed to meet our Objectively Assessed housing Needs (OAN) set out in the submission Local Plan (15,950 homes from 2011-2031). The plan indicates that from 2022 approximately 1200 homes per annum will be constructed in the District (compared with recent annual figures of 300-400 homes per annum). If these figures are anywhere near realistic construction traffic across many roads in North Hertfordshire will be an every day reality for most communities.
- 4.3.16 The government recognises that development and construction of new development inevitably increases congestion, particularly in areas of high housing demand. The NPPF paragraph 32 argues that permission can only be refused on transport grounds when it can be demonstrated that a 'severe' impact would result.
- 4.3.17 In my view this policy position has relevance to this application and on that basis I do not consider that it can be realistically argued that any additional congestion would be a severe impact.
- 4.3.18 In terms of air quality I also recommend below that the condition is only approved subject to the additional air quality requirements recommended by the Council's environmental protection officer.

#### **4.4 Conclusion**

- 4.4.1 This CMP option of the many considered has not been met by any objections raised by the various technical consultees. On that basis I can only recommend that Members resolve to approve the submitted details subject to the careful safeguards and caveats that I have set out below.
- 4.4.2 I do not consider that forcing the developer to construct a new road, temporary or otherwise, across open countryside is in any way realistic, proportionate or justifiable at any subsequent appeal. To insist on this approach would threaten the ability of the developer to construct the housing for which they have planning permission from this Committee. Housing that is needed in the District to meet our needs and to assist the Council in demonstrating a five year supply of deliverable housing sites.
- 4.4.3 On that basis I recommend that Members resolved to approve the proposed CMP and discharge the requirements of condition no. 6 of planning permission no. 15/01618/1 subject to the carefully worded caveats set out below in the recommendations.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

6.1 That Members resolve to **APPROVE** the Construction Management Plan (CMP) and discharge the requirements of condition no. 6 of planning permission no. 15/01618/1 subject to the following:

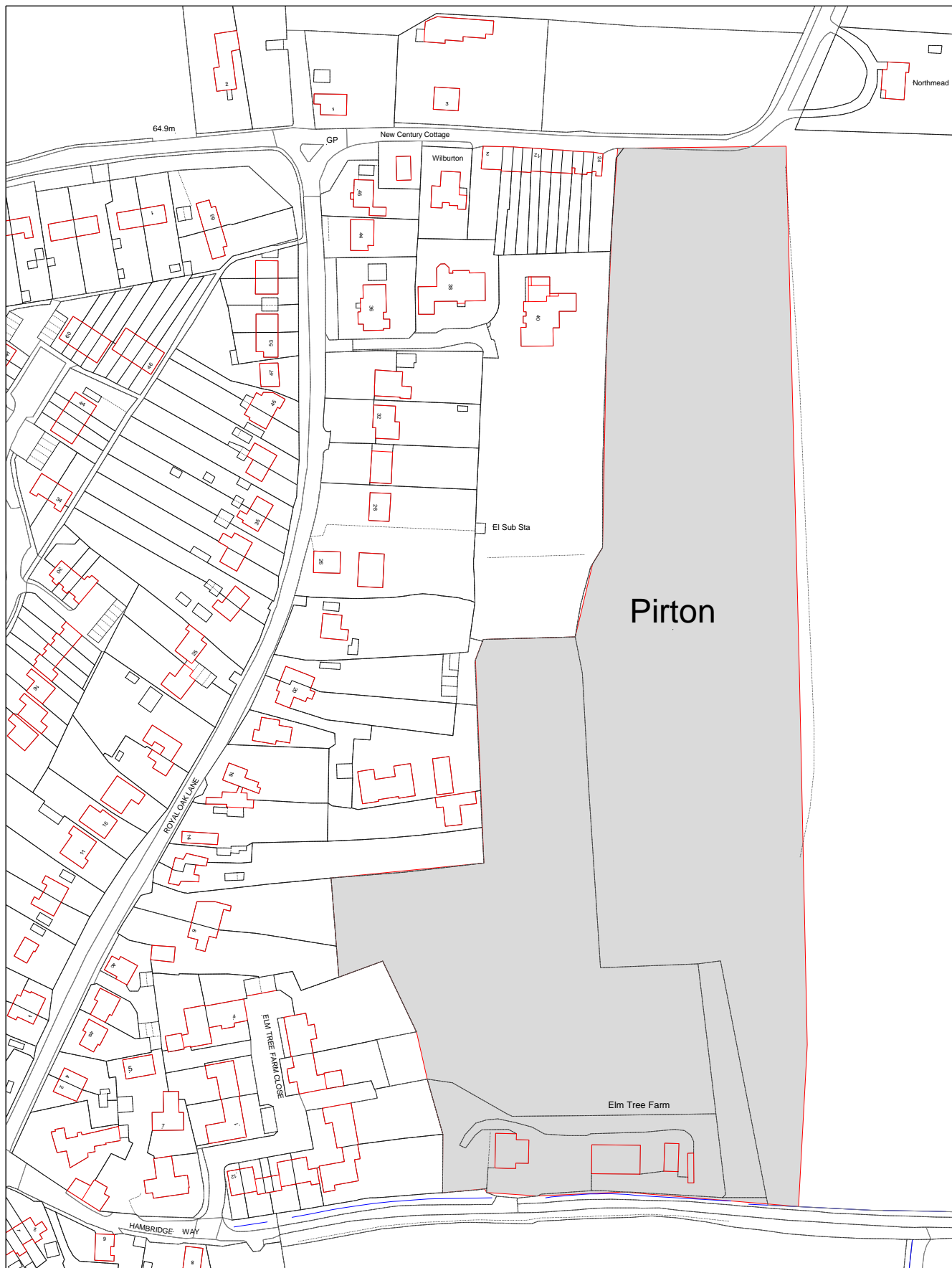
1. That the applicant submits to the Council a revised CMP which specifies that any deliveries to the site shall not take place until 9.30am and not after 3.00pm on any day. The revised CMP must also stipulate that all HGV (Heavy Goods/Duty Vehicles) and all LGV (Light Goods/Duty Vehicles) utilised as part of the construction phase of the permitted development must be Euro V or Euro VI engine compliant. And include a methodology to demonstrate how this will be managed, enforced and verified by the applicant/developer;

2. That the requirements of condition no. 6 of planning permission no. 15/01618/1 are not discharged until the applicant has secured the necessary S278 Agreement with Hertfordshire County Council (Highways) in order to implement the highway alterations to secure road widening and passing places (including associated safety audits and highway licences);

3. That Members delegate the decision to approve the CMP and discharge the requirements of condition no. 6 of planning permission no. 15/01618/1 to the Development and Conservation Manager following the completion of points 1) and 2) above;

6.2 In the event that the applicant submits a deemed discharge consent application before points 1) and 2) of recommendation 6.1 are satisfied; that Members delegate powers to the Development and Conservation Manager to refuse the discharge of condition application on the basis of failure to comply with points 1), 2) or both before the expiration of 2 weeks from the date of the deemed discharge application.





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**REPORT CONSIDERED BY THE PLANNING CONTROL COMMITTEE ON 25 MAY 2017.**

<b>ITEM NO:</b>	<u>Location:</u>	<b>Land Adjacent To Elm Tree Farm, Hambridge Way, Pirton</b>
	<u>Applicant:</u>	<b>CALA Homes</b>
	<u>Proposal:</u>	<b>Details reserved by Condition 6 (Construction Management Plan) of planning permission reference no. 15/01618/1 granted on 27 May 2016.</b>
	<u>Ref.No:</u>	<b>17/00335/ 1DOC</b>
	<u>Officer:</u>	<b>James Gran</b>

**Date of expiry of statutory period :** 06 April 2017

**Reason for Delay**

Negotiations on the associated reserved matters application, seeking amendments to the scheme. For this application, it was reported to the March planning committee meeting, but was deferred as a result of the reserved matters application being deferred. Members requested that alternative routing options for construction vehicles be further reviewed. Revised detailing of the overall construction management plan (CMP) were also required to satisfy the Highway Authority requirements. An amended CMP regarding Route Options has been received and has been consulted upon with residents, the Parish Councils of Pirton and Holwell and the Highway Authority. Statutory period of the application agreed by applicant to 31st May 2017.

**Reason for Referral to Committee**

Due to the public interest of the proposed Construction Management Plan and the impact upon the local area, namely from the proposed routes for construction vehicles.

**1.0 Relevant History**

- 1.1 15/01618/1 – Members resolved to grant outline planning permission (all matters reserved) for residential development of up to 82 dwellings with associated infrastructure, public open space and planting (amended description) at the meeting of the Planning Control Committee held on 17 December 2015. Following the resolution of flood risk issues with the Lead Local Flood Authority and completion of the requisite S106 Obligation, outline planning permission was granted on 27 May 2016.

- 1.2 16/02256/1 - Reserved matters application for approval of access, appearance, landscaping, layout and scale to serve a residential development of 78 dwellings (31 affordable and 47 private), pursuant to outline planning application 15/01618/1 granted 27.5.16 - Being reported to May Planning Committee meeting for determination.

**2.0 Policies**

- 2.1 None relevant

**3.0 Representations**

- 3.1 **Highway Authority** - On the initial Construction Management Plan (CMP), the Highway Authority had no objection to the vehicle construction route through Holwell, which was stated to be the more preferable option of the two routes previously proposed (in and out through Pirton, or in and out through Holwell). However, due to further details and clarification required on various parts of the Management Plan, their overall recommendation was of refusal at the time of the March planning committee meeting.

From consultation on the new CMP of the four route options, the Highway Authority response is of preference for Route 1 - arrival and departure of construction vehicles via Holwell, subject to mitigation measures to be finalised via s278 agreement with the Highway Authority.

- 3.2 **Environmental Health** - Recommend approval of the "Construction Management Plan (and Traffic Management Plan)" Holwell Road, Pirton by Cala Homes (undated) in so far as it relates to noise control, hours of working, screening of site, dust suppression and wheel washing.
- 3.3 **Pirton Parish Council** - No comments received at the time of writing. Any comments received to be updated to Members.
- 3.4 **Holwell Parish Council** - No comments received at the time of writing. Any comments received to be updated to Members.
- 3.5 **Holwell Against CALA Traffic (HACT) Group** - No comments received at the time of writing. Any comments received to be updated to Members.
- 3.6 **Local Residents** - Objections received from many residents including the following comments:

- The construction traffic issue remains of great concern especially at the split junction where Royal Oak Lane joins Holwell Road/West Lane. This junction is dangerous at the best of times as the sharpness of the entry when turning right towards Holwell makes visibility of traffic heading along West Lane towards Holwell very difficult and there have already been a number of very near misses there. Big construction trucks will have an even more difficult time.
- There is no acknowledgement of the lack of footpaths in Holwell Road, Royal Oak Lane and Walnut Tree Road and the likely impact of the traffic to safety along these roads and their junctions.

## APPENDIX 1

- It is proposed to restrict delivery hours to between 9am and 3pm on weekdays and Saturday times are not clear, but they do not seem concerned about the impact to the regular buses and other large vehicles which regularly use the roads during these hours and have made no proposals for managing the interaction of these with the construction traffic.
- We all know that in practice parked cars will make the above even more difficult to control traffic movement.
- There are no areas for construction traffic to move off the highway to allow normal traffic to pass. This is a particular problem within the narrow lanes and tight bends in Holwell and within Pirton, e.g. Holwell Road, the junction with Royal Oak Lane etc.
- The provision of sufficient passing places and sufficient holding locations for waiting deliveries should be demonstrably planned.
- It is good that they intend to use smaller vehicles than normal, however these will still be large vehicles and will not resolve all the problems and this will then mean more vehicles and associated movements and the timescale for the development would be extended to an unacceptable three years.
- Their solution to all the problems seems to be putting warning notices either side of pinch points. This may slow vehicles, but will not resolve the passing and all safety issues. This is totally inadequate.
- There are no proper proposals for controlling the movement of vehicles and their interaction with normal traffic, e.g. holding movement back when large vehicles such as buses and refuse/recycling lorries are already within the effected roads.
- Neither Pirton nor Holwell village roads are suitable for the amount of construction traffic generated by such a large development in a rural setting with narrow lanes.
- The biggest omission in the description and discussion of routes through Pirton is the entire absence of any comment of the lack of pavement along Holwell road, much of Royal Oak Lane and at least half of Walnut Tree Road. This means that heavy construction traffic will vie for space with other vehicles, cars, vans, PEOPLE, CYCLISTS and Horses. The very significant increase in construction traffic on a daily basis 6 days a week increases the risk to other unprotected road users to an unacceptable degree. It is truly astonishing that discussion of this was omitted from Cala Home's report
- Walnut Tree Road is the main route into and out of Pirton village for traffic coming /going to Hitchin, Barton, Luton and Stevenage. It is used by pedestrians, cyclists and horse-riders as well as by cars, delivery lorries etc. It is a narrow road where it is difficult to 'cede travel'. From Hitchin Road to the entrance to the recreation ground are a series of tight, blind bends, without footpath. Below are a number of road width measurements:
  1. Measured from the bend outside the gate to the rear garden of Walnut Tree Farmhouse, where pavement stops. At this bend, 5.2 meters.
  2. As the road comes out of the bend by Walnut Tree Farmhouse: 4.8 meters
    1. At the edge of Walnut Tree Farmhouse barn conversion: 4.4 meters:
    2. The far end of the barn conversion: by no. 23: 4.3 meters
    3. By the sign for Mick's Sticks before the entrance to Maltings Orchard: 4 meters.

## APPENDIX 1

- There are 3 houses in Walnut Tree Road as well as houses in Malting's Orchard without pavement. Royal Oak Lane is a main pedestrian route to the centre of the village and the main access route for vehicles coming from Hitchin and Bedford via the A600 and Holwell. The reports submitted by Cala Homes ignore the narrow width of this road and lack of footpath. The length of Royal Oak Lane is approx. 376m. Of this 248m (65%) has no footpath on either side and is bordered by 29 houses. This is also the narrowest part of the lane which often has cars parked along it. It is difficult for a car and a large vehicle to pass and there is nowhere for two large vehicles to cede travel other than driving over gardens which already happens. Measurements along this part of the road range from 4.3. to a maximum of 5.1m.

- Beyond this section there is a narrow footpath and the road width is constant (around 5.3) up to the junction with Hambridge Way. The photograph above illustrates this narrower part of the road.

- The bend at the junction of Royal Oak Lane and Holwell Road is even narrower. Three measurements from curb to curb around this bend are as follows: 4.54m, 4.37m, 4.32m. Two cars can only just pass with considerable care on this bend.

4. Holwell Road is the main access route into the village for vehicles coming from Bedford and Hitchin via the A600 and Holwell. It is also a cut through from the A600 to the A6. The front doors of 12 Apostles cottages front directly on to Holwell Road. Residents park their cars in front of the cottages (there is nowhere else at present) making the road single track. Pedestrians, cyclists and horse riders all use this route. The road varies in width as follows:

4. Outside no. 3: 5.3 m
5. Outside Plum Tree Cottage with car parked outside : 3.8m
6. 10 Holwell Road with step outside front door: 5.3m
7. Car parked between 12 and 10 : 2.9 m
8. Pick- up truck between 16 and 14: 3m
9. Outside no. 20 with bins: 5.6m
10. Car parked outside no. 20: 5.6 meters
11. Green verge under the sold sign: 5 meters.

- I do not believe that Cala Homes has yet dealt adequately with the Highways Authority's concerns about the lack of passing places and "parking up" places for the Holwell Route, and these concerns apply equally to any proposed route through Pirton. There are no passing places as such in the village, and I have described the narrow roads above. Nor are there "passing places" as such on roads in and out of Pirton, and most certainly no parking up areas.

- There is no acknowledgement of the lack of footpaths in Holwell Road, Royal Oak Lane and Walnut Tree Road and the likely impact of the traffic to safety along these roads and their junctions.

- They propose to restrict delivery hours to between 9am and 3pm on weekdays and Saturday times are not clear, but they do not seem concerned about the impact to the regular buses and other large vehicles which regularly use the roads during these hours and have made no proposals for managing the interaction of these with the construction traffic.

- We all know that in practice parked cars will make the above even more difficult to control traffic movement.

- There are no areas for construction traffic to move off the highway to allow normal traffic to pass. This is a particular problem within the narrow lanes and tight bends in Holwell and within Pirton, e.g. Holwell Road, the junction with Royal Oak Lane etc.

- The provision of sufficient passing places and sufficient holding locations for waiting deliveries should be demonstrably planned.
- It is good that they intend to use smaller vehicles than normal, however these will still be large vehicles and will not resolve all the problems and this will then mean more vehicles and associated movements and the timescale for the development would be extended to an unacceptable three years.
- Their solution to all the problems seems to be putting warning notices either side of pinch points. This may slow vehicles, but will not resolve the passing and all safety issues. This is totally inadequate.
- There are no proper proposals for controlling the movement of vehicles and their interaction with normal traffic, e.g. holding movement back when large vehicles such as buses and refuse/recycling lorries are already within the effected roads.
- Safety grounds. If the proposed route is in through Holwell out through Pirton: There are no footpaths at all from construction vehicles entry into the parish from Holwell until half way up Royal Oak Lane and then no footpath after the recreation ground. This route passes 58 houses without a footpath.
- If the proposed route is in through Pirton out through Holwell: There are no footpaths from construction vehicles entry into the parish from Hitchin or Shillington until half way along Walnut Tree Rd including a blind bend. Then no footpath from halfway down Royal Oak Lane to the bottom of Waterloo Lane at the beginning of Holwell parish. This route passes 58 houses without a footpath.
- If the proposed route is in and out through Holwell: There is a footpath from the A600 all through the village to the top of Waterloo Lane. This route passes 5 houses without a footpath.
- In the forthcoming NHDC Local Plan Pirton has been designated as a settlement with many facilities such as a shop, mother and toddler group, school , pre school ,after school club and 2 public houses. This means that there is a lot of traffic both to and from the village as well as within the village...for example push chairs, schoolchildren, the elderly all moving about throughout the day particularly at the beginning and end of the school day. This is not the case in Holwell.
- 26 construction movements a day by very large vehicles within Pirton as proposed by CALA and the associated workforce traffic would bring serious dangers to those involved in life in the village.

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The application site is located to the east of Royal Oak Lane, south of Holwell Road and north of Hambridge Way. It has a frontage onto Holwell Road of approximately 65 metres and approximately 140 metres along Hambridge Way. The depth of the site is approximately 400 metres. The area of the site totals approximately 4.4 hectares and consists of an open field area for the majority of the northern part of the site bounded by landscaping along its eastern boundary and an area of agricultural buildings to the south of the site with a paddock area to the rear of these buildings. Part of the western boundary of the site is located adjacent to the Pirton Conservation Area. Three new detached properties are now located adjacent the site, to the rear of 40 Royal Oak Lane.

## 4.2 Proposal

### 4.2.1 Condition 6 of the outline planning permission states the following:

*"Prior to commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area for construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details of construction vehicle routing to and from the site".*

### 4.2.2 The submitted Construction Management Plan for the development of 78 dwellings, involves the following:

#### Construction Method Statement

- Construction and storage compounds
- Screening and hoarding details
- Control of dust and dirt emissions
- Wheel washing facilities
- Site lighting
- Hours of working and site delivery times. These are proposed as follows:

The site working hours are as follows:

- Site hours are 08:00 to 17:00 on Monday to Friday
- 08:00 to 13:00 on Saturday
- No Sunday or Bank Holiday working

Site delivery hours are as follows:

- Site delivery hours are between 09:30 and 15:00 on Monday to Friday
- 08:00 to 13:00 on Saturday

- A Construction Code of Conduct is detailed into various categories.

The Appendices then detail the following:

- I – VEHICLE DETAILS
- II – DAILY AVERAGE NUMBER OF VEHICLES
- III – ACCESS OF SURROUNDING PROPERTIES
- IV – POSITIONS OF HOARDING
- V – VEHICLE LOADING/UNLOADING
- VI – VEHICLE ROUTES INTO SITE
- VII – BUILD PROGRAMME

### 4.2.3 The conclusion of the Management Plan states the following:

*"The key area to ensure that this plan is adhered to and that minimal impact to local residents result are:*

1. *Communicate with residents at all times so they are always aware of any operations that are taking place that has the potential to affect them.*
2. *Ensure the permitted site hours are adhered to at all times.*
3. *To ensure our measures are effective, capable of being monitored and reviewed throughout the construction period.*



4. Any complaints will be dealt with in a professional way and ensure complaints are closed out sufficiently.
5. Actively engage with CCS (Considerate Contractor Scheme) and good working practices.
6. Educate the workforce on the need to keep noise to a minimum and the importance of this plan to ensure residents are not disrupted by our activities. This will be carried out at our site inductions and regular site meetings".

4.2.4 The main amendment to the application details is the options for the construction route and a revised document of Construction Management Plan - Route Options has been received, carried out by transport consultants Waterman Infrastructure and Environment (WIE). Four route options are now considered as follows:

1. Arrival and Departure via Holwell
2. Arrival and Departure via Pirton
3. Arrival via Pirton, Departure via Holwell
4. Arrival via Holwell, Departure via Pirton

The document states at 3.6 onwards:

*"It should be noted that an additional route was requested to be explored by local residents which involved construction vehicles being taken along an existing track from Hitchin Road.*

*This route involves land outside of CALA's control, requires the crossing of existing Rights of Way / Bridleways as well as being prohibitively expensive in terms of upgrading the track to a sufficient standard to accommodate large construction vehicles (in both size and weight terms). This has also been reviewed by HCC, who agree that the off-road route is not viable for this development site.*

*The routes have been explored by both CALA Homes' construction team and separately by members of the Waterman Infrastructure and Environment team. These routes have both been driven and walked".*

Please see the full Route Options document for a review of each of the four routes. It should be noted no weight, height or width restrictions are placed on any of the routes. Tracking plans of the lorry to transport a crane (the longest construction vehicle required at 12.4 metres), along the route sections are provided for both directions, at the pinch points for the route options.

#### 4.3 **Key Issues**

4.3.1 The key issues in this application are:

- the impact upon the highway network from the route for construction vehicles
- the impact of the construction activities upon the amenity of the area

#### 4.3.2 Impact upon the highway network

In regard to the construction vehicle route options and their overall impact upon the safety and free flow of the highway network, the Route Options document has the following preferred hierarchy of the routes at section 8:

*"Preferred Hierarchy of Routes*

*This report has been produced in order to explore the options available to construction traffic, and identify where pinchpoints or areas of concern lie.*

*The development site has outline planning permission and therefore is accepted as being developable.*

*However, construction routing to and from the site is contentious to local residents. It is accepted that there is no ideal solution that will satisfy all parties, however, this document identifies the routes that are available for use.*

*Given the constraints at various points the following hierarchy of preferred routes is suggested unless additional mitigation measures are provided:*

- 1. Arrival via Pirton, Departure via Holwell*
- 2. Arrival and Departure via Holwell*
- 3. Arrival via Howell, Departure via Pirton*
- 4. Arrival and Departure via Pirton*

*The key benefits of the 'split route' approach is that the impacts of the construction traffic are lessened and split across two separate networks. The removal of construction traffic in a certain direction also lessens conflicts on each route, and avoids any (theoretical) conflicts between two construction vehicles on the route. The junction of Hitchin Road and Walnut Tree Road for vehicles leaving from Pirton would result in traffic needing to use the opposing carriageway close to a blind bend. For this reason, the split route for arrivals via Pirton and departures via Holwell is preferred. In addition, it would result in traffic travelling up the incline at Waterloo Lane rather than downhill.*

*It is acknowledged that additional mitigation measures may make the Pirton route more useable for departing traffic, and may be necessary in general to improve the traffic conditions on both routes. Given the contentious nature of the existing CMP, further mitigation measures are considered in the next chapter as potential options".*

The document concludes by stating the following:

*"This CMP Route Options report provides background as to the various options open to CALA Homes for bringing HGVs to and from the development site at Holwell Road, Pirton.*

*Clearly, the options are limited to bringing traffic either through Holwell or Pirton or a split route encompassing both.*

*There are acknowledged pinchpoints on both routes, although neither route is limited by weight, height or width restrictions.*

*The options considered in this report are for review by HCC and presentation to residents and council members to agree the most suitable strategy for the construction traffic necessary to develop the site. Whilst no solution will appease all objectors, the additional mitigation measures identified within the report highlight that CALA Homes are willing to explore alternatives in order to reduce potential impacts".*

- 4.3.3 In response to the overall Construction Management and Traffic Management Plan, including the revised Route Options document, the Highway Authority comments received are as follows:

*"Additional information was received in the form of the Construction Management Plan-Route Options (Dated 25th April 2017) and an updated Construction Management Plan (Received on 9th May 2017) in response to previous HCC comments to discharge condition 6 to support application 17/00335/1DOC. The applicant presented 4 route options with vehicle tracking of 12.4m mobile crane for HCC consideration. These were as follow:*

*1) Route 1 - Arrival and Departure via Holwell 2) Route 2 – Arrival and Departure via Pirton 3) Route 3 – Arrival via Pirton, Departure via Holwell 4) Route 4 – Arrival via Holwell, Departure via Pirton*

*In addition to the above options, the route along an existing track from Hitchin Road was also explored. This involved land outside Applicant's control and required existing Rights of Way/Bridleways as well as upgrading of the track at a considerable expense to accommodate large construction vehicles. This was reviewed by the Highway Authority and considered not to be viable alternative.*

*The Highway Authority's network management undertook a review of all 4 options and came to conclusion that Route 1 is the preferred route in order to reduce the potential impacts. It was considered that Route 2 has considerable on street parking in Royal Oak Lane which leaves a restricted width for the vehicles. This is of a considerable length and would be subject to overrun by HGV's on the verge opposite the houses. The possibility of HGV's meeting at this point would cause delays for local residents and increase pollution levels. In terms of alternate routes in and out, Route 3 and Route 4 were not considered ideal and would increase the number of residents affected by the construction traffic. Also, the length of carriage subject to damage from the traffic would be approximately double.*

*Following the above, the applicant submitted an updated Construction Management Plan which aligned with Construction Management Plan – Route Options (Dated 25th April 2017).*

*HCC has reviewed these documents provided and its comments are below:*

- Deliveries were previously requested not to commence before 09:30am in order to avoid highway network peak hours. This has been agreed and will however effectively add another 3 months to the build programme.*
- The applicant confirms that the deliveries will be provided within the set delivery hours rather than working hours.*
- It is noted that the applicant confirms the paragraph referring to earlier deliveries being unavoidable has now been amended;*

## APPENDIX 1

- *HCC recommend that a two strike system is adopted, i.e. a warning issued first and then a removal if the offender repeats the action. The amended construction management Plan takes account of this. A traffic route plan will be issued to all contractors, suppliers and visitors to the site (please see appendix). The traffic route plan will detail the access route into site which must be adhered to. The applicant will operate a two strike system in which contractors or suppliers caught taking a different route into/out of site will be warned. If found to be using a different route twice, they will be removed from site. This process will be mainly managed by the gate man who will be guiding vehicles into and out of the site and ensuring that they are following the correct route. The gate man will report any offenders to the site manager who will keep a record. ;*
- *It is noted that the applicant has confirmed that they will not deviate from the amended construction management plan;*
- *It is noted that the applicant has confirmed that a road sweeper will be employed by CALA as required. During activities such as ground works which are more likely to transfer dirt onto the roads the sweeper will operate on a more regular basis;*
- *It is noted that the applicant has confirmed that a mobile crane will be hired to lift roof trusses, concrete floor beams and steel beam installation. The applicant has also confirmed that the crane will follow the same construction route. It will be no larger than the largest articulated vehicle which will serve the site so that it can navigate the roads into site. The mobile crane will be driven into the site by the operator who parks and sets up the crane in the working area.*
- *It is noted that a silo will now be delivered by a rigid vehicle. The applicant has confirmed that the Roof trusses, steel beams and pre-cast slabs are all being designed to be transported on rigid vehicles. It will only be construction plant that will require delivery via articulated vehicles (which will only be required at the beginning and end of the project). When the articulated vehicles are required, an additional time allowance in the booking system will be made to eliminate any conflict with the development construction traffic on the highway. A prior consent from HCC will also be sought at least a week before the delivery date if for any reason a larger vehicle is required.*
- *It is noted that the condition survey would be undertaken from the Royal Oak Road/Holwell Road junction and extend along the proposed route through to the junction at Holwell Road/Bedford Road. The condition survey will comprise of detailed photos and descriptions of the make up of the roads and footpaths. We would undertake one prior to any construction work and again once the project has finished. Any damaged caused as a result of our works will be rectified at Applicant's cost under section 59 of the Highways Act.*
- *The applicant has confirmed the installation of two laybys along the narrowest parts of Waterloo Lane and the narrow section of Holwell Road where two vehicle meet. This will improve the existing passing places and will be designed to accommodate HGVs. The exact location of these laybys will tested using the swept path analysis of the 12 m length HGV. This will be done in liaison with the Highway Authority to ensure that these are accommodated within Highways Land prior to CALA entering into a Licence Agreement or s.278 agreement to carry out the works.*

## APPENDIX 1

- *In order to effectively manage and enforce vehicle deliveries, the applicant has confirmed that the booking system will be agreed with the Highway Authority as part of the contractors appointment for the project. This will be strictly adhered to and there will also be a booking system for Site Managers, who will responsible to ensure the booking system is appropriately managed to prevent any vehicles arriving outside of their designated delivery slot.*

- *Swept path assessment (which included a buffer zone) of the largest vehicle a rigid truck to/from the site has been provided. Please refer to Construction Management Plan – Route Options, dated 25th April 2017. If for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at least 24 hours before arrival and if necessary, a temporary traffic management order will also be sought.*

- *The applicant has confirmed they will work with HCC to agree and clear any tree and hedgerow obstructions on highway land to help maximise forward visibility around bends, particularly at the 90° bend leading onto Waterloo Lane. In summary, the Highway Authority are satisfied with the updated Construction Management Plan and therefore support the discharge of Condition 6 accordingly".*

4.3.4 Therefore, the preferred route option of the Highway Authority is arrival and departure via Holwell. This is the second choice of preferred option by the applicant but this was stated to be if without further mitigation measures. Additional mitigation measures are required by the Highway Authority as stated in the above comments. The wording of the main Construction and Traffic Management Plan now includes these measures, which involves installation of two lay-bys along the narrowest parts of Waterloo Lane and the narrow section of Holwell Road. The wording is as follows:

### **"Highway Improvement Works**

*In order to facilitate the above Construction Management Plan and Traffic Route as detailed in Waterman's Traffic Route Report (25th April 2017), CALA have consulted H.C.C and agree in principle to undertake the following improvement works to accommodate HGV's on the highway. These are as follows:*

1. *2x laybys along the narrowest parts of Waterloo Lane and the narrow section of Holwell Road where two vehicle meet. The laybys will improve the existing passing places and are to be designed to accommodate HGVs.*

2. *The location of the 2x laybys are to be tested using the swept path analysis of the 12 m length HGV's to confirm the location is suitable.*

3. *H.C.C to confirm the location of the passing bays and confirm they are wholly within Highways Land prior to CALA entering into a Licence Agreement or s.278 agreement to carry out the works".*

These measures would be secured by the s278 agreement between the applicant and the Highway Authority, which is already required for all off site highway works. With the mitigation measures proposed, and the delivery times being outside of rush hours and school drop off and pick up times, potential conflicts on the highway network would be minimised as far as possible in my view.

4.3.5 Impact upon the amenity of the area

With regard to the details submitted pertaining to on-site works of construction and storage compounds, screening and hoarding details, control of dust and dirt emissions, wheel washing facilities, site lighting, hours of working and site delivery times, all as set out in the documents submitted, these are all acceptable to the Council's Environmental Health department. The details contained in the Construction and Traffic Management Plan are considered to be acceptable in regard to safeguarding the reasonable amenity conditions for nearby residents and of the area.

4.4 **Conclusion**

- 4.4.1 The preferred route of the Highway Authority is arrival and departure of construction vehicles via Holwell (Option 1 in the list of four options). The constraints of both routes through Pirton or Holwell are noted but, the benefits of this route are considered to most outweigh the negatives, subject to the additional mitigation measure of the lay-bys being installed. Therefore, the details of the Construction Management and Traffic Management Plan, together with the route option of arrival and departure via Holwell, with the mitigation measures required by the Highway Authority, is recommended to Members to be approved.

**5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

**6.0 Recommendation**

- 6.1 Recommend that following confirmation from Members of their preferred route for construction vehicles, the details of Condition 6 of the outline planning permission ref no. 15/01618/1 be approved.

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

## PLANNING CONTROL COMMITTEE

Meeting held in Spirella Ballroom, Letchworth Garden City on  
Thursday, 25 May 2017 at 7.30p.m.

## EXTRACT FROM MINUTES

7. **17/00335/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON**  
Details reserved by Condition 6 (Construction Management Plan) of planning permission reference no. 15/01618/1 granted on 27 May 2016.

The Development and Conservation Manager introduced the report, supported by a visual presentation that included plans demonstrating the routes for construction traffic.

He advised that there were a lot of updates to report as follows:

A Construction Traffic Access Appraisal submitted on behalf of Pirton Parish Council

- The CALA Homes proposed Construction Traffic Management Plan suggested that up to 30 construction vehicles per day of various sizes would access the site. However, this would not occur throughout the whole construction period.  
Construction traffic should be restricted to weekday off-peak hours 09.30 to 15.00 resulting in, on average, 5 two-way construction vehicles an hour or 1 vehicle every 12 minutes spread across the off-peak period.
- Baseline traffic flows on Holwell Road indicated less than 1 vehicle per minute in each direction in 2020 in the peak periods.
- The shortest route from the site to the 'A' road network was via Holwell, being approximately 2 miles or 5 minutes by motor vehicle.
- Routes via Pirton to the nearest 'A' road would be 3.5 miles or 7 minutes to the A505, Hitchin, 5.5 miles or 13 minutes via Shillington to the A600 or 5.2 miles or 10 minutes to the A6 at Barton-le-Clay.
- Traffic calming in Holwell village appeared to already manage traffic effectively and only one slight personal injury accident (PIA) had been recorded in 18 years (1999-2016).  
During the same period, the route via Pirton to the A505 had experienced over 50 PIAs including 7 in Pirton, the route via Shillington had experienced over 40 PIAs including 4 in Pirton and the route to the A6 has experienced just under 40 PIAs.
- All routes to the site were constrained in some form. The route via Holwell was traffic calmed in the village. There was no traffic calming on any of the Pirton routes.
- The route via Holwell had narrow sections, especially at Waterloo Lane. Localised widening could be provided to improve passing space, temporary warning signs could be installed and vegetation management would improve visibility.
- There was sufficient space for construction vehicles to wait at the eastern end of Holwell Road (outside Holwell village) and be in contact with the site manager to ensure construction traffic vehicles did not need to pass others travelling to and from the site.
- In total, 13 properties in Holwell on the route had no off-street parking, and 3 had no access to a footway (in Waterloo Lane).
- Any construction traffic route via Pirton would need to pass a row of 10 properties that have no footway and front doors that open onto the carriageway. These properties also relied on using the carriageway for parking and waste bin collection.

- Routing through Pirton to the A505 via Royal Oak Lane and Walnut Tree Road would pass over 50 properties that had no access to any footway.
- Routing in Pirton to either A600 or A6 via West Lane would pass 15 properties with no off-street parking and forward visibility on approach to the junction with Shillington Road was restricted by parked cars.

In conclusion, no route to the site is ideal but with careful management of construction traffic and some minor improvements to the highway, the route via Holwell provided the shortest route to the 'A' road network.

The route via Holwell also offered a lower impact, especially to vulnerable road users such as pedestrians, cyclists and horse riders. Off peak traffic flows on this road were also relatively light.

Split construction traffic routing would increase the potential impact in terms of the numbers of residents affected and would also be more difficult to manage so was not recommended.

### Objection from Holwell Parish Council

Holwell Parish Council objects strongly to this application and urge you to take notice of this and of the huge number of residents who had also raised their objections.

We note with alarm and deep concern the fact that CALA Homes, Watermans and Highways all recommend that Holwell should shoulder the entire burden of construction traffic for the housing development in a neighbouring village. This would have a huge negative impact on our village, totally altering the aesthetics and rural aspect, not to mention the disruption, damage and noise it would create. This is especially true with the proposed Saturday delivery hours.

Absolutely no thought or consideration had been taken for the safety and convenience of Holwell residents and the fact that the proposed route would run the entire length of the village affecting the majority of homes in the village.

It included passing 4 working farm entrances, a popular farm shop, the recreation ground which was used throughout the whole year by many people including members of the bowls club, 2 youth football teams and both adult and youth cricket teams. We have a church that holds a number of additional services including weddings and funerals, stables and a village hall where children's parties are sometimes held. There are, in addition, a number of footpaths and bridle paths that opened onto the road.

Then, we need to consider the groups of pedestrians, walkers, cyclists, horse riders, children and residents spilling out onto the highway, more so on Saturdays and school holidays. Some houses in Pirton Road, opposite the village hall opened directly out on to the highway with no footpath to access and having to negotiate the road with prams, pushchairs and young children. This would become even more dangerous than at present with the increased traffic and HGV's.

No report had taken into account the factors about the lack of control CALA Homes would have over these people, the general public or agricultural, refuse, delivery or any other vehicles that used this road on a day to day basis. What about emergency vehicles trying to get to an incident?

The proposed lay-bys along Waterloo Lane and Holwell Road would ruin the most rural and picturesque entrance to our village, not to mention the destruction of natural habitats for a wide range of wildlife. Parts of Waterloo Lane followed a Hollow Lane aspect which was an unusual and interesting feature entering the village and we are extremely concerned that this may be destroyed. These lay-bys would not stop traffic jams and reversing would still be needed as other vehicles would use them when necessary. There were still sections where vehicles would need to mount pavements and verges when passing each other. Furthermore, if these lay-bys were created, it would make it easier for traffic to speed if they have a greater line of sight.



Objection from Holwell Against Traffic Group

We are submitting these summary comments as a follow-up to the comprehensive pack that was circulated before the Planning Control Meeting of 16 March 2017. We hope that you were able to study the summary before the meeting as we feel that the views of Holwell Villagers and independent experts had not been fully taken into consideration in NHDC's recommendation to route all construction traffic at a rate of 50-60 HGVs per day through Holwell for a minimum of 3 years.

If you have not already done so, we trust that you will visit the development site and travel the construction routes to get an idea of the impact.

Firstly it is worth revisiting Condition 6 of the Outline Planning Permission.

The Key issues are therefore Efficiency and Safety together with Loss of Amenity in Holwell.

Efficiency

1. In recommending the Holwell route with the provision of two lay-bys, the fact that other road users will use the lay-bys is ignored. These include other HGVs and delivery vehicles, the many large agricultural vehicles, emergency vehicles, refuse trucks and the village bus together with the many cars and vans using the village road.  
Traffic jams and delays would occur with this level of HGV traffic introduced into the village.  
Not efficient.
2. The recommendation also ignored the fact that there were other narrow areas and chicanes on much of the route and no passing places particularly in Pirton Road and in Holwell Road where there were usually many parked cars. The lay-bys will make no difference to this situation.  
Not efficient.
3. At the rate of 50-60 HGVs per day (including cranes, artics and other vehicles over a 5 - 5.5 hour period Mondays-Saturdays inclusive every week, HGVs would be coming through the village at the rate of 10 HGVS per hour or one every 6 minutes.  
It would not be possible to manage this flow of traffic remotely from the building site nor would it be possible take account of all the other road users.  
Not Efficient.
4. Because it is a narrow route through a village with tight and blind bends and no passing places, smaller (but still large) 12metre vehicles would be used so the build would take longer.  
Not Efficient.

Safety

1. The Waterman's Route Options Document on page 4 stated that there were more pedestrians and parked cars in Pirton. There was no evidence for this. No competent quantitative surveys had been done! There were no figures! The judgements were subjective, value judgements and prone to bias.  
Not safe.
2. The report stated that because Pirton was a larger village it had more pedestrians but what it ignored was that the Pirton route selected by CALA homes runs along the edge of Pirton with a smaller number of homes than on the Holwell route, which runs directly through the centre of the village, with the vast majority of homes (90) on it plus the church, farm shop, village hall and recreation ground used by football, cricket and bowls clubs on Saturdays and school holidays plus the entrances to 4 busy working farms with large farm vehicles regularly entering and exiting the entrances particularly at the blind bend on Pirton Road/Waterloo Lane.  
Not safe
3. There was no segregation of road users on large sections of this 2 mile route. The road was regularly used by walkers, joggers, cyclists and horse riders with more on Saturday mornings when deliveries were also to be made (8am-1pm).  
Not safe.

Amenity

1. The provision of a very large lay-by for HGVs in steep-sided Waterloo Lane and the removal of vegetation would significantly degrade the quality of the environment and ecology on the approach to the village along this ancient Hollow Lane  
Loss of amenity.
2. The continual rumbling of construction HGVs through Holwell Mondays-Saturdays would disrupt the life of the village, cause blighting of property and significantly affecting the character of the village over 3 years with the prospect of more to follow, if permission was granted for more housing in Pirton, which was already in the pipeline.  
Loss of amenity.
3. While CALA Homes have offered to pay for damage to the carriageway, verges, kerbs and embankments of the route it would not be possible to keep up with the damage caused at this rate of HGV traffic – one HGV every 6 minutes.  
Loss of Amenity.
4. Whilst Section106 monies were not intended to be a bribe, but were often seen as such, it was ironic that Holwell Village would not be compensated for any loss of amenity as the housing development would in Pirton.  
Loss of amenity.

The 4 route options selected by the developer are all unsuitable, which was a view backed up by truly independent consultants as well as residents.

The impact of a seemingly mad rush to build as many homes as possible to meet notional NHDC housing targets in a relatively inaccessible location in Pirton had resulted in the amenity, environment, character, road safety and the smooth flow of traffic through Holwell being seriously threatened.

This proposal was unsustainable. Please refuse the application.

Local Residents

Many further objections had been received to both any route through Pirton or through Holwell, stating largely the same points already included in the report, but also critical of the proposed mitigation measure of passing places to be installed along Waterloo Lane on the Holwell route, as required by the Highway Authority in their preferred option.

The Development and Conservation Manager advised that, from consideration of the comments received, it was acknowledged that none of the four route options were ideal and this was the unfortunate consequence of any housing development in villages. However, the route of arrival and departure via Holwell was considered to be the more favoured option by the Highway Authority. The mitigation measures and highway improvement works, including the installation of passing places in Waterloo Lane, would be secured via a Section 278 agreement by the Highway Authority. There was therefore no change to the overall officer opinion that, the details of the construction management plan, including the routing to be arrival and departure via Holwell, be approved.

The Chairman commented that a large amount of information had been received in the last 2 days and advised that, following the presentations, Members may wish to consider the option of taking time to consider all of this information.

Parish Councillor Diane Burleigh (Pirton Parish Council) and Mr John Burden (Holwell Against CALA Traffic) addressed the Committee in objection to application 17/00335/1DOC.

Parish Councillor Burleigh thanked the Chairman for the opportunity to address the Committee and advised that she was talking purely from the Pirton point of view.

She informed Members that no rural road route either through Pirton or Holwell was suitable for the construction traffic relating to 78 dwellings.

The officer had previously outlined some of the issues from the objections but from Pirton's perspective the major consideration was to use the shortest route and this related to disturbance and environmental considerations and the shortest route was undoubtedly through Holwell.

The Holwell route was approximate 2 miles or 5 minutes away from an A road, whereas the Pirton route was 3.5 miles or 7 minutes away from the A505.

The second consideration was traffic calming and accidents. The route via Holwell was traffic calmed in the village whereas there was no traffic calming measures in Pirton to date.

The traffic calming measures in Holwell appeared to be effective, with only one personal injury accident in 18 years. During the same period the route via Pirton to the A505 had experienced over 50 personal injury accidents including 7 in Pirton itself.

There were 13 properties in Holwell had no off-street parking and 5 had no access to a footway, principally in Waterloo Lane. Any route through Pirton would have to pass 10 properties in Holwell Road that had no footpaths and front doors that opened onto the carriageway and a further 4 properties that had no footway access.

Routing through Pirton to the A505 would pass a total of 93 properties of which 58 had no access to any footway as well as the entrances to the Sports and Social Club and the recreation ground.

The Pirton Route, although relatively straight, had blind summits and dips and most importantly the verges were classed by Hertfordshire County Council Countryside Management as Heritage Verges, with only one other Heritage Verge in Hertfordshire, they were very proud of this.

This meant that the verges were particularly valued for their bio-diversity and the expected levels of construction traffic over 3 years would create an unacceptable level of pollution and risk to the very valuable, bio-diverse areas.

Holwell Road, Royal Oak Lane and Walnut Tree Road all had narrow sections and Walnut Tree Road had two completely blind bends.

The main route through Pirton to the A505 passed further properties that included a nursing care home, with staff and patients using the road via a narrow footpath.

There were no passing places or waiting areas on this route and none could be created without destroying a significant part of the Heritage Verges.

In summary Parish Councillor Burleigh stated that, in light of the facts as stated in the report and the opinion of three organisations with relevant expertise, it would be perverse to have the construction route through Pirton, whether two way or one way.

It would also be more dangerous to route traffic through Pirton, placing many more people at risk of accident than the route through Holwell.

Sharing the pain would only be an option where each route was equally safe, environmentally OK and affected equal numbers of dwellings and residents.

Safety had to be a major consideration and the facts and expert opinion leads you to the conclusion to reject any construction route through Pirton.

Mr Burden thanked the Chairman for the opportunity to address the Committee and, as a way of introduction, advised that Holwell residents were in the process of making official complaints about the inadequate process of consultation, whereby the NHDC Planning Portal had been unavailable for receipt of comments on the application and key documents had appeared very late, for example the revised construction management plan appeared on 15 May. So there were serious concerns about the legality and fairness of the process and questioned whether it was prudent for the Committee to make a decision in these circumstances.

All four options that routed construction traffic through Holwell and Pirton were unsafe and inefficient and did not meet the requirements of Condition 6 of the original outline planning permission.

The construction route should not have been judged by Highways as deliverable at an earlier stage and the sensible option would be to construct a temporary access route the short distance from the Hitchin Road to the building site so as to avoid both villages, however this was deemed to expensive by a multi-national company.

The recommended Holwell only route was, as described by Richard Cox in his objection, so absurd and not worth spending time writing about, as any intelligent person would reject it out of hand. Heavy goods vehicle and other drivers, Highways, freight managers and logistic experts agree with him.

The only significant mitigation measure was of two lay-bys in imprecise locations.

One Lay-by would be in the narrow Waterloo Lane, where there were several properties and more to be built. Residents were concerned that a very long HGV lay-by would be placed in an ancient hollow lane, which was very much part of the character of the village, as the approach to Holwell, and the consequent destruction of habitat.

The second lay-by was proposed to be in Holwell Road, there were two Holwell Roads and the precise location was not clear and no detailed drawings or impact studies had been presented and therefore no intelligent decision could be made about the lay-bys.

CALA would have no control over these lay-bys or the remote lay-bys planned as holding bays and therefore other vehicles would use them.

The average number of HGVs serving the development would be one vehicle every six minutes for 3 years or more, including Saturday mornings, which was a very unsociable hour.

There was the prospect of more large scale housing to follow in adjacent field in Pirton, making the temporary period very long.

The lay-bys did not overcome the inherent problems of the two mile route. Their consultant, Brian Clamp, an experienced highways and civil engineer, stated that there were many other HGVs that used this route during weekdays, usually avoiding rush hour and weekends.

Very large agricultural vehicles, delivery vehicles and busses used the whole route and much of the Holwell route was less than 5 metres and frequently less than 4 meters. HGVs are 2.5 metres wide yet no opposing tracking of two HGVs had been done. It was as though CALA trucks would be the only road users and they would only travel one way.

Forward visibility was unacceptable on blind bends, even if the overhanging vegetation was cut back.

Where are the proposals to keep vulnerable road users safe, particularly on Saturday morning and school holidays when pedestrians, cyclists and horse riders were using the roads.

Watermans provided no quantitative data to back up their conclusion that Holwell was the most appropriate route.

The Chairman thanked Parish Councillor Burleigh and Mr Burden for their presentations.

District Councillor Claire Strong addressed the Committee as a Member Advocate in objection to application 17/00335/1DOC.

Councillor Strong thanked the Chairman for the opportunity to address the Committee and informed them that she represented Pirton and Lived in Holwell.

She drew attention to comment made by the Planning Officer that there was no ideal route and stated that neither of the routes through Pirton or Holwell met any safety standards that NHDC Councillors should respect.

The length of the route was irrelevant, the important criteria was what was found on the route.

The route through both villages consisted of restrictions of the carriageway, which may be overcome by lay-bys, but the blind bends could not be overcome, particularly in Waterloo Lane, as demonstrated in the pack sent to Councillors. A lay-by may enable passing in the middle of the lane, but what would happen at the top or the bottom of the lane where there were blind corners.

No consideration had been given to how construction traffic would approach and deal with this and it is unsafe.

Exactly the same issues applied to the route through Pirton in Royal Oak Lane which made the route through Pirton totally unsuitable for construction site traffic.

There were difficulties for the construction traffic related to just three houses previously developed and this was for 78 houses, which would create a large number of additional movements.

In terms of looking at a safe option, you could demand that a temporary route was developed across the fields as was the case when mineral extraction took place. In that case a road was built from Bedford Road to the extraction site and this road was again used when the landfill site was developed.

There was plenty of opportunity for a separate road to be put in for construction traffic to access the site. And it was very short sighted to think that the two roads in and out of the two villages were the solution. Out of the box thinking was needed in order to devise a way to bring construction traffic onto and off of the site, whilst avoiding both villages.

It was clear that the road system through the villages was totally unsafe and totally inadequate.

Councillor Strong asked the Committee to consider if it had enough information to make a decision and urged Members to defer the item to allow further discussions regarding what other options could be used.

This would blight both villages, with neither having footpaths or pavements and whose residents already had difficulties with the road system and it would be a grave injustice to both villages.

She urged Members to keep both villages safe.

The Chairman thanked Councillor Strong for her presentation.

Mr Philip Wright (CALA Homes) and Mr Ian Wharton (Applicant's Representative) addressed the Committee in support of application 17/00335/1DOC.

Mr Wright thanked the Chairman for the opportunity to address the Committee and acknowledged that this was a difficult decision for Members and acknowledged that a lot of concerns had been raised by speakers.

He advised that it was very unusual for a construction condition to be referred to a Planning Committee, something that he had not experienced in 15 years as a planner.

He outlined the approach that CALA took in considering the routes and addressing the concerns raised.

CALA employed Watermans to independently assess the construction routes and propose four options, which were clearly outlined in the report, being arrival and departure via Holwell, arrival and departure via Pirton, arrival via Holwell and departure via Pirton and arrival via Pirton and departure via Holwell,

The proposed routes were very clear using the adopted highways that no had no width or height restrictions.

The Watermans report and recommendations was presented to Hertfordshire County Council for consideration as part of the consultation process relating to the construction management plan.

Hertfordshire County Council had made their recommendation, which was supported by the North Hertfordshire Planning Officers.

CALA had undertaken extensive discussions with the Planning and Highways Authorities to meet the concerns of the Officers in consideration of this application and had considered that no other options provided the best access to the site.

The Highway Authority were satisfied that the route selected was the most appropriate to support the outline planning application and subsequent reserved matters approval in relation to the site.

It was inappropriate to attempt to use the approval of a planning condition as a means to make amendments or modifications to the development of a site where permission had already been granted.

The approval of details of a condition must have regard to material planning considerations including the statutory duties, planning legislation and planning policy.

This application could not be used as what would amount to a revocation of permission already given. This was sited in a High Court judgment between Kings Road Investments and Kent County Council.

The question for a Planning Authority considering this level of detail was whether the scheme approved was the best scheme in terms of the planning permission already granted. The consideration in regard to the condition was whether this was the best means to provide access.

The District Planning Authority and the County Council had been extensively consulted in relation to the construction and had exercised their independent decision in selecting the route.

Officers had provided clear information to Members in relation to the discharge of this condition and in the absence of good reason why the proposals were no longer satisfactory it was unreasonable to delay determination of this application.

Mr Wright advised that he wished to address some of the mitigation measures, agreed with Hertfordshire County Council that would make the route acceptable in planning terms.

The delivery timescales were restricted until after 9.30 in order to avoid peak network flows.

A two strike system would be adopted in relation to timescales that would be monitored closely by the construction department and by contractors, with any deviation given prior approval by NHDC.

A photographic survey of the road would be undertaken before and after construction works and repairs made to any damage caused by construction activity, with the cost born by CALA Homes as detailed in the construction management plan.

CALA Homes had agreed to install two lay-bys on Hertfordshire County Council Land, with the locations to be approved by HCC.

They had introduced a booking system, which be managed by the site manager, to ensure that deliveries did not arrive outside of the delivery slot timetable.

They had also agreed with Hertfordshire County Council that, where possible, they would cut back trees that would restrict visibility on bends.

Mr Wright concluded by advising there were 78 mitigation measures taken by CALA Homes in conjunction with this route that had been considered by NHDC and Hertfordshire County Council as the most suitable route for construction traffic.

He acknowledged that there would be a lot of construction traffic for a two year period, but this was needed to provide the development that would go towards the 5 year land supply and the proposed route for access and egress was the safest it could possibly be for both residents and construction vehicles.

Mr Wharton thanked the Chairman for the opportunity to address the Committee and advised that he had been employed by CALA Homes to look at construction routes.

He had been present at the Planning meeting where this item was deferred without discussion and understood from both that meeting and this the strength of feeling of the local population.

CALA Homes were seeking to develop the proposed site in the safest way possible.

The outline planning permission and subsequent reserved matters application deemed the site as deliverable and therefore construction traffic to the site had to be accepted.

There were a limited number of routes on the local highway network that could be used to bring deliveries to and from the site.

He acknowledged the suggestion that a direct route from the A 600 or Hitchin Road would be preferable. But CALA Homes did not have control over the land that would be required to provide this and this option would involve crossing a number of footpaths and bridleways as well as incurring significant engineering and construction costs in order to provide a suitable road for construction traffic therefore neither of these options were viable.

Since the previous Planning Committee they had tabled four potential options for access to and from the site and routes through Pirton or Holwell were viable subject to the mitigation measures being put in place,

The amount of mitigation being considered was over and above that required for the construction management plan

The construction management plan was a live document that was under constant review and had feedback from stakeholders and the local community. CALA Homes, as a responsible developer, considered that feedback and addressed issues where it was at all possible.

Following some questions and answers, the Chairman thanked Mr Wright and Mr Wharton for their presentations.

The Chairman referred to a comment by Mr Wharton that, as planning permission had been granted the construction management plan had to be accepted and advised that the Committee was not bound to accept a construction management plan if it was not acceptable.

The Development and Conservation Manager, in response to the presentations, referred to the mitigation measure of lay-bys on the Holwell Road and the concern that the exact placement of these was uncertain asked the Highways Officer to outline how this would work.

The Highways Officer advised that following the deferral of this application at a previous Planning Control meeting he had held meetings with CALA Homes in order to provide more information in the construction management plan.

There were now four construction route options and Highways had indicated their preference for Route 1.

Colleagues considered many applications, over 5,000 each year, many with construction management plans, and in this case many colleagues had looked at this application and considered the various options, including looking at the assets along the routes, the road widths, the accident records and the structures along the routes.

In respect of the passing places, these should not be referred to as lay-bys, as this term implied that there would be vehicles parked in them and this was not their purpose,

It was not possible to advise the agreed locations of the passing places although they had started to look at the detailed design and were seeking to identify locations within the existing highway and it may be that areas currently being used for this purpose become more formal or that new locations, away from houses could be identified.

The Chairman asked Members whether, in view of the irregular access to the planning portal and the possibility that this had restricted the democratic opportunity for the public to respond, as well as the amount of information received in the last 24 hours, Members wished to determine the application at this meeting or defer it in order to consider the late information and allow more time for people to make further representations on the application.

Members debated the application including whether or not the application should be determined at this meeting or deferred. There was some concern expressed about access to the planning portal

Members noted that table top exercises had been carried out in regard to the routes and asked the Highways Officer whether officer had visited the area and queried how the passing places would be controlled to prevent misuse such as other road users using them to park in and thereby prevent use by construction vehicles or HGVs using the passing places or local roads to park up overnight or whilst awaiting their allotted delivery time. They queried whether safety audits had been undertaken.

The Highways Officer advised that the construction management plan would be in place as part of the planning legislation and that enforcement would be under highways enforcement, however, depending upon what infringements took place, it was possible to invoke sections of the Highways Act or planning enforcement measures, vehicles parking overnight or not adhering to clearways was a Police matter.

In respect of safety audits, these had been undertaken on all of the proposed permanent changes to the highway. Temporary routes and changes to the highway were dealt with via the construction management plan and existing routes had not been subject to road safety audits.

A Member referred to another development in the area where a similar construction management plan was in place, yet when HGVs were lining up along the road to gain entry to that site, the police, highways and planning were all unable to act and the problems remained throughout the build.



The Highways Officer advised that he was not familiar with the case being referred to, but in this case there would be a detailed construction management plan and the A600 already had lay-bys where vehicles could park up or wait if required.

Members who expressed concern regarding the construction management plan and supported the view that the application should be deferred stated that much more detail should be included in the contraction management plan including:

- which Holwell Road would have passing places installed;
- a passing place was considered unsuitable to be installed in a hollow lane that would destroy the nature of the area;
- more investigation into the temporary track option, which although stated as unviable should be considered when all of the suggested routes were unsafe.

Some Members acknowledged that alternative routes to those proposed may be difficult to identify and made the following points:

- There were two options regarding the route, one was to use existing highways the other was to build a new highway. The second option would have to be costed and the owners of the land may not wish this to happen;
- If a decision was taken that there was no access to this site part of the Local Plan could be put in jeopardy;
- It was unusual for a construction management plan to come to Committee. This aspect was usually decided by officers who were professionals.

In response to a question the Development and Conservation Manager confirmed that, of the application was deferred, all aspects discussed at this meeting would then be discussed with the developer and Highways colleagues.

It was proposed and seconded that the application be deferred to enable further time to interrogate recently submitted information, the applicant to submit more detailed information regarding mitigation measures and the suggested direct cross country route to be explored in more detail.

**RESOLVED:** That, the determination of planning application 17/00335/1DOC be **DEFERRED**, to enable further time to interrogate recently submitted information, the applicant to submit more detailed information regarding mitigation measures and the suggested direct cross country route to be explored in more detail.

Councillor Henry and Shanley left the meeting.

The Chairman announced that there would be a 10 minute recess.

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

**Head of Planning Services**

North Herts District Council  
Council Offices  
Gernon Way  
Letchworth  
SG6 3JF

District ref: 17/02023/1DOC  
HCC ref: NH/260/2017  
HCC received: 16/08/2017  
Area manager: James Dale  
Case officer: Danielle Shadbolt

**Location**

Land Adjacent To Elm Tree Farm  
Hambridge Way  
Pirton

**Application type**

Discharge Conditions

**Proposal**

Discharge of Conditions: Construction Management Plan & Traffic Management Plan - Holwell only route by CALA dated 4/8/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 4 August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)

**Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

CALA Homes have submitted the following revised information in order to support the discharge of planning condition 6:

- Construction Route Plan; and
- Construction Management Plan and Traffic Management Plan.

The information submitted as part of this application (17/02023/DOC1) considers a route through Holwell only.

HCC has reviewed these documents provided and its comments are below:

- The applicant has confirmed live document which will be continually reviewed;
- The route is as follows:
  - Arrive - Bedford Road (A600) - Holwell Road - Pirton Road - Waterloo Road and Holwell Road; and
  - Depart - Holwell Road - Waterloo Road - Pirton Road - Holwell Road and Bedford Road.
- It is noted that materials and plant will be stored on site and off the highway and a loading/unloading area will be provided to prevent deliveries on the highway;
- It is confirmed that wheel washing facilities will be provided;
- It is also confirmed that a road sweeper will be employed to remove any dirt/debris from the carriageway;
- The applicant has confirmed that they will not deviate from the Construction Management Plan and that the traffic route plan will detail the access route into and out of the site which must be adhered to;
- The information provided sets out that CALA homes will operate a two strike system, this has previously been requested by HCC (i.e. a warning issued first and then a removal if the offender repeats the action. A traffic route plan will be issued to all contractors, suppliers and visitors to the site. The traffic route plan will detail the access route into and out of the site which must be adhered to. The applicant will operate a two strike system in which contractors or suppliers caught taking a different route into/out of site will be warned. If found to be using a different route twice, they will be removed from site. This process will be mainly managed by the gateman who will be guiding vehicles into and out of the site and ensuring that they are following the correct route. The gateman will report any offenders to the site manager who will keep a record;
- It is noted that the applicant has confirmed that a mobile crane will be hired to lift roof trusses, concrete floor beams and steel beams. The applicant has also confirmed that the crane will follow the same construction route. It will be no larger than the largest articulated vehicle which will serve the site so that it can navigate the roads into site. The mobile crane will be driven into and out of the site by the operator who parks and sets up the crane in the working area;
- It is noted that a silo will now be delivered by a rigid vehicle. The applicant has confirmed that the roof trusses, steel beams and pre-cast slabs are all being designed to be transported on rigid vehicles. It will only be construction plant that will require delivery via articulated vehicles (which will only be required at the beginning and end of the project). When the articulated vehicles are required, an additional time allowance in the booking system will be made to eliminate any conflict with the development construction traffic on the highway. A prior consent from HCC will also be sought at least a week before the delivery date if for any reason a larger vehicle is required.
- CALA Homes have confirmed that the condition survey would be undertaken from the Royal Oak Road/Holwell Road junction and extend along the proposed route through to the junction at Holwell Road/Bedford Road. The condition survey will comprise of detailed photos and descriptions of the make up of the roads and footpaths. We would undertake one prior to any construction work and again once the project has finished. Any damage caused as a result of our works will be rectified at Applicant's cost under section 59 of the Highways Act;
- In order to effectively manage and enforce vehicle deliveries, the applicant has confirmed that the booking system will be agreed with the Highway Authority as part of the contractors appointment for the project. This will be strictly adhered to and there will also be a booking system for Site Managers, who will responsible to ensure the booking system is appropriately managed to prevent any vehicles arriving outside of their designated delivery slot.

- The applicant has confirmed they will work with HCC to agree and clear any tree and hedgerow obstructions on highway to help maximise forward visibility around bends, particularly at the 90° bend leading onto Waterloo Lane
- Swept path assessment of the largest vehicle a rigid truck to and from the site has been provided. Please refer to Construction Management Plan. If for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at least 24 hours before arrival and if necessary, a temporary traffic management order will also be sought.
- Deliveries will be made by rigid vehicles, if larger vehicles are required to make delivery it will be done so with prior consent from HCC at least a week before the delivery date;
- The information provided sets out that site delivery hours will be 09:00 and 15:00 - during discussions it has previously been recommended not to commence before 09:30am in order to avoid highway network peak hours. It is acknowledged that this will add another 3 months to the build programme;
- Passing place mitigation measures are identified in Appendices of the Construction Route Plan. These measures are proposed to improve the existing passing places and will be designed to accommodate HGVs. The full detail of these passing places will be done in liaison with the Highway Authority to ensure that these are accommodated within Highways Land prior to CALA homes entering into a Licence Agreement or S278 Agreement to carry out the works. Any changes to the highway as part of the Agreement will be subject to a Stage 1 and 2 Road Safety Audit.
- It noted within the Construction Route Plan that an additional route was requested to be reviewed which involved taking the route from Hitchin Road via an existing track. The applicant sets out this is via third party land from multiple land owners and also has been reviewed by HCC who agree this route is not viable. However, it should be noted that HCC have not provided comment on this route as it has not been formally submitted as option for consideration;
- The applicant has set out a number of mitigation measures for the Holwell Road which are as follows:
  - Limiting HGVs to rigid vehicles of no longer than 12m (10m Rigid Truck considered worst case scenario);
  - Scheduling of deliveries to be actively controlled by CALA Homes to avoid interactions with other construction traffic and the local bus service;
  - Restriction in delivery times other than in agreed situations with HCC;
  - Use of remote passing bays and road widening for vehicles (see Appendices for details) to wait prior to proceeding to site (again to avoid conflicts between construction traffic and the local bus service), in locations including;
    - Waterloo Lane; and
    - Holwell Road.
  - Letter drop to residents who park their cars on-street along the route;
  - Signage be erected at both ends of Waterloo Lane to communicate to drivers that this is a construction route and to expect the potential for HGV traffic.

The information submitted within this application is similar to 17/00335/1DOC submitted in April 17 and HCC provided comments in May 2017, which recommended approval. On this basis, providing the delivery times are agreed to be 09:30 - 15:00 HCC would not raise an objection to the discharge of Condition 6 subject to a satisfactory Section 278 Agreement.

**Signed**

**Date** 13/09/2017

<b>ITEM NO:</b>	<u>Location:</u>	Land Adjacent To Elm Tree Farm, Hambridge Way, Pirton
<b>6</b>	<u>Applicant:</u>	CALA Homes
	<u>Proposal:</u>	<b>Condition 6 - Construction Management Plan &amp; Traffic Management Plan - Pirton and Holwell route by CALA dated 4/8/17 Construction Route Plan - Arrival via Pirton, Departure via Holwell by Waterman Infrastructure &amp; Environment Ltd dated 4th August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)</b>
	<u>Ref. No:</u>	17/02024/ 1DOC
	<u>Officer:</u>	Simon Ellis

**Date of expiry of statutory period:** 02 October 2017

### **Reason for Delay**

N/A. Statutory expiry date is 2 October 2017

### **Reason for Referral to Committee**

Under the Council's constitution and scheme of delegation the Development and Conservation Manager has full delegated powers to determine all applications for the discharge of details submitted pursuant to conditions of any planning permission. The Development and Conservation Manager does however have discretion to refer any decision to the Planning Control Committee where there has been significant public interest. Proposals relating to construction management and construction traffic routes associated with the proposed residential development on land at Elm Tree Farm, Pirton, is clearly an example of a proposal that has generated significant public interest, as is set out in the relevant sections of this report below. On that basis I have decided to refer this application to be determined by the Planning Control Committee rather than under powers delegated to me.

On a related point there is no requirement under relevant legislation and regulations to consult local residents on any application to seek discharge of a pre-commencement condition of planning permission.

However, given the level of public interest in this proposal officers decided to undertake a wide public consultation exercise enabling local residents to have three weeks to comment on this application as a minimum. This formal consultation period ends on 19 September 2017 shortly after this report has been finalised.

### **1.0 Relevant History and Procedural Matters**

- 1.1 See this section of the report relating to previous agenda item (ref. 17/02023/1DOC).

## **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):**  
No policies relevant to applications seeking discharge of conditions relating to construction management.
- 2.2 **National Planning Policy Framework (NPPF):**  
Section 4 - Promoting Sustainable Transport  
Section 11 - Conserving and Enhancing the Natural Environment  
Paragraphs 203 - 206 - Planning Conditions and Obligations
- 2.3 **National Planning Policy Guidance (NPPG):**  
Use of Planning Conditions
- 2.4 **North Hertfordshire District Submission Local Plan (2011-2031):**  
Policy T1 - Assessment of Transport Matters  
Policy SP12 - Green Infrastructure, Biodiversity and Landscape

## **3.0 Representations**

- 3.1 **Hertfordshire County Council (Highways):**  
See full text attached as **appendix 1**. Recommend refusal of this proposed Construction Management Plan on the basis of insufficient information
- 3.2 **Hertfordshire and Middlesex Wildlife Trust:**  
Note that guidance will be given to all contractors and drivers to be aware of the Heritage Verge Local Wildlife site. The developer also refers to the route via Pirton (along Hitchin Road) being one way, but that is only CALA's own construction traffic. The Wildlife Trust remains concerned that the one way routing is only for construction vehicles, the developer has no control over other road users coming in the opposite direction which still risks large HGVs potentially mounting the verge and harming the Heritage Verge. Suggest that to overcome this objection the construction route should be re-routed or infrastructure placed on the verge to prevent damage. There is an obligation on the developer to preserve the natural environment in local and national planning policy.
- 3.3 **Hertfordshire Ecology:**  
No response received at the time of writing. Any comments received to be updated.
- 3.4 **Environmental Health (Air Quality):**  
The submission to discharge Condition 6 that has been made under planning application 17/02024/1DOC proposes a construction traffic route that requires all construction traffic travelling from the north of the permitted development site to travel via Hitchin in order to access the permitted development site. In doing so this will require all of the construction traffic to travel through the Payne's Park Air Quality Management Area (AQMA) (Figure 1) and as such it will have an adverse impact on the local air quality in that area of Hitchin. Furthermore, it will hamper North Hertfordshire District Council's statutory duty to improve air quality in an area where a nationally established Air Quality Objective is already being breached.

In combination with the assumption that there is to be no restriction on construction traffic arriving from the south of the permitted development, whether via the A602 (Stevenage Road and location of the other AQMA in North Hertfordshire [Figure 2]) or the B656, this will mean that all of the arriving construction traffic will be funnelled through the Payne's Park AQMA.



With a construction programme stated to last approximately three years this is not an acceptable scenario from the perspective of protecting local air quality, when an alternative, apparently acceptable, solution is available. An argument could also be made that, should the route proposed by 17/02024/1DOC be chosen, it will not be compatible with the aim of paragraph 124 of the NPPF.

#### **17/02023/1DOC and 17/02024/1DOC**

Ideally, for the protection of the health of the public within the AQMAs in Hitchin both of the construction traffic routes would prevent all construction traffic from travelling through both of the AQMAs in Hitchin. However, it is acknowledged that this may be considered unreasonable, given the existing road network in and around Hitchin and the permitted development site.

#### **Recommendation:**

That **17/02024/1DOC** should not be discharged because it will result in a detrimental impact on the air quality within an established AQMA.

Should a planning decision be taken that the adverse impacts of the route proposed by **17/02023/1DOC** outweigh the adverse public health implications of the additional air pollution arising from the selection of the route proposed by **17/02024/1DOC** then I would request that the local planning authority takes one of the following steps:

- (1) **Requires** mitigation from the applicant to minimise the impact on local air quality within the Hitchin AQMAs by **requiring** that *'all HGV (Heavy Goods/Duty Vehicles) and all LGV (Light Goods/Duty Vehicles) utilised as part of the construction phase of the permitted development must be Euro V or Euro VI engine compliant. And that a methodology is submitted to, and agreed by, the LPA to demonstrate how this will be managed, enforced and verified by the applicant/developer'*.

Or if (1) is not possible

- (2) That the LPA **refuse** to discharge **Condition 6** pursuant to **17/02024/1DOC**.

#### **3.5 Environmental Health (Noise):**

Comments relating to alternative site operating times and delivery times are noted. I agree that the proposed hours detailed in Section 3.2.1 – Site hours 8.00hrs to 17.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturday and no Sunday or Bank Holiday working and Section 3.2.2 Site Delivery times 09.00hrs to 15.00hrs Monday to Friday and 08.00hrs to 13.00hrs on Saturdays are appropriate in order to facilitate earlier completion of the overall Development.

Arrangements will be put in place to liaise with local residents (Section 4.2).

Appropriate control measures have been proposed to address dust, mud, noise, vibration and materials deliveries (Section 4).

I therefore recommend that the Condition may be partly discharged (in so far as it relates to the above matters) as follows:-

Pursuant to Condition 6 of planning permission 15/01618/1, the control measures detailed in "Construction Management Plan (and Traffic Management Plan)", Route Pirton and Holwell, Land south of Holwell Road, Pirton, by CALA Homes, dated 4/8/2017 shall be Approved by the Local Planning Authority.

- 3.6 **Pirton Parish Council:**  
Nothing received at the time of writing. Any comments received to be updated.
- 3.7 **Holwell Parish Council:**  
Nothing received at the time of writing. Any comments received to be updated.
- 3.8 **Response to Local Residents consultation:**  
This application has generated significant public interest and Members are advised to read comments displayed on the Council's website which is updated regularly as comments are received. I set out below a high level summary of the issues raised:
- \* **Highway safety** - The construction traffic route through Pirton and Holwell is unsafe. There are insufficient passing places on narrow roads. Construction traffic, including HGVs will lead to conflict with other road users leading to a risk of highway safety in many instances, particularly during busy periods. Many properties do not have a footpath outside their front doors and risk to pedestrian safety will increase also. All the rural roads around this site are unsuitable and the temporary new road should be constructed from the A600 to enable construction.
- \* **Congestion** - Construction is proposed to start at 9am therefore vehicles will be using these roads at peak periods adding to delays already caused by congestion, particularly on the Holwell Road/A600 junction which is already busy at peak periods. The construction project is due to last 3 years and the congestion will be disruptive for a considerable period.

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The application site is located to the east of Royal Oak Lane, south of Holwell Road and north of Hambridge Way. It has a frontage onto Holwell Road of approximately 65 metres and approximately 140 metres along Hambridge Way. The depth of the site is approximately 400 metres. The area of the site totals approximately 4.4 hectares and consists of an open field area for the majority of the northern part of the site bounded by landscaping along its eastern boundary and an area of agricultural buildings to the south of the site with a paddock area to the rear of these buildings. Part of the western boundary of the site is located adjacent to the Pirton Conservation Area. Three new detached properties are now located adjacent the site, to the rear of 40 Royal Oak Lane.
- 4.1.2 The construction route is outside the application site and on the public highway.

##### **4.2 Proposal**

- 4.2.1 The applicant seeks approval of the details required pursuant to condition no. 6 of outline planning permission no. 15/01618/1. The condition reads as follows:

**Prior to the commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area of construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details construction vehicle routing to and from the site.**

**Reason: In the interests of maintaining highway efficiency and safety.**

4.2.2 The application is accompanied by two documents dated 4 August 2017, a Construction Route plan prepared by Waterman Infrastructure and a Construction Management Plan and Traffic Management Plan. The key elements of the CMP are as follows:

- \* Deliveries to the site by HGVs limited to between 9am and 3pm;
- \* Site working hours - 0800-1700 Monday to Friday; 0800-1300 on Saturdays and no work on Sundays or bank holidays;
- \* Given the nature of the rural roads, HGVs limited in length to 12m;
- \* As a result of restricted vehicle sizes, the length of the construction is likely to increase by 3 months than would otherwise had been the case. Total construction period likely to be 3 years as a result;
- \* The proposed construction route is arrival from Hitchin along A505 and Priors Hill, through Shillington Road - Holwell Road - Waterloo Road to the construction site as a one way route for construction traffic;
- \* Departure from site - Holwell Road - Waterloo Road - Pirton Road - Holwell Road - A600 (Bedford Road) as a one way route for construction traffic;
- \* The highway width survey has identified the need for the creation of one new passing place and two areas where the carriageway will need to be widened;
- \* The developer will schedule deliveries to avoid conflict with local bus services;
- \* Letter drops to local residents who live along key parts of the construction route;
- \* Signage to be erected at both ends of Waterloo to communicate that this a construction route;
- \* The CMP is a live a document to be monitored and reviewed by the developer;
- \* Phase 1 is for 6 dwellings, associated infrastructure and works to the proposed 'Y' junction to be constructed with a mini compound on site;
- \* The S278 works (i.e. passing place and carriageway widening) would be undertaken while phase 1 is being constructed and the S278 works will be completed before the wider development beyond phase 1. Phase 1 would be 8-10 months and is essentially the equivalent;
- \* Phase 2 is the remaining 72 dwellings and associated infrastructure and would not commence until after the S278 works have been completed;
- \* Materials and plant to be stored on site together with contractors car parking;
- \* Site secured by 2.4m temporary fencing;
- \* Dust control, wheel washing and street cleaning;
- \* Pre and post construction condition survey with and repair of any damage;
- \* Estimated 25-30 construction vehicles per day;

4.2.3 The option of a separate track being used from Hitchin Road has been discounted for the following reason:

**'This route involves land outside CALA's control and potentially involves a number of separate land owners and requires the crossing of existing Rights of Way / Bridleways.'**

#### 4.3 Key Issues

4.3.1 Taking account of the local and national planning policy guidance outlined above and all comments received from interested parties I consider the main issues to be considered in the determination of this application to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1 are as follows:

- \* Whether the measures set out in the CMP would be safe;
- \* Whether any harm to living conditions, use of the highway and congestion would be acceptable;
- \* Any other technical matters such as air quality and ecology issues must also be considered.
- \* What realistic and reasonable alternatives are available?

The following paragraphs will address each of these main issues in turn.

#### 4.3.2 **Highways Safety**

The arbiters of highway safety in Hertfordshire are Hertfordshire County Council acting as the Highway Authority. As can be seen from their response to this application set out in appendix 1 they state that there are a number of matters that need further clarification in this CMP. As these matters have not been addressed and given the risk of a deemed discharge application (which clearly also applies to this application) I consider that the most effective and straight forward way to seek this information is to refuse the details currently submitted on the basis of lack of information and explain what information is required in the decision letter.

#### 4.3.3 The information still required in relation to this proposed CMP which the Highway Authority has requested is summarised here:

- \* The swept path assessment only shows a large vehicle; the assessment still requires a swept path assessment to be provided showing a large car and large vehicle;
- \* Deliveries are proposed to commence at 9.00am and the Highway Authority require deliveries to commence at 9.30am at the earliest;
- \* The CMP does not contain the necessary road safety audits to demonstrate that proposed mitigation measures are safe and appropriate; this remains a requirement;
- \* There are a number of regular parking locations and on this basis, the Highway Authority require these locations to be shown on a revised swept path analysis;
- \* Improvements to the highway safety assessment for use of Hitchin Road by construction vehicles is required;
- \* Information is also needed to address the impact of construction traffic on the Heritage verge along Pirton Road (see concerns of Wildlife Trust reported above);
- \* Information is also needed to address the impact of construction traffic on the Air Quality Management Areas (AQMAs) in North Hertfordshire as a result of this longer route proposed (see comments of Environmental Protection Officer reported above);
- \* It is also noted that parking will need to be restricted as a result of the Pirton route on delivery days and on this basis the Highway Authority require further information as to how this can be managed to ensure that parking is not displaced to inappropriate and unsafe locations on the highway network.

#### 4.3.4 Following discussions with the Highway Authority they have advised me that in this case the information gap is so wide that they recommend refusal of the proposed CMP on the basis of lack of information to satisfy highway safety matters. I have no reason to disagree with this analysis.

#### 4.3.5 **Congestion and Living Conditions**

As is advised above, noise impacts on residents from traffic using the public highway is not capable of being a matter that can be addressed under noise nuisance powers contained within the Environmental Protection Act. In any event by restricting deliveries to the times set out (note highway authorities requirement to extend delivery times to no earlier than 9.30am is a highway safety requirement noise matter) I consider that noise from passing traffic would not be unduly detrimental to living conditions. This is confirmed by the Council's environmental health officer as set out above.

#### 4.3.6 Construction noise on site can only take place in the hours set out above, no earlier than 8.00am and no later than 5.00pm with no construction on Sundays or bank holidays. In my view this is again reasonable and would not unduly harm the noise climate in the local area.

4.3.7 In terms of congestion, I understand concerns about increased journey times over the 3 year construction period. However, this must be considered in the context of the planned growth across the District that is needed to meet our Objectively Assessed housing Needs (OAN) set out in the submission Local Plan (15,950 homes from 2011-2031). The plan indicates that from 2022 approximately 1200 homes per annum will be constructed in the District (compared with recent annual figures of 300-400 homes per annum). If these figures are anywhere near realistic construction traffic across many roads in North Hertfordshire will be an every day reality for most communities.

4.3.8 The government recognises that development and construction of new development inevitably increases congestion, particularly in areas of high housing demand. The NPPF paragraph 32 argues that permission can only be refused on transport grounds when it can be demonstrated that a 'severe' impact would result

4.3.9 In my view this policy position has relevance to this application and on that basis I do not consider that it can be realistically argued that any additional congestion would represent a severe impact.

#### 4.3.10 **Air Quality**

This proposed route would inevitably mean that more construction traffic associated with this development would need to travel through the Air Quality Management Area (AQMA) designated by the Council in Hitchin than would be case with alternative routes, such as that set out in application ref. 17/02023/1DOC (previous agenda item). To consider this matter I have sought the advice of the Council's Environmental Protection Officer and his comments are set out above. As Members will note he recommends that this option is rejected as likely to cause the most damage to air quality in the Hitchin AQMA. In my view this clear technical matter which relates to human health is sufficient reason in of itself to reject the option of routing construction traffic through Hitchin and into Pirton along the Hitchin Road.

4.3.11 Incidentally an option that has been discounted by the applicant (use of a track from Hitchin Road) would also fall into this category as to get to the track would require another route, most likely through Hitchin.

4.3.12 I have discussed this matter with the Council's Environmental Protection Officer and he acknowledges that all realistic options would involve some construction traffic travelling through the Hitchin AQMA but this route would be the most damaging in his assessment. I have no reason to disagree with this analysis and I also recommend refusal of this option on this basis.

#### 4.3.13 **Ecology**

The other identified environmental risk associated with this route is the potential damage which may be caused to the Heritage Verge local wildlife site, which exists along the Hitchin Road into Pirton. Although this road is mainly straight and two way roads both the Highway Authority and the Hertfordshire and Middlesex Wildlife Trust have raised concerns regarding in their view inadequate mitigation set out in the CMP to limit any potential damage from vehicles harming the verge. I have also sought the views of Hertfordshire Ecology on this application and at the time of writing I have not received their comments.

4.3.14 I have however discussed the matter with Hertfordshire Ecology and whilst they indicated that they would have no fundamental objections to construction traffic associated with this development using Hitchin Road to access the site they did indicate that some additional mitigation in the CMP would be necessary. Suggestions they put forward were review periods with regular surveys of the verge, with the option of switching to alternative construction routes if damage is identified during the construction project. Such measures are not contained in the CMP and on this basis it is inadequate to address these matters as currently drafted. Hertfordshire Ecology have reviewed the comments expressed by the Wildlife Trust and did not consider that the option of placing physical barriers along the verge which has been put forward by the Trust was realistic or proportionate in this instance and that the survey and review option was in their view the most effective way of mitigating this potential impact.

4.3.15 In relation to this matter Members must note that were the applicant to lodge an appeal against any refusal to discharge the requirements of this condition the Council would rely on evidence from Hertfordshire Ecology (the statutory body) to support such a refusal rather than the Wildlife Trust.

4.3.16 Whilst I will update the Committee on any detailed comments received from Hertfordshire Ecology I consider that the comments received from Hertfordshire County Council (Highways) and the Wildlife Trust who express concerns about the absence of a clear mitigation strategy set out in the CMP to avoid damage to the Heritage Verge is sufficient to form a separate reason for refusal of this proposal.

#### 4.3.17 **Reasonable Alternatives**

Many responses to the two applications have expressed confusion over how the Council can determine two alternatives. I share this confusion and consider that there should be only one CMP for this development scheme, to approve two would lead to chaos in relation to enforcement and public understanding if the developer decided to mix and match the alternatives.

4.3.18 On this basis if Member are minded to agree with my recommendation to provisionally approve the CMP set out in application no. 17/02023/1DOC I propose to add a further reason for refusal to this CMP stating that the development should concentrate on implementing only one CMP so as to avoid confusion and maintain public confidence. I have no reason to believe that the applicant would not pursue only one CMP but I acknowledge that the unexpected submission of two separate applications has generated some confusion and for the sake of clarifying this I recommend that this is set out in the decision letter.

#### 4.4 **Conclusion**

4.4.1 In my view the inadequacies of this CMP are sufficient to justify a refusal of permission for the clear reasons set out below. This recommendation is supported by key technical consultees as is clearly explained above.

4.4.2 Whilst from a public impact point of view this option may have seemed more attractive by spreading the construction traffic over a wider area and in one direction only I am afraid that as the CMP has proved to be inadequate and indeed potentially harmful in terms of air quality I do not consider this option to be suitable. As is set out in the previous report it is not possible to negotiate with applications of this nature when pressure is put on officers to report applications to Committee meeting and with the threat of a deemed discharge application (giving the Council only two weeks notice to make a decision). On this basis I have decided that this application should be judged on the basis of what is contained in the document as submitted and consulted on rather than enter protracted dialogue with the applicant and relevant authorities to seek improvements through negotiation.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

6.1 That permission to Discharge the requirements of Condition no. 6 of outline planning permission no. 15/01618/1 be **REFUSED** for the following reasons:

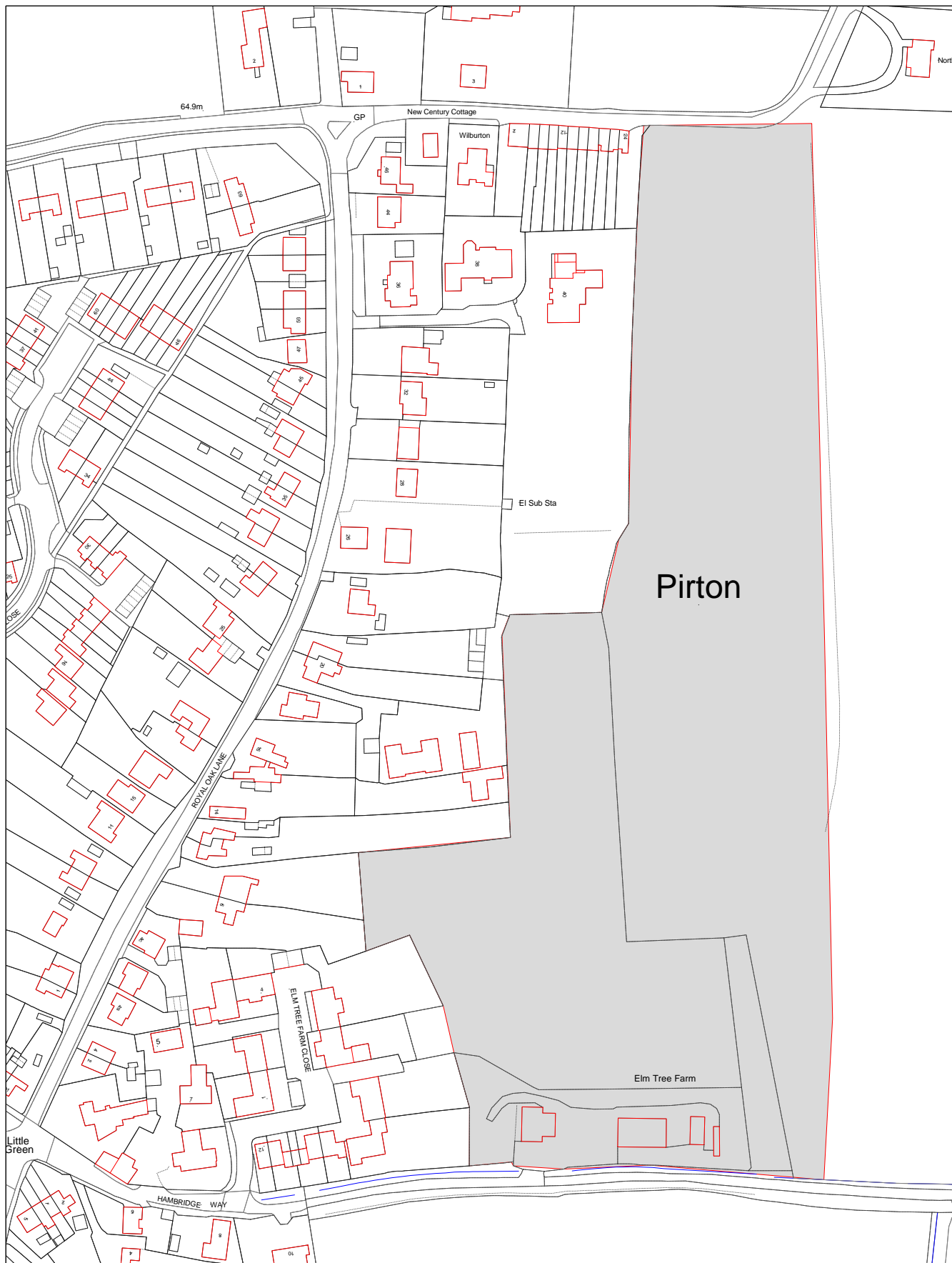
1. The submission to discharge Condition 6 that has been made under planning application 17/02024/1DOC proposes a construction traffic route that requires all construction traffic travelling from the north of the permitted development site to travel via Hitchin in order to access the permitted development site. In doing so this will require all of the construction traffic to travel through the Payne's Park Air Quality Management Area (AQMA) and as such it will have an adverse impact on the local air quality in that area of Hitchin. Furthermore, it will hamper North Hertfordshire District Council's statutory duty to improve air quality in an area where a nationally established Air Quality Objective is already being breached. In combination with the assumption that there is to be no restriction on construction traffic arriving from the south of the permitted development, whether via the A602 (Stevenage Road and location of the other AQMA in North Hertfordshire) or the B656, this will mean that all of the arriving construction traffic will be funnelled through the Payne's Park AQMA. With a construction programme stated to last approximately three years this is not an acceptable scenario from the perspective of protecting local air quality, when an alternative, apparently acceptable, solution is available. The proposal therefore conflicts with the requirements of Policy D4 of the North Hertfordshire District Submission Local Plan (2011-2031) and Section 11, paragraph 124 of the National Planning Policy Framework (NPPF).
2. The proposed Construction Management Plan (CMP) does not contain sufficient mitigation measures to prevent damage to the Heritage Verge, Local Wildlife Site, along Hitchin Road into Pirton (the main construction traffic route leading to the application site). Without such mitigation the Council cannot be sure that the wildlife interests of this designated site can be properly protected from construction traffic. The proposal therefore conflicts with the requirements of Policy NE2 of the North Hertfordshire District Submission Local Plan (2011-2031) and Section 11 of the National Planning Policy Framework (NPPF).
3. The proposed Construction Management Plan (CMP) contains insufficient information in relation to the following matters:  
The swept path assessment only shows a large vehicle; the assessment still requires a swept path assessment to be provided showing a large car and large vehicle;  
\* Deliveries are proposed to commence at 9.00am and the Highway Authority require deliveries to commence at 9.30am at the earliest;  
\* The CMP does not contain the necessary road safety audits to demonstrate that proposed mitigation measures are safe and appropriate; this remains a requirement;  
\* There are a number of regular parking locations and on this basis, the Highway Authority require these locations to be shown on a revised swept path analysis;

\* Improvements to the highway safety assessment for use of Hitchin Road by construction vehicles is required;

\* It is also noted that parking will need to be restricted as a result of the Pirton route on delivery days and on this basis the Highway Authority require further information as to how this can be managed to ensure that parking is not displaced to inappropriate and unsafe locations on the highway network. Due to these inadequacies the Local Planning Authority is unable to determine whether the proposed CMP is safe in relation to use of the public highway by construction vehicles associated with the development. The proposal therefore conflicts with Policy T1 of the North Hertfordshire Submission Local Plan (2011-2031).

4. In the opinion of the Local Planning Authority there should be only one Construction Management Plan and associated construction traffic route associated with this development proposal in the interest of highway safety and public understanding. On this basis this second proposal should be refused permission if the alternative scheme (set out in application no. 17/02023/1DOC) is approved. Two construction routes for the same development would be contrary to the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).





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Mike Younghusband  
Head of Highways Operations & Strategy  
Hertfordshire County Council  
Postal Point CHN203  
County Hall  
Pegs Lane  
Hertford  
SG13 8DN

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

**Head of Planning Services**

North Herts District Council  
Council Offices  
Gernon Way  
Letchworth  
SG6 3JF

District ref: 17/02024/1DOC  
HCC ref: NH/259/2017  
HCC received: 16/08/2017  
Area manager: James Dale  
Case officer: Danielle Shadbolt

**Location**

Land Adjacent To Elm Tree Farm  
Hambridge Way  
Pirton

**Application type**

Discharge Conditions

**Proposal**

Discharge of Conditions : Condition 6 - Construction Management Plan & Traffic Management Plan - Pirton and Holwell route by CALA dated 4/8/17 Construction Route Plan - Arrival via Pirton, Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 4th August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)

**Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

CALA Homes have submitted the following revised information in order to support the discharge of planning condition 6:

- Construction Route Plan; and
- Construction Management Plan and Traffic Management Plan.

The information submitted as part of this application (17/02024/DOC1) considers a one-way route through Pirton and Holwell.

HCC has reviewed these documents provided and comments are below:

- The applicant has confirmed live document which will be continually reviewed;
  - The route is as follows:
    - Arrive - via Hitchin and A505, along Priors Hill - Shillington Road - West Lane - Site;
- and
- Depart - Holwell Road - Waterloo Road - Pirton Road - Holwell Road - Bedford Road.
  - It is noted that materials and plant will be stored on site and off the highway and a loading/unloading area will be provided to prevent deliveries on the highway;
  - It is confirmed that wheel washing facilities will be provided;
  - It is also confirmed that a road sweeper will be employed to remove any dirt/debris from the carriageway;
  - The applicant has confirmed that they will not deviate from the Construction Management Plan and that the traffic route plan will detail the access route into and out of the site which must be adhered to;
  - The information provided sets out that CALA Homes will operate a two strike system, this has been previously been requested by HCC (i.e. a warning issued first and then a removal if the offender repeats the action. A traffic route plan will be issued to all contractors, suppliers and visitors to the site. The traffic route plan will detail the access route into and out of the site which must be adhered to. The applicant will operate a two strike system in which contractors or suppliers caught taking a different route into or out of site will be warned. If found to be using a different route twice, they will be removed from site. This process will be mainly managed by the gateman who will be guiding vehicles into and out of the site and ensuring that they are following the correct route. The gateman will report any offenders to the site manager who will keep a record;
  - It is noted that the applicant has confirmed that a mobile crane will be hired to lift roof trusses, concrete floor beams and steel beams installation. The applicant has also confirmed that the crane will follow the same construction route. It will be no larger than the largest articulated vehicle which will serve the site so that it can navigate the roads into and out of the site. The mobile crane will be driven into the site by the operator who parks and sets up the crane in the working area;
  - It is noted that a silo will now be delivered by a rigid vehicle. The applicant has confirmed that the roof trusses, steel beams and pre-cast slabs are all being designed to be transported on rigid vehicles. It will only be construction plant that will require delivery via articulated vehicles (which will only be required at the beginning and end of the project). When the articulated vehicles are required, an additional time allowance in the booking system will be made to eliminate any conflict with the development construction traffic on the highway. A prior consent from HCC will also be sought at least a week before the delivery date if for any reason a larger vehicle is required.
  - CALA Homes have confirmed that the condition survey would be undertaken along the whole of the construction route. The condition survey will comprise of detailed photos and descriptions of the make up of the roads and footpaths. We would undertake one prior to any construction work and again once the project has finished. Any damaged caused as a result of our works will be rectified at Applicant's cost under section 59 of the Highways Act;
  - In order to effectively manage and enforce vehicle deliveries, the applicant has confirmed that the booking system will be agreed with the Highway Authority as part of the contractors appointment for the project. This will be strictly adhered to and there will also be a booking system for Site Managers, who will be responsible to ensure the booking system is appropriately managed to prevent any vehicles arriving outside of their designated delivery slot.

- The applicant has confirmed they will work with HCC to agree and clear any tree and hedgerow obstructions on highway land to help maximise forward visibility around bends, particularly at the 90° bend leading onto Waterloo Lane;
- Swept path assessment of the largest vehicle, a rigid truck to and from the site has been provided. Please refer to Construction Route Plan. However, the swept path assessment only shows a large vehicle, it has previously been requested that a swept path assessment be provided showing a large car and large vehicle;
- The applicant confirms if for any reason a larger vehicle than a rigid is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator.
- The information provided sets out that site delivery hours will be 09:00 and 15:00 - during discussions it has previously been agreed recommended not to commence before 09:30am in order to avoid highway network peak hours. It is acknowledged that this will add another 3 months to the build programme;
- The widths have been reviewed along the route and 9 pinch points have been identified within Pirton and 9 in Holwell. Mitigation measures have been identified and plan illustrating measures have been included as an appendix within the Construction Route Plan - during discussions HCC has previously requested that a Road Safety Audit be provided as part of any application to demonstrate the mitigation measures are safe and appropriate. This has not been submitted;
- It is noted that a parking assessment has been undertaken to identify on-street parking. There are a number of regular parking locations and on this basis, it is recommended that these locations are represented within any revised swept path assessment;
- It is also noted parking will need to be restricted as a result of the Pirton route on delivery days and on this basis further information is sought as to how this will be managed to ensure that parking is not displaced to inappropriate and unsafe locations on the highway network;
- It is noted within the Construction Route Plan that an additional route was requested to be reviewed which involved taking the route from Hitchin Road via an existing track. The applicant sets out this is via third party land from multiple land owners and also has been reviewed by HCC who agree this route is not viable. However, it should be noted that HCC has not provided comment on this route as it has not been formally submitted as an option for consideration;
- Within the report it is mentioned that a one-way system will reduce the conflict of large vehicles as they can control this via scheduling. However, HCC acknowledges that CALA Homes can only control the scheduling of their vehicles, two large vehicles could still meet along any point of the route.
- The applicant has set out a number of mitigation measures for the Holwell Road which are as follows:
  - Limiting HGVs to rigid vehicles of no longer than 12m (10m Rigid Truck considered worst case scenario);
  - Scheduling of deliveries to be actively controlled by CALA Homes to avoid interactions with other construction traffic and the local bus service;
  - Restriction in delivery times other than in agreed situations with HCC;
  - Implement a one-way working route to ensure construction vehicles will not need to pass one another;
  - Use of remote passing bays and road widening for vehicles to wait prior to proceeding to site (again to avoid conflicts between construction traffic and the local bus service), in locations including:
    - Junction of Shillington Road/Priors Hill;
    - Waterloo Lane; and
    - Holwell Road.

- Letter drop to residents who park their cars on-street along the route;
- Signage be erected at both ends of Waterloo Lane to communicate to drivers that this is a construction route and to expect the potential for HGV traffic;
- Signage to be erected at both ends of the area adjacent to Walnut Tree Farm to act as above.
- The information provided has also not considered any of the following:
  - The fatality that occurred on Hitchin Road earlier this year and impact of the construction vehicles on highway safety along this section of the route;
  - The impact on the verge which is protected on Hitchin Road; and
  - The impact of the route on the new North Herts District Council, Air Quality Management Areas as a result of the longer route with it being a one-way system.

As set out above additional information is required before HCC can consider the discharge of condition 6. HCC raised particular concerns relating to the Air Quality of using a long route in this location and also the impact of the on-street parking being located within identified point pinch locations and the impact on the manoeuvrability of large vehicles.

**Signed**

**Date** 13/09/2017

<b>ITEM NO:</b>	<u>Location:</u>	<b>Land between A505 and, York Way, Royston</b>
<b>7</b>	<u>Applicant:</u>	Kiafield Properties Ltd
	<u>Proposal:</u>	<b>Erection of 2 retail foodstores with ancillary cafe; provision of 170 associated car parking spaces; plant and service yards; provision of new road on junction of A505 and new link road to Orchard Road Industrial Estate; landscaping and all other associated works (as amended by plans received on 16 May 2017).</b>
	<u>Ref. No:</u>	<b>17/01024/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period:** 15 August 2017

## **1.0 Relevant History**

- 1.1 Planning permission granted in 2014 for a new warehouse building (Johnson Matthey) with 60 vehicle car park and service yard together with new food store (Waitrose) and associated 200 vehicle car park. The scheme also included a new access onto the A505 west bound carriageway. This scheme has not been implemented and it is understood that Johnson Matthey no longer wants to build the approved warehouse. Regardless, this permission is still extant and remains so until the 25th Feb 2018 (ref 14/01809/1).

## **2.0 Policies**

### **2.1 DLP No2 (Saved)**

**Policy 36** - Employment Provision;  
**Policy 6** -Rural Areas Beyond the Green Belt;  
**Policy 8** -Development in Towns;  
**Policy 9** - Roystons Development Limits;  
**Policy 42** - Shopping;  
**Policy 51**-Development Effects and Planning Gain;  
**Policy 55** - Car Parking

**SPD** : Planning Obligations; Vehicle Parking at new Development

**Royston Town Centre Strategy** (June 2008)

### **2.2 Submission Local Plan**

**RY9** Land north of York Way (Employment allocations and site specific criteria)

**Policy:**

SP2 - Settlement Hierarchy  
SP3 - Employment  
SP4 - Town and Local Centres  
SP6 - Sustainable Transport  
SP7 - Infrastructure and developer contributions

SP9 - Design and sustainability  
SP12- Green Infrastructure, biodiversity and landscape  
ETC1 - Appropriate uses in Employment Areas  
ETC3- New retail, leisure and other main town centre development  
T1 - Assessment of transport matters  
T2 - Parking  
D1 - Sustainable design  
NE7 - Reducing flood risk

### 2.3 NPPF

1. Building a Strong, Competitive Economy;  
2 Ensuring the Vitality of Town Centres;  
4 Promoting Sustainable Transport;  
11 Conserving and Enhancing the Natural Environment.

### **3.0 Representations**

3.1 **Royston Town Council** - Commented as follows:

***Royston Town Council raised no objection to this application and support the development of the new access road from the A505 which will bring relief to the congestion of traffic accessing the industrial area of York Way and Orchard Way.***

3.2 **Herts Highways** - No objection subject to conditions.

3.3 **Environmental Health** (contamination) - No objection subject to a standard investigation condition

3.4 **Environmental Health** - (noise) No objection.

3.5 **Environment Agency** - No objection (the EA risk threshold has been raised since responding on the last application).

3.6 **Health and Safety Executive** - Responded as follows on the previous application:

***"As the proposed development lies within the consultation distance of a major hazard site, Johnson Matthey plc at Orchard Road, Royston, I should be grateful if you would arrange for PADHI+ to be used to consult HSE for advice on this application, and on all future proposals for developments within the consultation distance of a major hazard site or pipeline."***

Since this time the HSE has replaced PADHI with a web based advice app which it recommends.

3.7 **Herts Ecology** - No objection subject to condition requiring updated reptile survey.

3.8 **South Cambridgeshire District Council** - No response.

3.9 **Royston Labels (17-20 Greenfield)** - No response.



3.10 **Local Residents** - Representations from residents in Royston and Letchworth (working in Royston) have been received supporting the proposal from the following reasons (summarised):

- more choice for a growing town
- improved access to A505 relieving rush hour congestion
- great for the community

A representation has been received from a potential resident of Orchard Road expressing some concern that traffic levels will increase post development.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site currently comprises open land north of The Greenfield / York Way industrial area abutting the A505.

### **4.2 Proposal**

4.2.1 The proposal seeks permission for two retail stores housing the retailers Aldi and Marks and Spencer (with cafe) adjacent to the A505. The M&S would measure 1497 sqm GIA and the Aldi 1746 sqm GIA (described as 'small to mid-size' stores by the applicant). This represents an increase of about 348 sqm of additional sales floorspace over that already approved. The new stores are specified with 170 car parking spaces off of a new mini roundabout. The scheme would be landscaped and include a fenced service yard at the western end of the stores.

4.2.2 Neither stores represent what the applicant describes as an 'all under one roof' shopping format typically associated with the 'big four' supermarkets. The non-food retail offer (comparison goods) would be small relative to food in both new stores namely up to 15% in the M & S and 20% in the Aldi. The applicant points out that the Aldi comparison offer is always seasonal with no single range predominating.

4.2.3 The proposed buildings would be of a modern, almost modular flat roof design with the M&S part of the building attaining a max height of 9.5m. The rest of the building would be around 6m high.

4.2.4 The scheme includes a new service road off of York Way and Greenfield and, most significantly, a new access and egress from and to the west bound carriageway of the A505. Traffic from and to this road would be controlled by a new roundabout within the proposed scheme.

### **4.3 Key Issues**

4.3.1 The key issues centre on an evaluation of the following:

- General principles (policy)
- Economic and retail impacts (vitality and viability of Royston Town Centre) and the sequential test
- Design
- Impact on neighbours
- Impact on landscape and ecology
- Transport and highway matters
- Health and safety (HSE protection zone)
- Planning obligations

## General Principles

- 4.3.2 The starting point for a determination in this case must be the Local Plan. The site is just outside the Town boundary (Policies 8 / 9) and technically lies within the rural area beyond the Green Belt (Policy 6). Despite the age of the Plan, Policy 6 is still regarded as being relevant and in some part compliant with the NPPF. In a recent appeal decision at Gannock Thatch, Sandon, in respect of a new dwelling well outside of the selected village boundary, the Inspector commented as follows:

***"5. LP Policy 6 is broadly consistent with a core principle of the National Planning Policy Framework (the Framework), which is to recognise the intrinsic character and beauty of the countryside...."***

The important point to note following this decision is that the Inspector found Policy 6 relevant in protecting the countryside from development which may otherwise be injurious to the character of the rural area. The Policy is not however as well equipped to guide on other sustainability issues set out in the NPPF, principally in this case those relating to matters of economic import which would need to be taken into consideration in the face of an out of date local plan. It should also be noted that this site has been identified for additional employment uses in the Submission local plan now awaiting examination (RY9). This emerging plan can be afforded some weight but as it has yet to be examined, this weight must necessarily be limited. The 2013 Employment Land Review also identifies the site as a ***"suitable location for future employment development building on the success and profile of the existing, successful Orchard Road / York Way area."***

- 4.3.3 Turning now to what the NPPF says about development which may appear contrary to the development plan, paragraph 14 of the NPPF reads as follows for decision making:

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***
  - ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or***
  - ***specific policies in this Framework indicate development should be restricted.***

The 3 interlocking dimensions of sustainability are set out in the NPPF as the ***economic, social*** and the ***environmental***, all of which should be given simultaneous consideration. Arguably, Policy 6 is only compliant with the Framework in respect of the environmental dimension (impact in the countryside). Accordingly, the fact that the site is currently outside of the Town boundary is not of itself determinative and the consideration of this application must look beyond the notional policy boundary of the Town and balance the positive aspects of the proposal, in terms of the sites convenient proximity to a large well serviced town and the delivery of economic and other benefits, with any other harm which may be identified - principally the viability and vitality of Royston Town centre.

- 4.3.4 **Summary:** The application site is currently beyond the Town boundary and within the rural area beyond (Policy 6). However, the Policy has limited scope in view of its age and the publication of the NPPF. The site is however is part of allocation RY9 in the Submission Local Plan but as this has yet to be examined it attracts limited weight. It should also be borne in mind that there is an extant permission for 2500 sqm of retail floorspace on this site. This scheme represents an increase on this approval of some 750 sqm. In these circumstances the Framework dictates that there must be significant and demonstrable harm occasioned by the proposal in terms of the economic, environmental and social dimensions of sustainability, to warrant refusal.

#### **Economic and Retail Impacts**

- 4.3.5 The NPPF is predicated on a 'town centre first' approach to the location of new, main town centre uses. Paragraph 24 of the NPPF offers the following general planning guidance in this context:

***Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.***

Paragraph 26 of the NPPF expands on this requirement to apply the sequential test in decision taking:

***When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:***

- ***the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and***
- ***the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.***

Advice on the application of the sequential test and impact appraisals is set out further in the Planning Policy Guidance notes now supplementing the NPPF:

***The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:***

- ***with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.***

- ***is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.***
- ***if there are no suitable sequentially preferable locations, the sequential test is passed.***

4.3.6 In order to ensure the proper application of the sequential test, as required by the NPPF, the Council commissioned an appraisal of the applicants submitted retail assessment by the planning consultancy GL Hearn. Specifically, this appraisal looks at the town centre impacts of the proposed food stores and the arguments advanced by the applicant in support of the scheme. After conducting an audit of the retail impacts of the proposal GL Hearn conclude as follows:

***"Overall there are no suitable and available sequential sites to accommodate the development proposal;***

- ***The proposal is unlikely to have a significant adverse impact on Royston Town Centre; and***
- ***The proposal would not prejudice any potential investment in Royston Town Centre***

***As such there would be no conflict with paragraph 27 of the NPPF and the application for an Aldi and M&S store at Royston Business Park should be supported."***

4.3.7 **Summary:** The only 'sequentially preferable' site at the Civic Centre is not currently available for the purposes of the sequential test and this being the case the Council is obliged to consider the application site subject to the proposal not having a significant and demonstrable impact on Royston Town centre. In this regard, the Council's consultant (GL Hearn) has agreed with the applicant's assessment that the proposed M and S / Aldi stores would be unlikely to have an adverse impact on Royston Town centre.

## **Design**

4.3.8 To a large degree the design of the new dual foodstore is dictated by function. The proposed building would be utilitarian in appearance but would be clean and modern, comprising two distinct levels of around 9.5m and 6m. In the overall context of York Way these are low buildings. This modest elevation would render the scheme recessive in views into the site, particularly against the backdrop of the wider industrial area. The colour palette shown on the drawings is sombre but considered in my view mixing grey cladding with brickwork and render. The extensive glazing at the front of the stores would be typical of a modern retailing operation. The company building signage would be subject to a separate advert consent application at a future date - the corporate livery shown on the buildings being indicative at this stage. This said the scheme does specify a typical 5m high totem sign advertising both retailers and opening hours at the entrance to the car park.

4.3.9 Notwithstanding the indicative colour details shown I would consider it prudent to condition external materials and landscaping final landscape details.

## Impact on neighbours

4.3.10 The only close neighbour to this proposal is the range of commercial buildings which currently form the northern boundary of the industrial area, namely units 17-23 Greenfield. The owner / occupier of these units (17 -20 - Royston Labels) had previously expressed concerns in respect of the proximity of the then proposed Johnson Matthey storage building which formed part of the 2014 proposal. However, this element has not been included in this application due to changes in the operational requirements of JM's business and no objection has been received. I do not consider there would be any adverse impacts associated with either the new access arrangements or the presence of the new store. Indeed, the provision of the store, cafe and, more importantly, a new access onto the A505 would in my view be of significant benefit to the long term viability of nearby businesses.

## Impact on landscape and ecology

4.3.11 The application was accompanied by an ecological assessment as was the previous scheme. The Council's ecology advisor has commented as follows:

***Although the ecology report is becoming dated, I have no reason to consider anything has changed. The most interest is likely to be associated with the scattered scrub and younger, rough grassland purely in terms of the habitat resource these provide (e.g. for birds) rather than their intrinsic value. As such, I do not consider it necessary for the LPA to require an updated survey. Little had changed since 2008 and I have no reason to believe the existing ecology represents a constraint on the proposals [my underlining].***

***However, in terms of reptiles, the previously undertaken report of April 2015 report has been re-submitted. Whilst I am satisfied this was sufficient to demonstrate no reptiles were present then, two years have elapsed since and the summers of 2015, 2016 and 2017 would have provided opportunities for reptiles to colonise the site. Lizards have already been known to have moved into previously abandoned arable fields next to the A505 adjacent to this site which then needed to be moved due to the forthcoming housing development. Given the presence of reptiles locally and the delay in any development works taking place on this site – and the apparent lack of habitat management in the meantime to create unsuitable conditions for them – I consider that the potential for reptiles remains sufficiently high to justify the LPA requiring an updated reptile survey. [my underlining]***

Accordingly, members will note that I have recommended a condition requiring an updated reptile survey with any mitigation this may require (condition 12).

4.3.12 The Council's landscape officer has reviewed the landscape plans and is satisfied with the overall concept but has recommended a condition requiring more precise details prior to commencement (condition 11).

## Transport and highway matters

4.3.13 The proposal requires assessment regarding the following highway and transport matters:

- Store car parking
- Internal road infrastructure and new access onto A505
- Passenger transport
- Pedestrian and cycle access.

The submitted transport assessment (TA) sets out the case for the proposed car parking serving the stores against the Council's Car Parking SPD:

New 2 x foodstore proposals  
(Total 3,243 sqm GIA)

**Parking:**

170 inc 10 disabled plus 6 parent +  
child (180)

**Cycle:**

24 (16)

The figure in brackets represents the number of spaces required by the SPD as a maximum. It will be noted that the scheme is specified at close to this maximum. I consider this assessment of car parking need to be well reasoned and would raise no objection.

- 4.3.14 The proposed new highway infrastructure, specifically the new access and egress to the A505, have been the subject of a full transport assessment and review by the County Highways Authority (HA). The HA had concluded that the new arrangements would be acceptable both in terms of their impact on traffic flows on the A505 and the wider highway network in the town. Further, the HA endorse the proposed works as beneficial overall :

***"The Old North Road corridor carries a significant amount of traffic, particularly in peak periods. Site observations and traffic data reveal that the AM peak is not constrained whilst the PM peak is constrained by virtue of the type of businesses and their coincident clocking off times. This creates pressure particularly on the York Way and Orchard Road corridors. It is evident that congestion on these roads leads to significant delay in trying to reach the Old North Road corridor and access to the A505 to the north.***

***The new junction from the A505 will not only provide access into the site but also play a key role in alleviating the currently congested access roads into the industrial area on York Way and Orchard Road, with some consequent relief to the corridor along Old North Road."***

- 4.3.15 The HA previously expressed some concern about promoting the use of non-car access to the development and in this regard has requested the scheme fund an extension to the existing bus services together with the implementation of travel plans. The sum originally requested from the HA for the enhancement to the bus services was £130,000 to be secured via a section 106 agreement together with a smaller sum of £12,000 to fund travel plans and monitoring. The developer offered a sum of £100,000 by unilateral undertaking and this was accepted. This sum has been offered again by undertaking and I see no reason to raise any objection in this regard given the other significant advantages of approving this proposal for the wider benefit of the industrial area and its users.
- 4.3.16 A public footpath crosses the site to the east of the larger new roundabout connecting the A505 with York Way. This would run across the new eastern access approach from the A505. The path will need diverting. Footpaths can be diverted via the submission of a planning application. However, I had previously discussed the issue of the footpath in relation to the approved scheme with the Rights of Way team at HCC and the following advice was given:

***"I don't think the diversion of the footpath needs to be a condition of the planning permission and can be adequately dealt with as an informative if/when permission is granted. The developer should be made aware that the line of Royston Footpath 2, as currently recorded on the Definitive Map and statement, must remain open, available and unobstructed until such time that it is diverted or extinguished by legal order."***

Again, a suitable informative is set out in the recommendation.

#### **Health and safety (HSE protection zone)**

4.3.17 The application site falls within the protection zones for a Major Hazard site (Johnson Matthey). In these circumstances it is necessary to use the Health and Safety Executive's web app assessment methodology in order to evaluate the sensitivity of the uses proposed to the identified hazard, should an emergency event occur. The applicant had previously set out an assessment based on this methodology which concluded that the HSE response would be **'Don't Advise Against'** (DAA) development of this nature. This assumes a sensitivity level of 2 for the foodstores (and 1 for the previously included warehouse) and their location within the middle and outer zones respectively as described by Council and HSE records.

4.3.18 The applicant has provided a second assessment for this proposal which again concludes that the HSE advice would be **'Don't Advise Against'** (DAA) for a store(s) of a cumulative total of less than 5000 sqm. Using the HSE web application a report confirms that the HSE would be to 'not to advise against' on safety grounds. A copy of this report has been placed on the application file.

#### **Planning obligations**

4.3.19 The Council's SPD recommends the imposition of a levy on non-residential development of this kind based on a figure of £500 per car parking space. In terms of the number of parking spaces proposed for both the new store and the storage building, this would amount to a sum of £130,000. Following discussion with HCC and its Passenger Transport Unit (PTU) the applicant previously offered £100,000 to be spent on extending bus services to the new development. The same offer has been made again and this application is accompanied by a unilateral undertaking committing this sum again.

4.3.20 The Council does not have a CIL in place and this being the case Planning Inspectors when dealing with appeals have opined that the targets for funds collected via the adopted SPD should be very clearly and discretely identified. In this case the investment the scheme necessitates in order to deliver the new access to the A505 would be substantial and, more to the point, would deliver transport benefits beyond those of immediate advantage to the development proposed (food store and storage building) as suggested by the HA above. Accordingly, I am minded to recommend that the offer of £100,000 for extended bus services, viewed together with the new road infrastructure, is again reasonable.

#### **4.4 Conclusion**

4.4.1 The proposed scheme represents a significant investment for Royston and overall the benefits of an approval in advance of formal allocation of this site outweigh any identifiable harm in my view. In this regard the scheme must be seen as compliant with the NPPF, specifically paragraph 14. The difference between this scheme and that approved for a single Waitrose store is not significant in floorspace terms and it would be difficult to see how the Council could reach a different conclusion than it did previously in supporting that proposal. No interest in this application has yet been shown by the towns other retailers following the approval of the Waitrose scheme. The GL Hearn review commissioned by the Council accepts the

applicant's overall conclusion that there should be no harm to the vitality of Royston Town Centre. Moreover, this scheme represents a more diversified retail offer than the previously approved scheme, an offer which appears to be well supported by the Town Council and the residents of Royston alike.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions and completed Unilateral Undertaking as detailed above:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. **Prior to commencement of the development as defined on drawing 01334-S38 -200 revision C detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.**

**Reason: To ensure that all work undertaken on the public highway is constructed to acceptable standard.**

4. No part of the development shall be occupied until the proposed works shown on 'in-principle' drawing 01334-S38 -200 revision C between the A505 and the new roundabout, are completed to satisfaction of the Highway Authority.

Reason: To ensure that the impact of development traffic on the local road network is minimised.

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the existing carriageways, have been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.



6. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.**

**Reason: In the interests of highway safety, amenity and free and safe flow of traffic.**

7. **Prior to the commencement of development a Construction Method Statement shall be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:**

- a. Off site highway works in order to provide temporary parking restrictions (if required). Work shall be completed prior to the commencement of development, and reinstated as required.**
- b. Operation times for construction vehicles.**
- c. Construction and storage compounds (including areas designated for car parking).**
- d. Siting and details of wheel washing facilities.**
- e. Cable trenches.**
- f. Foundation works.**
- g. Substation/control building.**
- h. Cleaning of site entrance and the adjacent public highways.**
- i. Disposal of surplus materials.**

**Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.**

8. **Prior to first occupation of the development, provision for a bus to 'loop' within the site in order to serve the development shall be provided. Bus stopping facilities shall meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These will need to be connected to the development's footpaths and easy access kerbs and shelters are provided as appropriate. The exact locations and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s38/s278 works.**

**Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.**

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Cannon Consulting reference CCE/B871/FRA-A2 dated July 2014 and Flood Risk and Drainage Technical Memo carried out by WSP | Parsons Brinckerhoff reference 6000134 dated 20 April 2017 issue 2.0 the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implementing appropriate drainage strategy based on infiltration and as indicated on drawing no 1334-DR-2000 Rev E.
3. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reasons:**

- To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
- To reduce the risk of flooding to the proposed development and future occupants.

10. **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;**

- **Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs.**
- **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

**Reason :To prevent the increased risk of flooding, both on and off site**

11. **Notwithstanding the approved soft landscape strategy, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing and the approved details shall be implemented on site. The landscape scheme shall include:**

- a) **which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;**

b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;

c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;

d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

12. Prior to any works commencing within the application site, an updated reptile survey, together with any necessary mitigation, shall be submitted to and approved by the Local Planning Authority.

Reason: To safeguard any reptiles which may have subsequently colonised the site.

13. Prior to the commencement of development, full details of the on-site storage facilities for commercial waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and, the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity, source segregation of waste in accordance with pre-treatment regulations.

14. Prior to works commencing a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Waste Authority (Herts County Council). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

Reason: To ensure waste is dealt with in an environmentally appropriate manner.

15. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - (ii) **The results from the application of an appropriate risk assessment methodology**
- (b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**
- (c) **This site shall not be occupied, or brought into use, until:**
  - (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
  - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- (d) **Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

**Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.**

#### HIGHWAY INFORMATIVES:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
2. It is advisable that all internal roads could be designed and built to adoptable standards.

3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

#### INFORMATIVE (RIGHTS OF WAY):

The developer should be made aware that line of Royston Footpath 2, as currently recorded on the Definitive Map and statement, must remain open, available and unobstructed until such time that it is diverted or extinguished.

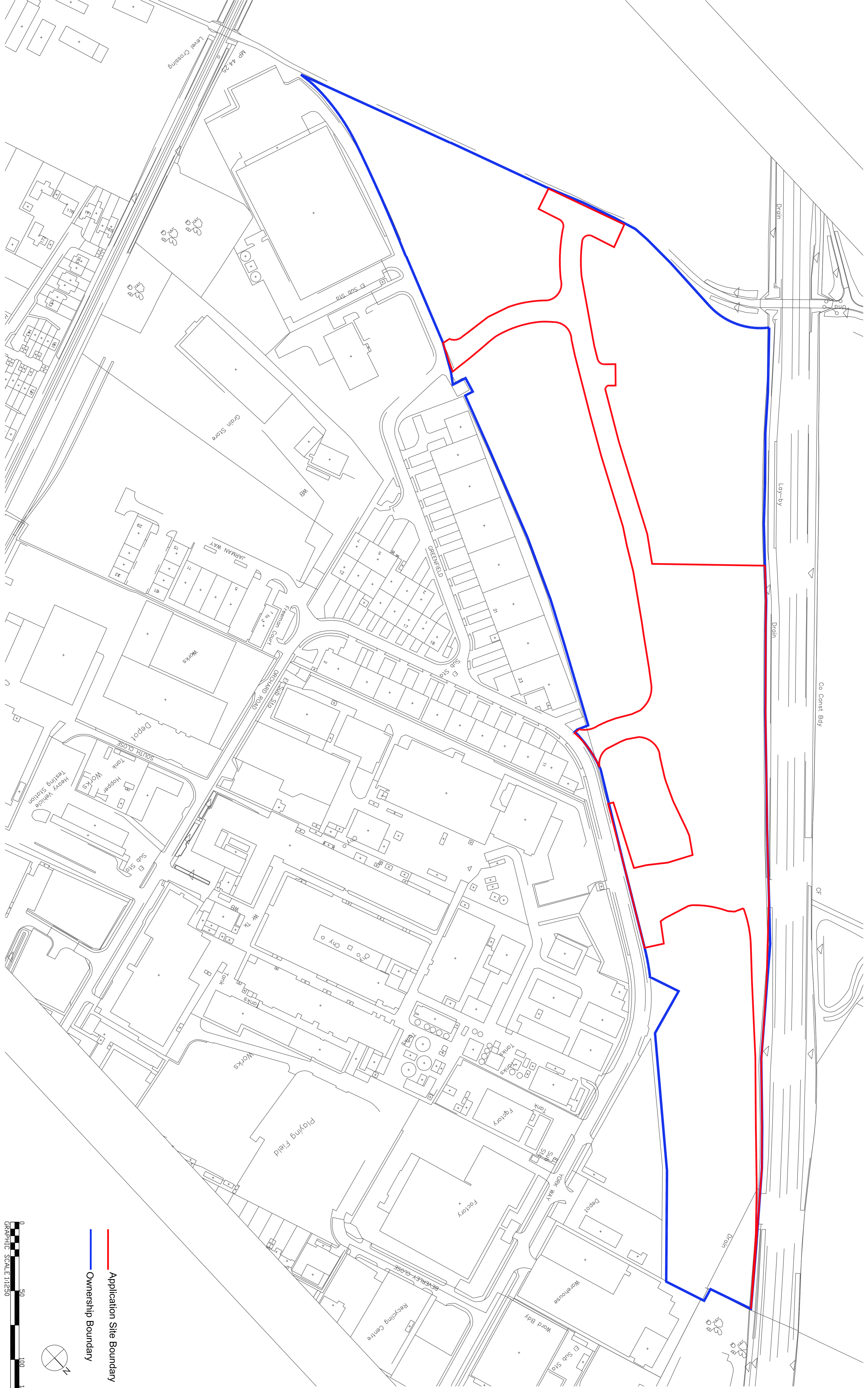
#### ECOLOGY

Site clearance works should accommodate the breeding requirements of scrub and ground nesting Skylark and potentially Grey Partridge which are known to be in the area. No clearance of such vegetation should be undertaken during the nesting season or not without a prior check to ensure no nesting activity is occurring.

#### **Proactive Statement**

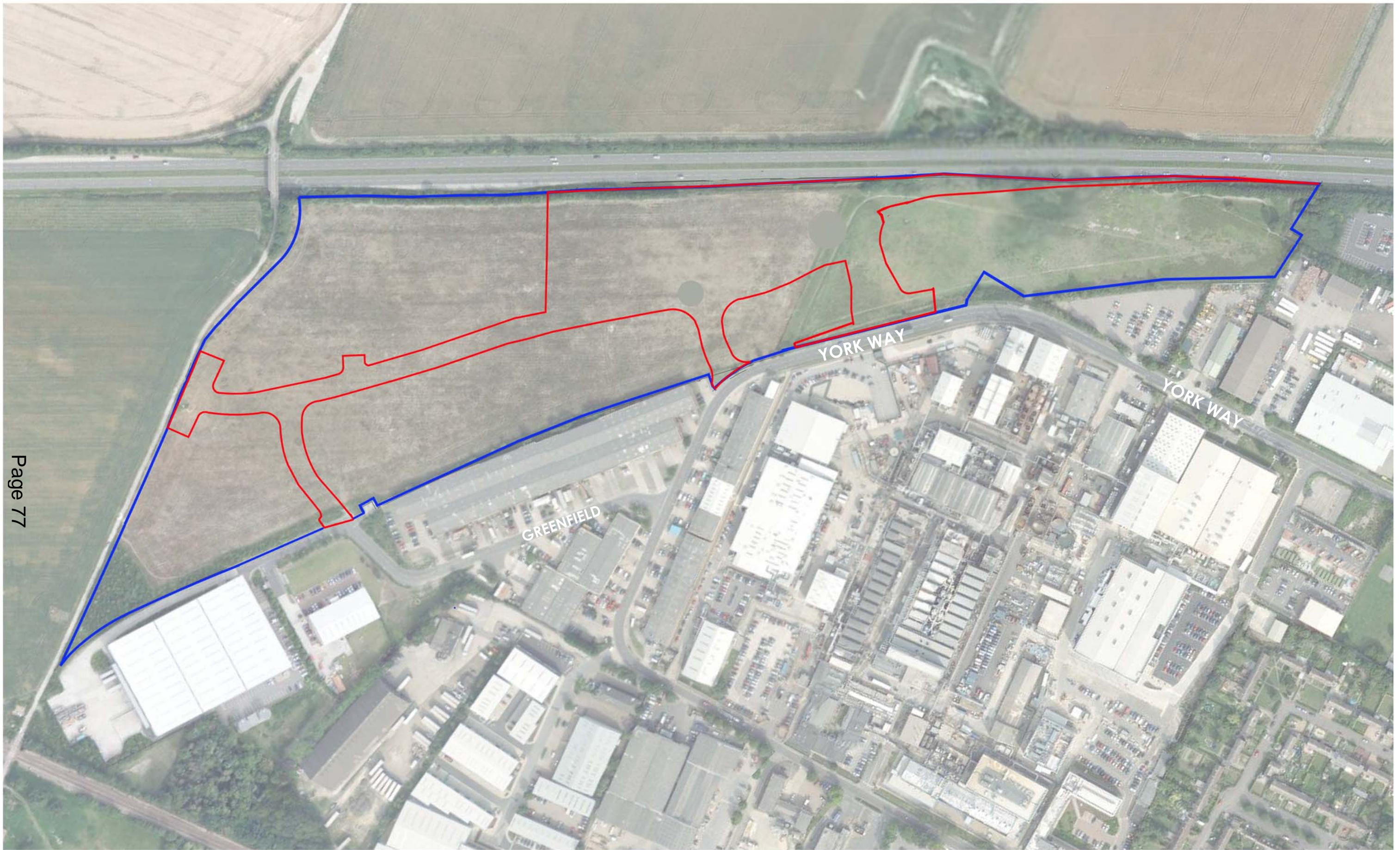
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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— Planning Boundary  
— Ownership Boundary



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