



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

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

Director of Planning

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

District ref: 24/01604/FP
HCC ref: NH/21816/2024
HCC received: 18 November 2024
Area manager: Manjinder Sehmi
Case officer: Senober Khan

Location

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

Application type

Full Application

Proposal

AMENDED PROPOSAL

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

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

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

Highways Comments:

In support of their application the applicant's consultant attached in their email dated 27 Sept 2024, a Highways Feasibility Assessment Letter, which also considered the feasibility of upgrading nearby ROWs. The HA responded to the feasibility assessment in their formal comments dated 29 October 2024.

Subsequently, the applicant's consultant responded to the HA formal response in their email dated 8 November 2024 to the LPA, forwarded to the HA:

Listed below in brief are the main points (in italic) of applicants consultant's response in their email dated 8 Nov 24, followed in response by the HA comments (in bold):

1. Footways:

it would appear that the objection from the HA is largely with regard to the provision of two off-site footpaths. Despite our continued reservations regarding the actual benefits and suitability of these footpaths (as well as the objections from the Parish Council and from local residents to the provision of these), I can confirm that the applicant will now agree to provide the requested footpaths, as a compromise, to seek to meet the HA half-way and in good faith in acting in the spirit of co-operation.

Acknowledged

the applicants preference that this be secured by a financial s106 contribution (and therefore the HA carry out the works), it is understood that the preference of the HA is that this be delivered as part of the development through a Section 278 agreement. We would appreciate your guidance on this.

The footways are required to be delivered through a s278 agreement and conditioned to be delivered by the applicant prior to occupation.

It is considered that by agreeing to the provision of the two footpaths, that this should now overcome the HA objection and we ask that they now reconsider their stance on this application and provided revised comments (as well as provide their recommended conditions etc)

Acknowledged

2. Reference to HertsLynx:

S106 Requirements

In response to the comments made by the HA with regard to their s106 requirements, I would like to set out our rebuttal to these and I also set out what we would consider to be reasonable and proportionate, in line with the CIL Regulations.

As mentioned above, the proposed development would result in some very significant benefits in Highway and transport terms:

As set out in the TA, compared to the existing lawful use as a boarding school (which is the 'fall-back position' for this site and which is a fundamental planning consideration, as well established in long standing case law), the proposed development would reduce vehicle movements

to-and-from the site by more than half, therefore resulting in a significant reduction in traffic on the local and wider highway network.

· *The proposals also make provision of a series of permissive footpaths through and around the site. This also compares favourably and results in significant public benefits when compared to the previous/ existing use of the site as a private school, when the site had limited/ no public access. Together with the two off-site footpaths on School Lane and on Hitchin Road (as agreed to above), the proposals would provide for vastly improved linkages and access across the site, linking the existing village and the wider PROW network.*

· *The residents of The Dower House (x6 houses) currently have no safe means of walking to the village, as there is no footpath along Hitchin Road. The proposals include for a permissive path which will link these properties, along the north-western boundary of the site and to the access gate on the western boundary, which leads directly to the village green/ centre. This is clearly a further significant benefit in terms of safety and in encouraging these existing residents to travel sustainably.*

In light of the above, the proposals would not have any adverse impacts on the highway network and would actually result in significant improvements on the existing situation. However, the HA response suggests that, in summary, £50,000 per year for 5 years is required to towards an expansion of the Herts Lynx bus service and that under the HCC Toolkit, just under £471,000 is required towards s106 contributions.

Whilst the HA acknowledges that the development will not have an adverse impact on the highway network, it would appear the applicant's consultant views that the HA cannot then seek contribution from the development to improve public transport services, this approach is incorrect, they are separate issues and requirements.

Furthermore, the above paragraph statement regarding HertsLynx is incorrect, the following paragraph below was in the HA's formal comments (dated 29 October 24) on public transport. Highlighted in italic below was the statement extracted from the applicants brief about their negotiations with operators of HertsLynx:

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

It is clear the HCC officer verified that preston falls outside of the HertsLynx operating zone, therefore it is not clear why the applicants consultant in their response is now linking the required contribution to HertsLynx.

The HA made no mention of HertsLynx in its response (see paragraph below), it was to substantiate funding is required to improve existing bus services.

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

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

3. Development impact

However, as acknowledged on page 6 of the HA response “The HA has reviewed the Transport Assessment (TA) it is considered that the proposed increases in traffic flows on the local highway network are not of a scale that would materially impact the relative operation and safety of the local highway network.” (emphasis added). As noted above (and as ‘partially’ acknowledged by the HA), the proposed development would actually result in a reduction in the impact on the use of the highway. Later in the HA comments (end of page 6/ beginning of page 7) it states that “the provisions of S106 of the Town and Country Planning Act-1990 allows that planning obligations, governed by the guidance within CIL Regulations may be used to mitigate the impact of development”. If the proposals reduce the impact, or in the words of the HA ‘the proposed increases in traffic flows are not of a scale that would materially impact the relative operation and safety of the local highway network’, there is nothing to mitigate in this instance and in actual fact, the proposals already result in benefits to the operation and safety of the highway network.

The HA comments above relate to the vehicle impact from the development at its junctions with the public highway, mitigation does not just apply to junction operation.

Mitigating the impact of development takes many forms (LTP4, NPPF, LCWIP), including:

- **Footways: Designing the public realm to be safe and accessible to all public highway users.**
- **Bus services: Ensuring accessible, safe, service and convenient routes to promote alternatives to car use.**
- **Cycle safety: Providing safe routes and provisions for cyclists.**
- **Highway safety: Upgrade roads for safety, for people cycling and walking that also connects to public transport, as well as 20mph limits in sensitive areas. (Preston Parish Neighbourhood Plan 2018 - 2031.)**
- **improvements to the wider network, dedicating the rights of way to Bridleway status, improve the surface of existing routes which would be beneficial if the routes were ever upgraded in status some time in the future. costs for surface improvements would be sought through a S106 contribution.**

Subsequently, there is surely insufficient reason and justification to request s106 contributions in this instance, as these would not meet the first fundamental purpose of s106 contributions (‘to mitigation an impact’, where there is none in this instance) and it would also fail to meet the tests as set out in Regulation 122 of the CIL Regulations, as the amounts being proposed by the HA are not reasonable, they are not proportionate and they are not necessary in order to make the proposed development acceptable in planning terms. The HA cannot request s106 just because it is a new proposed development and/ or just for the sake of it – it has to be in relation to the mitigation of an identified impact and in accordance with the CIL Regulations. We therefore very strongly contest the amounts set out in the HA comments.

Section 106 funding, also known as planning obligations, can be used to improve bus services, promote public transport in general, which is proportionate, necessary, and directly relevant for the benefit of residents of the development and locals of the area including improved connectivity with and to other locations and bus services.

The aim is for such funding to cover the cost of the service needed whilst usage is established, confidence in the bus network depends on stability.

Specifically regarding the £250,000 requested towards the Herts Lynx bus service, we would also question this. No calculation or demonstration of costs have been provided in terms of what is a very ‘round’ number (£50,000 per year). This also equates to approximately £725 for each new dwelling, per year, which also seems to be a very high and unreasonable amount for each residential unit to be paying in bus fare. The village already benefits from a bus services, which is

within an easy, short walking distance from the site and so we consider that the bus improvement works would be a more proportionate contribution in this instance (as listed above, dependant on costs).

As clarified above, HCC did not request any contribution towards HertsLynx bus service, this is a misunderstanding, whereas robust justification has been provided above for the contribution.

There is a breakdown of the proposed improvement to the service, including a cost breakdown, see attached excel spreadsheet.

Notwithstanding the above, as I have outlined previously and, in order to progress matters the applicant is willing to agree to a compromise and to provide some improvements to local public transport provision. As such, we are happy to agree to the following package of improvements.

- I have already clarified that the applicant is now in agreement to provide the two off-site footpaths.*
- On page 8 of the HA response, a list of 'recommendations' are provided and I can confirm that subject to the cost of these (detailed costing has not yet been provided), we can also agree to the improvements to the bus stops – "Enhancing the current stops with Kassel kerbs and bus stop poles (if needed). The developer to collaborate with the parish council to replace/repair the existing shelter and install a new, suitable shelter on the green, ensuring a safe and dry waiting area for bus passengers."*
- Again, subject to cost, we can also agree to the enhancements to road safety "by improving speed signage and warnings on the approaching roads - Hitchin Road"*

Acknowledged and welcomed by the HA, however it should be noted that HCC has already received funding for the installation of Kassel kerbing at the two stops (Red Lion PH), which will complement the new paths being proposed. However, still required is a new wooden shelter for the green and a replacement for the existing shelter.

In summary, we would be grateful if the HA (and the LPA officers) can reconsider their comments on the application, in light of the above and in light of the applicants willingness to compromise in agreeing to some of the HA requests, most notably the provision of off-site footpaths (as this seems to be the main sticking point), which we are now happy to provide.

Given the applicant has agreed to the delivery of the footways, upgrade of the bus stops, provision of a series of permissive footpaths through and around the site (clarification is required: is it the intent of the developer to dedicate new ones or stick to providing permissive routes), however uncertainty exists regarding the s106 contribution/strand 2 toolkit figure of £6,826 per dwelling (index linked by SPONS to January 2019).

HCC feels the contribution would be used to provide additional journeys on the 88 bus route that serves the development. Whilst it is acknowledged that the sums involved are not likely to have a large impact on modal shift or congestion, it will at least allow residents access to an improved bus service.

Construction Traffic Management Plan

The HA Network Manager (Operations) has reviewed the Construction Traffic Management Plan (CTMP) and has the following comments to make:

- Section 3.19. confirm time is 08 to 1600 on weekdays for HGV traffic.

- Section 3.22 mentions the bus route Are any of the construction staff travelling buy Bus.
- What is the pedestrian route for the construction staff from the bus stop to site.
- Section 3.31. Where are the formal car parks and the pedestrian route from the car parks to site for construction staff.
- No construction staff vehicles or construction vehicles to be parked on the public highway.
- No hoarding to be erected on the public highway.
- Routing app c and d
- For the junction of Little Almshoe Lane and London Road B656 provide a swept path analysis to show the largest vehicles can make this turn in both directions. looking at google maps Little Almshoe Lane has a 7.5 T weigh limit. Check if the development is except for the weight restriction.
- For Little Almshoe Lane and St Albans Highway what is in place to prevent construction vehicles meeting in the lane and over running the verge causing damage.
- For the Junction of Little Almshoe Lane and St Albans Highway provide a SPA in both directions to show the largest construction vehicles can make this turn and not over run the footway or verge island.
- Appendix c and section 5.4 and 5.5 and 5.6 the construction route should not go through St Ippolyts but should stay on London Road B656 to A602. Then the A602 to the A1m.
- Section 5.9 and 5.10 For access the site on St Albans Highway provide a SPA to show the largest vehicle can access site and to exit site.
- Section 5.11 this covers the haulage route to repaired for any damage.
- Section 5.14 and 5.15 What times and days will the traffic marshal be present.

Travel Plan

See attached word document of the comments from HCC Active & Safer Travel Team:

Recommendation:

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

Signed

Senober Khan

6 December 2024