

DEVELOPMENT CONTROL COMMITTEE

12th December 2013

UPDATE SHEET

Item 5

13/01013/FUL – Land to the rear of 121B St. Albans Road

The Council has now received the following comments from Hertfordshire County Council, as highway authority:

“Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

The proposed application is to demolish the existing warehouse building and construct 2X2bed flats at the rear of no. 121b St. Albans Road.

The applicant indicates that there will not be a new or altered highway access. There is no parking provision proposed within the development. The adjacent Terrance Road is a cul-de-sac which also has double yellow line restrictions outside the development and on-street parking further along the road.

Terrance Road is a very narrow road which it is not suitable for HGV and refuse vehicles. The refuse collection arrangements would be from the existing access of St. Albans Road. The submitted drawing shows the bins would be provided in the rear yard area. The collection point is approximated 50m from St. Albans road, about 25 metres longer than the suggested maximum distance (In Manual for Streets (6.8.9) mentions “Waste collection vehicles should be able to get to within 25m of the storage point”. We are concerned that the refuse collection team may struggle to comfortably walk long distance to pick up and drop back the bins. However, we also recommend the views of the refuse contractor are sought to discover whether they have some problem for this application.

I do not consider the development will materially increase traffic movements from the site therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. I therefore have no objection to permission being granted subject to the following conditions:

1). All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

Reason: In the interest of highway safety and the free and safe flow of traffic.

2) Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority

and that area shall be maintained available for use at all times during the period of site works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

The proposal results in 2 new flats and the applicant should be advised that this development would attract a contribution towards but not limited to Sustainable transport measures identified in the South West Hertfordshire Transportation Plan and subsequent transport plans. This proposal and recommend permission is granted subject to the completion of an agreement to secure a financial contribution of £1500.”

In the light of these comments, officers recommend that an additional condition be imposed:

8. All materials and equipment to be used during the construction of the development hereby permitted shall be stored within the curtilage of the site unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and the free and safe flow of traffic.

Officers do not consider that the second condition recommended by Hertfordshire County Council is capable of being achieved. The physical constraints of the site are such that there can be no space for on-site car-parking provision. Such a condition would therefore fail to meet the tests of “enforceability” and “reasonableness” as required by national planning advice in Circular 11/95. This Circular, which is still in-force, and paragraph 206 of the National Planning Policy Framework provide guidance and set out six tests with regard to the imposition of appropriate conditions on planning decisions (i.e. conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects).