

ITEM NO:	
<u>Location:</u>	Land Opposite Flint House London Road St Ippolyts Hertfordshire
<u>Applicant:</u>	Ms Tracey Grainger
<u>Proposal:</u>	Creation of vehicular access off London Road, St Ippolyts (as amended by plans received 09/10/2019).
<u>Ref. No:</u>	19/02192/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 10.12.2019

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Extension of statutory period: 24/01/2019

Reason for Call in: Application called in by Cllr Claire Strong for the following reason – “In the interests of wider public safety”

1.0 **Submitted Plan Nos.:**

- LD367-E01 – Location and Block Plan
- LD367-E02 – Road Plan & Photographic Road Elevation
- LD367-E03 – Existing Field Access Details & Photographs
- LD367-PO1B – Proposed Vision Splay Details
- LD367-P02B – Road Plan & Road Elevation
- LD367-P03 – New Uncontrolled Pedestrian Crossing Details

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

- Policy 2 – Green Belt
- Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land

2.3 North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)

SP1 – Sustainable Development in North Herts
SP5 – Countryside and Green Belt
SP9 – Sustainable Design
D1 – Sustainable Design
T2 – Parking

2.4 Supplementary Planning Document

Vehicle Parking at New Development SPD

3.0 Site History

13/02866/1 - New vehicular access to existing field opposite to Flint House, London Road, St Ippolyts (as amended by plan LD148-P02A received 04/02/2014) – Granted Conditional Permission on 07/02/2014.

4.0 Representations

4.1 Site Notice:

Start Date: 10/12/2019

Expiry Date: 02/01/2020

4.2 Press Notice:

Start Date: 12/12/2019

Expiry Date: 04/01/2020

4.3 Neighbouring Notifications:

N/A

4.4 Parish Council / Statutory Consultees:

St Ippolyts Parish Council – “It was agreed by St Ippolyts Parish Council to object to this planning application on safety grounds. The access is too close to the crossing refuge and represents additional risk to road users and pedestrians.”

HCC Highways – “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 subject to the following conditions:

If the planning authority resolves to grant permission, the highway authority recommend inclusion of the following conditions and advisory note to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980

Condition1: Footway connection and pedestrian access

Prior to first use of the proposed access, the proposed dropped kerb and installation of tactile paving crossing point as shown on the drawing (Ref- LD367 P01& P02, Rev-B) should be completed in accordance with guidance set out in Roads in Hertfordshire under s278 agreement with HCC.

Reason: Policy 1, 7 and 8 of HCC's LTP4

Condition 2: Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted a visibility splay of 2.4 x43 metres along London Road as proposed on the drawing (Ref- P01, Rev-B) shall be provided to each side of the access and such splays shall always thereafter be maintained and free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition3: Provision of installation of gates:

Any entrance gates shall be set back in perpetuity a minimum of 8metres from the highway boundary or back edge footway and shall open inwards into the site. [Reference- Roads in Herts, section 4, chapter 1, page 6]

Reason: In the interest of highway safety so that a vehicle may be parked within the cartilage of the site without obstructing the public highway.

Advisory Note (AN1): Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

Advisory Note (AN2): Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

General works within the highway (major/s278) - construction standards AN3)

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 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/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Description of the Proposal The developer has sought the views of Hertfordshire County Council to create a new vehicular access to serve the filed. Policy Review As part of the Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (July 2018); • Hertfordshire County Council's (HCC) Local Transport Plan-4 [2018-2031, May2018] • Roads in Hertfordshire Design Guide 3rd Edition -2011 • North Herts Local Planning policy [2011-2031]

Planning History: The application site has no previous planning histories Site Description: The application site is located at London Road opposite to Flint House, St. Ippolyts, in Hitchin. London Road is a classified road type-B and has the title of secondary distributor in road hierarchy. The speed limit on this section of London Road with is restricted to 30mph. The site has an exiting shared access to the northern side. There is a 2m wide (Approximately) footway in the applicant side runs in North South direction. On the other hand, the opposite side footway is stopped just before the proposed access. Highway Layout: Vehicle Accesses: A site visit reveals that the site has an existing shard access at the Northern side. Also, there is an existing dropped kerb in the southern side at front of the application site. In the submitted application, the applicant has appealed that the site has additional existing access which would be extended to provide better access to the filed. The highway authority would like to conform that this is not a filed access. This existing dropped kerb is an informal pedestrian crossing point which enables pedestrian to cross the road. However, the proposed filed access would be acceptable in the highway terms and subject to providing a new pedestrian crossing point with provision of 3x3 full row tactile paving.

The location of new pedestrian crossing point onto London Road would be at the middle of two existing vehicular access at opposite side or could be agreed with the development management implementation (DMI) team during s278 works.

Therefore, a section 278 agreement would be required to carry out such works within public highways with the HCC. The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the creation of the new access and footway connection with provision of tactile paving crossing point onto London Road. The proposed access has limited visibility in both directions along London Road due to grown up hedges. Therefore, a standard highway planning condition has been recommended.

Provisions of Pedestrians crossing Point There is an existing approximately 2m wide footway on the opposite side of the applicant site and connected with footway network and leads to local shops at Southern side. According to the adopted local transport plan 4 (LTP4), the county council will seek to encourage and promote walking and cycling by:

- Implementing measures to increase the priority of pedestrians relative to motor vehicles and creating walking friendly town and neighbourhood centres.
- Delivering infrastructure to provide safer access to key services, and pedestrian facilities to enable and encourage walking.
- Identifying and promoting networks of pedestrian priority routes.
- Promoting walking as a mode of travel and for recreational enjoyment.

Therefore, in order to improve the pedestrian accessibilities in the vicinity, a tactile paving pedestrian crossing would need to be provided onto London Road.

Emergency Vehicle Access: The proposed access arrangements would enable emergency vehicle access to the site. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwelling houses Conclusion: Hertfordshire County Council as the Highway Authority have considered that the proposal of creating a new vehicular filed access would not substantial impacts on the traffic flows of the adjoining road networks. Therefore, the proposal will be acceptable in the highway terms and HCC hasn't raised objections to the proposal and subject to the conditions. In this instance, the developer may need to enter a s278 agreement with HCC in order to implement the proposed highway works."

5.0 Planning Considerations

5.1 Site and Surroundings

5.1.1 The application site is a large field situated on the east side of London Road (B656), St Ippolyts. The site features an existing 1.8m wide dropped kerb and currently gains access to the field via a shared access via the neighbouring field. The application site is situated within the Green Belt.

5.2 Proposal

5.2.1 Planning permission is sought for the creation of a vehicular access off London Road with an 8m hard standing area allowing for vehicles to pull off the public highway before entering the field through the proposed timber access gate supported by a timber post and rail fence.

5.2.2 As part of the scheme, amendments have been submitted to include the creation of a pedestrian crossing adjacent to the proposed access.

5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and Local Development Plan.
- The effect the proposal would have on the openness of the Green Belt
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on Highway Safety and car parking provision in the area.

Impact on the Green Belt:

5.3.2 Chapter 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 134 of the NPPF sets out five purposes the Green Belt serves.

5.3.3 Policy 2 of the District Local Plan takes the view that *"Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact."*

5.3.4 The proposed development would comprise the creation of a new public access onto London Road. The access would be related to the existing use of a field in agricultural use. The proposal would therefore fall under the exceptions under Paragraph 145 of the NPPF. The development is therefore considered to not represent inappropriate development and would not result in a loss to openness. The proposal would be in compliance with Section 12 of the NPPF.

5.3.5 The proposal would include the creation of hard standing, timber gate and post and rail timber fencing. The proposal is not considered to result in any unacceptable visual impact upon the Green Belt given the appropriate use of materials and design. The proposal would be in compliance with Policy 2 of the Current Local Plan.

Design and Appearance:

5.3.6 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places).

5.3.7 The application site is situated within a predominately rural area of the district. The development would retain much of the existing boundary treatment to the site and make use of appropriate materials in the creation of the track. Furthermore, the gate proposed would be of appropriate design within this countryside location. The proposal would be in compliance with both local and national planning policies.

Impact on Neighbouring Properties:

5.3.8 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The application site is isolated within this countryside location. The development would not directly neighbour any other residential properties and would therefore not result in any adverse impact upon the amenities of other properties within the locality. The proposal would be in compliance with both local and national planning policies.

Highways and Parking:

5.3.9 The proposal includes the creation of a 5.4m wide dropped kerb and 8m of hard standing before gaining access to the field via a 3.6m wide timber gate. The scheme also proposes to create an uncontrolled tactile paving pedestrian crossing point.

5.3.10 As part of the design and access statement provided alongside the application, the access is required to allow access to the field by larger vehicles. Whilst there is an existing access via a separate field, the existing access is described as “tortuous, having to make a very tight right-hand turn through several gates”. The existing access does not allow for off-road parking whilst opening gates to allow access to the application site via the neighbouring field.

5.3.11 Following consultation with County Highways, no objection has been raised to the proposed creation of vehicular access and pedestrian crossing. No concerns have been raised with regards to the impact of the proposed development upon pedestrian or vehicle safety. Any approval would be subject to conditions recommended by the County Highways Officer including the need for the development to enter into a s278 agreement with HCC in order to implement the proposed highway works.

5.3.12 It is considered that the proposed development would not result in any unacceptable impact upon the safe operation of the public highway.

5.4 Conclusion

5.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

5.5 Alternative Options

5.5.1 None applicable

5.6 Pre-Commencement Conditions

5.6.1 N/A

6.0 Legal Implications

6.1 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.

7.0 Recommendation

7.1 That planning permission be **GRANTED** subject to the following conditions:

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 first use of the proposed access, the proposed dropped kerb and installation of tactile paving crossing point as shown on the drawing (Ref- LD367 P01& P02, Rev-B) should be completed in accordance with guidance set out in Roads in Hertfordshire under s278 agreement with HCC.

Reason: Policy 1, 7 and 8 of HCC's LTP4

4. Prior to the first occupation of the development hereby permitted a visibility splay of 2.4 x 43 metres along London Road as proposed on the drawing (Ref- P01, Rev-B) shall be provided to each side of the access and such splays shall always thereafter be maintained and free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Any entrance gates shall be set back in perpetuity a minimum of 8metres from the highway boundary or back edge footway and shall open inwards into the site. [Reference- Roads in Herts, section 4, chapter 1, page 6]

Reason: In the interest of highway safety so that a vehicle may be parked within the cartilage of the site without obstructing the public highway.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047
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