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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: 24/01434/S73
HCC ref: NH/21517/2024
HCC received: 18 September 2024
Area manager: Manjinder Sehmi
Case officer: Senober Khan

Location

Friends Green Farm, Friends Green, Damask Green Road, Weston, Hitchin, SG4 7BU

Application type

Variation of Condition

Proposal

AMENDED PROPOSAL

Section 73 Application : Removal of condition 2 of planning permission
23/01259/FP granted 25.03.2024 for Use of buildings as (Sui Generis) car sales and
(Use Class B2 general industrial) car servicing (as amended by details submitted
16th January 2024).

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:

The application has failed to demonstrate a satisfactory policy and design-led approach for the above reasons, thereby the proposals would exacerbate existing highway conditions, which are prejudicial to the highway safety of all road users.

Brief description in support of proposed development by the applicant:

This Highways Response Note has been prepared to provide additional information to Hertfordshire County Council regarding the proposed redevelopment at Friends Green Farm.

Previously submitted a Transport Technical Note to accompany the planning application at the above address, which concerns the "removal of condition 2 of planning permission 23/01259/FP granted 25.03.2024 for use of buildings as (Sui Generis) car sales and (Use Class B2 general

industrial) car servicing (as amended by details submitted 16th January 2024)" (REF: 24/01434/S73). Hertfordshire

Highways responded with comments refusing the proposals to remove planning condition 2 of the previous planning permission (23/01259/FP).

Subsequently, this Highways Response Note has been produced to challenge assertions made by the reviewing Highway Officer, to allow Hertfordshire to approve the development.

It is understood that the reviewing highway officer has rounded up recorded 85th percentile speeds and is requesting that visibility splays of 90m for the northern splay and 70m for the southern splay should be shown. While this is not usually how visibility splay lengths are calculated, with 85th percentile speeds taken as a 'value' (i.e. not rounded up), in this instance the original visibility splay drawing submitted with the TTN has been updated to depict that the requested visibility splay lengths are achievable at the southern site access.

While it is acknowledged that the speed limit enforced along Damask Green Road is 60mph, and that the road is long and straight in places, the recorded average vehicle speeds of 37mph (southbound) and 31mph (northbound) reflect 85th percentile speeds, which are in line with DMRB requirements for assessing road safety and required visibility splay length. The 85th percentile speed is used to determine the actual speeds at which most drivers feel comfortable and safe travelling, rather than focusing solely on the speed limit or the behaviour of outliers.

Designing visibility splays commensurate with the 85th percentile speed is in line with best practices and ensures that safety provisions are appropriately tailored to the actual driving conditions. The goal is to provide a safe environment for most drivers, and therefore design decisions cannot be based on the occasional reckless driver who might exceed reasonable and/or average speeds. By focusing on the typical behaviour of drivers, a balance can be achieved between safety and practicality without overengineering based on outliers.

New guidance, recently published by Hertfordshire County Council (Highway Place and Movement Planning and Design Guidance) provides recommendations and standards for access points to developments. These standards aim to ensure that accesses are safe, avoid congestion, and meet traffic flow requirements. The guidance outlines that having two vehicular accesses may be considered based on safety, road capacity, and local traffic conditions.

As previously outlined, details were provided in the previously submitted TTN stating that there have been no recorded traffic incidents along the section of Damask Green Road where the southern access is proposed. Visibility splay drawings have also depicted that the required level of visibility is achievable at the southern access considering recorded 85th percentile speeds, as well as speed values that were rounded up and suggested by the Highway Officer (appended to this response note). The likelihood that the new southern access will increase conflicts along Damask Green Road is doubtful given the existing road is not inherently unsafe and adequate visibility is achievable at the access.

Conclusion

Visibility splays that are achievable at the southern access were calculated using appropriate methods, including 85th percentile speeds as outlined in DMRB CD 185. Both ATCs were placed in locations expected to capture the highest vehicle speeds, ensuring that the analysis reflects a worst-case scenario. Further to this, the originally submitted site access visibility splay drawing has been updated showing compliance with the reviewing Highway officer's requested splay lengths. Additionally, there are no specific policies prohibiting two vehicular accesses, with each site

evaluated individually based on its unique conditions and safety assessments, further supporting the case for this access.

Highways comments:

Use of 85th percentiles are acceptable where natural/man-made features exist which restrict the ability of drivers to travel at high speeds, such as acute bends in the road or the ability to see too far ahead in the road, in those site specific circumstances and other considerations are the 85th percentile applicable, neither of these exist as acknowledged by the applicant's consultant who in their response stated that "the road is long and straight in places".

DMRB & Manual for Streets (MfS) indicate reduced sight stopping distances may be acceptable where the street environment physically influences driver behaviour i.e., where material constraints exist in a built-up area with an active mixed-use frontage. The same principle can be applied to rural roads too.

Whilst it is welcomed that most drivers drive at lower speeds along the site's frontage off Damask Green Road, nevertheless there is nothing restricting/ preventing drivers to legally travel at the speed limit of up to 60mph and as previously stated that given the site specific conditions no flexibility in visibility splays can be applied.

It should be noted that whilst most drivers drive safely and within speed limits, unfortunately a minority don't, and is why traffic calming measures are introduced even on roads with low speed limits to influence driver behaviour and thereby deter any attempt at excessive speeding.

The visibility splay shown for the proposed southern vehicle access has been found to be incorrect, visibility splay envelopes should be over the applicant's land and/or the public highway, the southern visibility splay shown is over third party land and therefore can only achieve approx. 10m, significantly substandard, and therefore not acceptable.

The applicant was advised that a Stage 1 Road Safety Audit (RSA) was required for any vehicle access proposal, this has not been provided.

On the submitted visibility splay drawing no. SK02 RevB, it states "in line with request made by the reviewing highway officer, the splay remains wholly within land owned by the applicant and maintained by the Highway Authority", the southern splay straddles over the southern neighbouring property whose boundary extends to the back of the roads carriageway and not set back as shown on the submitted drawing.

Unless verified otherwise, it would appear that the southern vehicle access has been built without highway authority approval. Vehicle accesses off classified (C class) public highway roads require the submission of detailed technical plans to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Any vehicle access built off the public highway without approval

The plans should show the detailed engineering designs and construction of the vehicle accesses/driveway gradients and associated highway works concerning the extent of work required for linking with the public highway. Given the class of use and vehicle types expected the design of vehicle access will need to be supported by swept path drawings, visibility splays, with acceptable Stage 1 Road Safety Audit etc. and arrangement for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Notwithstanding, planning permission granted for 23/01259/FP was on the basis that the continued use of the existing northern vehicle access (substandard visibility splays) was only acceptable because the proposed use (niche market) would generate less vehicle trips than the previous existing use, and that the alternative southern vehicle access would be not acceptable due to substandard visibility splays, consequently it was conditioned, including a personalised planning condition, that only the northern vehicle access was acceptable. To obtain approval the applicant removed the southern vehicle access from the application.

It is unacceptable that the applicant has now applied for the removal of the condition on which approval was granted.

There are many things in policies and guidance's that are not specifically mentioned and are reliant on the LHA officers review, consideration and informed judgement based on information provided, justification and site specific highway conditions. In practice the approach of all highway authorities is to minimise vehicle accesses wherever possible.

The HA has considered the applicants requirement for a second vehicle access and given that the applicant has not submitted any justification for the second vehicle access other than, there are no accidents on the road for the above reasons and that it is not in any HCC policies or guidance's that you cannot have a second vehicle access, this can be said for a third vehicle access or a fourth etc.

The HA will not support second vehicle accesses serving the same site without any substantive justification and design compliance, and to reduce the potential for more conflict points in this case between vehicles and vehicles.

Recommendation:

Refuse

Reasons for Refusal:

The application has failed to demonstrate a satisfactory policy and design-led approach for the above reasons, thereby the proposals would exacerbate existing highway conditions, which are prejudicial to the highway safety of all road users.

Signed

Senober Khan

11 October 2024