



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: 24/01434/S73
HCC ref: NH/21517/2024
HCC received: 4 July 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

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:

A Transport Technical Note (TTN) has been submitted in support of a planning application for the alteration of access arrangements.

The proposals seek to alter the access arrangements at the site, with access/ egress proposed to now be made from both an existing access point to the north, as well as from a newly constructed southern access. The applicant wishes to consolidate the southern access, enabling vehicles to access/egress using both access points to improve site operation efficiency.

A retrospective planning application (REF: 23/01259/FP) was sought and approved in March 2024 which proposed to change the use of the site from its lawful equestrian use (as approved under 17/04137/S73) to Sui Generis Use for car sales and B2 land use for car servicing. Access to the site from Damask Green Road via the northern access point, was retained, along with an internal driveway and parking area to the north.

The previously consented scheme above also included a personalised planning condition, as agreed with the reviewing case officer, which only permits the applicants existing use (Specialised Porsche Restoration Garage and Showroom) on site. This will prevent other applicants from purchasing the site assuming a Sui Generis/B2 use, without the need to complete a full planning application.

Access for vehicles will be from Damask Green Road, utilising the sites existing northern access, in line with the permitted arrangements, as well as the proposed access in the south.

The new southern access is proposed to measure circa 11m in width where it meets the Damask Green Road, tapering down to circa 4.8m after 4m. The access road will offer an alternative route to the existing car parking area within the site, with the driveway routing between the existing buildings on site.

To understand the visibility requirements at the new southern access, two weeklong ATC speed surveys were undertaken along Damask Green Road, between Monday 3rd June and Sunday 9th June 2024.

As a result of the completed survey, a northbound 85th percentile speed of 31mph was recorded at the southern site, requiring a visibility splay length of 67m; while a southbound 85th percentile speed of 37mph was recorded at the northern site, requiring an 89m visibility splay.

The drawing submitted shows that visibility splays with the required dimensions, as outlined above, can be achieved along Damask Green Road, ensuring that both northern and southern splays remain wholly within land owned by the applicant and maintained by the local highway authority.

Servicing arrangements at the site will not be altered as a result of the proposals. The site will retain the potential for smaller vans (such as panel vans up to 6m in length) to enter and turn internally before egress.

Combining all trip estimations set out above for the car servicing garage, it is estimated that this use currently generates a total of 8 vehicle movements per day, including one delivery made by van.

The proposals are not resulting in a change of use or operation at the site, with the opening of the southern access the only observed difference from existing arrangements.

As such, this change will not engender an increase in the number of trips generated by the site, but will instead serve to increase onsite operational efficiency, while also aiding with the movement of vehicles accessing and egressing.

In the covering letter dated 28 June 2024 the following is stated:

Condition 2 stated "Within 3 months of the date that planning permission is granted, a plan showing how the existing southern access will be closed and landscaped will be submitted to the Local Planning Authority for approval. The southern access shall be closed and landscaped in accordance with the agreed details within 3 months of written approval".

The reason that this condition was required as part of the decision notice was solely in relation to highway safety given the visibility splays of this point of access not meeting the required standards. However, the new highways information that is submitted as part of this application confirms that the retention of the southern access would not cause undue harm to highway safety. This therefore means that this condition is no longer required and the southern access is able to be used by the applicant which is beneficial for the running of the business on the site.

Highway comments:

The applicant seeks 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).

Condition 2

Within 3 months of the date that planning permission is granted, a plan showing how the existing southern access will be closed and landscaped will be submitted to the Local Planning Authority for approval. The southern access shall be closed and landscaped in accordance with the agreed details within 3 months of written approval.

Reason: The southern access is considered unsafe by the Highway Authority and therefore require its closing, in accordance with T1 of the North Hertfordshire Local Plan 2011-2031.

The extant permission was approved on the basis that the applicant accepted that only the northern vehicle access would be utilised, along with a personalised planning condition as covered in the above applicants supporting statement, the applicant has now submitted another application for the removal of condition 2 to allow the southern vehicle access to be opened and used, while acknowledging nothing has changed other than the access is required for efficiency reasons.

Local Highway Authorities (LHA's) do not support a second vehicle access serving a single development. This is because more than one, unjustified, vehicle accesses serving a development create more potential conflict points between vehicles, the HA aims to reduce conflict points or not allow them to occur unnecessarily. To support a second vehicle access on the basis that because there are no recorded accidents so more vehicle accesses is acceptable is nonsensical, especially given in previous submission the applicant stated, "the expected vehicle trips generated by the proposed site are considerably lower than the existing use" and "car showroom and garage could be expected to generate 11 and 6 vehicle movements in the AM and PM peak hours respectively", there is no justification.

It would also set a precedent for other developments to apply for more than one vehicle access exacerbating highway conditions.

It should be noted the existing northern vehicle access, even though the visibility splays are substandard, was acceptable because it was an existing vehicle access and that the proposed use would generate far less trips than the previous use.

The TTN states that a "two weeklong ATC speed surveys were undertaken along Damask Green Road, between Monday 3rd June and Sunday 9th June 2024.", and from that northbound 85th percentile speed of 31mph was recorded at the southern site, requiring a visibility splay length of 67m; while a southbound 85th percentile speed of 37mph was recorded at the northern site, requiring an 89m visibility splay."

Damask Green Road features a single lane carriageway, speed limit of 60mph,

DMRB: Design Speed of Major Road (kph/mph) - 'y' Distance (m)

50/31 - 70

60/37 - 90

100/60 - 215

It should be noted that given the speed limit is 60mph and the stretch of the road fronting the southern vehicle access is relatively long and straight, there are no physical measures to restrict speeds other than driver behaviour, it should be further noted that vehicle speeds were recorded at between 43 and 50mph within the legal speed limit, therefore the only relaxation would be visibility splays commensurate to 50mph.

It is unclear the purpose of the northern ATC which was placed approx 250m north of the proposed southern vehicle access. An ATC should have been placed just a few meters north of the proposed southern vehicle access.

In view of the above comments the HA would not support the proposal for an additional vehicle access at the site's southern section.

Notwithstanding the above comments, the HA would also point out the following:

Detailed technical plans will be required to be submitted to the Highway Authority for approval, which show the detailed engineering designs and construction of the vehicle access including gradients, visibility splays and associated highway works where works are required within the public highway to facilitate a new vehicular access, and surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification.

A Stage 1 Road Safety Audit (RSA) for any revised access proposals will need to be submitted as part of application with particular attention to visibility splays.

The planning process seeks/provides the opportunity to improve conditions for both development and highway safety by applying current higher standards of policies, design, accessibility and safety to new developments, and not to retain and/or continue with past obsolete standards.

Access to developments should adhere to current higher standards of accessibility by all modes of travel as outlined in both local and national policies, guidance's, and regulations.

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

29 July 2024