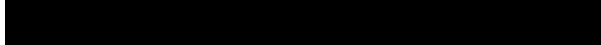


**GREEN END
8 GREEN LANE
ASHWELL
HERTS
SG7 5LW**

18th November 2024

Attn Melissa Tyler
NHDC Planning



Dear Sirs,

Re 24/02214/FP Land to rear of 7 Green Lane, Ashwell Herts SG7 5LW

We write to **object** to the above application. There are several points of issue with this application and these are summarised below and then set out in more detail:

- The proposed scheme has no prospect of access and therefore not deliverable
- The Highway safety impact of the proposals in this application is materially no less than in the previous schemes proposed to be accessed off Green Lane which were both turned down at Appeal: - **the impact is therefore “severe” and in accordance with the NPPF, development should be prevented and refused**

Background.

There is significant history of attempts to secure planning permission to develop land off Green Lane. Most recently there were 2 refusals which were both considered at Appeal and subsequently rejected in 2016 and 2018. In both Appeals a very significant element was the issue of Highway safety.

Following the determination of the 2018 Appeal, there remained considerable uncertainty within HCC Highways Boundaries and Land Charges team as to the status of Green Lane and whether there were any highway or other public rights of access over it. As a result the residents of Green Lane had to commission independent Legal and other Expert highway advice to challenge HCC. This culminated in HCC commissioning its own detailed investigation which reported on 24 February 2020 and which confirmed that Green Lane is neither a Public Highway nor do any Public Rights of Way exist over it. The Principal Solicitor for HCC Legal Services confirmed that any response from HCC to future enquiries would confirm this.

We were surprised and dismayed to discover that NHDC and HCC have been providing pre-app advice and that you are now in the process of considering a planning application on this site which would be relying on access from Green Lane without any reference as to the actual ‘highway status’ of the lane nor how access can be obtained and the proposed scheme delivered.

We had been attempting to secure some clarification from HCCH since August this year, but received no response, it was only through the intervention of our HCC Councillor Steve Jarvis that we finally managed to get some feedback 31st October 2024 that the officer concerned was aware of the status, but as a result we were informed that any response from Highways may only relate to the junction of Green Lane, where it joins with Station Road (that being Public Highway).

The access proposed for the Scheme

In light of this application being made, we have had to obtain legal advice in respect of property law from Gunner Cooke in the City of London (in terms of ownership of Green Lane, access rights and enlargement of any easements over it). We have further obtained legal advice in respect of planning law from Winckworth Pemberton in respect of the materiality of impossible access arrangements. The advice received has been unequivocal.

Green Lane is private, with no public rights of way. There is no individual owner of Green Lane and under the established legal doctrine *Ad Medium Filum* each of the property owners along Green Lane owns half way across the lane, for the width of their frontage. The only rights of access are those enjoyed by the various owners on the lane which have been acquired by prescription and exist to facilitate the respective existing uses of those properties. However none of those properties are individually entitled to enlarge the rights of their easement of access over the lane without the consent of the various owners concerned. A development of part of No 7, as envisaged in the application would constitute 'Enlargement' of that easement and therefore would require the consent of the owner (s) of the various frontages along Green Lane. We wrote to the applicants on 6th August 2024 (cc'd to NHDC planning) confirming this and that letter formally informed them that the owners of 5, 8, 10, and Baldwins Corner will not be granting any form of consent to enlarge or vary the easement of access of No 7. We understand that the owners of No 3 and the freeholders of the Maltings will be similarly confirming that no consent over their respective frontage ownerships will be granted.

Prior to determining this application, NHDC has therefore now been provided with confirmation that there is no prospect at all of access being provided to facilitate this development and if any planning permission was granted it would therefore never be deliverable. This is recognised as a material planning consideration. As with the 2018 Appeal, there are no alternative means of being able to deliver suitable access and therefore even contemplating a Grampian condition in respect of access would not be applicable as NPPG states that such a condition should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission.

A great deal of reliance has been attached in the applicants' Access/Traffic statements on a pre app meeting held 12 March 2024 with a Paul Marshall from HCCH. Having now had the opportunity to review the notes of that meeting absolutely no mention was made by anyone present as to the status of Green Lane and the ability to access off it. Given the very extensive history referred to, we find this appalling and unprofessional (whether deliberate or not). The applicants cannot claim to have no knowledge of this

as the current owners/residents of 7 Green Lane were fully engaged and involved with all of the other Green Lane residents throughout the various objections to the previous planning applications and Appeals, as well as the subsequent challenge of HCC (as they contributed along with other residents to the costs of obtaining our expert and legal advice).

Courtesy of the intervention of our County Councillor, we now know that the Highways officer was aware of the status, however we are equally mystified as to why the officer neglected to refer to the history and status and further that no caveat was provided as to in what capacity HCCH was providing pre app advice in respect of Green Lane, other than in respect of its junction with Station Road and Lucas Lane, ie the Public Highway.

Highway Safety of Green Lane

Our greatest concern whenever any proposed scheme of development off Green Lane has arisen has always been in respect of the various safety issues which would arise from any intensification of vehicular use of Green Lane. None of the previous applications, nor the present subject, have properly taken into consideration the extent of the current usage of the Lane and the physical limitations of it.

There are 30 car spaces in active use in the Maltings and a further 12 in active use in the other 6 houses which front Green Lane. To these must be added the vehicular servicing of the horse paddock adjoining Baldwins Corner (3 per day), and tractors which are used to work the field behind 8 & 10. Finally there are the other various cars parked outside No 3/5 which are owned we believe by residents of Station Road, who are unable to park outside of their own houses due to the yellow line restrictions which were put in place several years ago as a road safety measure. The number of couriers and other online delivery service vans which visit regularly to service 28 households in addition to Refuse and postal services further add to this.

Green Lane does not safely service even this existing highway/pedestrian need. For the applicants' Traffic Statement to blandly cite TRICS data from "similar developments" in South East, East Anglia and Yorkshire and state 'the scheme will not have a noticeable impact' does not reflect this factor at all. The addition of 17 more cars with the added servicing which households now generate **will lead to severe harm** to the safety of the very peculiar characteristics of Green Lane.

Both the 2016 and 2018 Appeals which determined the "severe harm to highway safety" had considered all of the traffic issues arising in great detail and both Inspectors noted the prevalence of cars parked at the wider section of Green Lane nearer to the junction with Station Road. This situation remains a live issue every day and in addition there are frequent instances at weekends and some weekday evenings (coinciding with events on the Recreation Ground) when there is intensive car parking along Lucas Lane either side of Station Road and as many cars as can be squeezed onto Green Lane. We **attach** photo records which we have submitted in connection with previous applications, as well as some very recent photos which demonstrate the issue is unchanged. In determining any application using Green Lane as access therefore it is vital that full

consideration is made of the actual intensity of existing usage, this was clearly noted by both Inspectors.

Impact: cars generally parked at most times of day on the wider section of Green Lane mean that almost the entirety of the Lane is effectively single width.

Existing Visibility Splays on Station Road/Green Lane

We also take issue with some of the other statements made in the Transport /Access Statements. As to the adequacy of the visibility splays at the Green Lane/Station Road junction- in 2015 we commissioned a leading traffic safety consultant Tristan Brooks BSc (Hons), MBA, CMILT, MCIHT, MSoRSA, to review the safety highways issues generally whilst also reviewing the planning application under consideration at that time. He reported that

“The visibility splays at the Green Lane/ Station Road junction to the northwest of the junction are considered to be satisfactory i.e. in excess of 43 metres at an x distance of 2.4m from the give way line of the junction, which is inline with the guidance on this matter contained within Manual for Streets (MfS).

The visibility splays to the south-east of the junction [towards Lucas Lane and Ashwell Station] are approximately 22 metres which **is significantly below the required guidance** contained in MfS for a highway operating under a 30mph speed limit.”

The residents of Green Lane unfortunately frequently experience ‘near miss’ incidents with cars exiting the Maltings car park and cars travelling along Station Road from the South East (westbound). At recent residents’ meetings/functions we have discussed the need for extreme caution when approaching and joining Station Road. Appendix D of the Applicants Traffic Statement sets out the Traffic Survey data collected in one week in June- this shows an average of 1174 cars pass this junction every day! Whilst there has thankfully been no recurrence of the fatal accident in 2007, there remain a steady incidence of near misses at these junctions. We wish to emphasise that the accident data cited in the applicant’s Transport Statement would only include incidents and accidents which have been reported to the Police.

We also draw your attention to the HCC pre app notes item 7.3 which recorded that “it is still possible that this junction [Station Road/Green Lane] is sub-standard in visibility terms...” But the meeting then sought to identify a workaround by agreeing that this would not be a significant issue if the “existing safety record is ‘good’” and the “impact of the proposal on operation was immaterial”. This seems to directly contradict the findings of 2 separate planning inspectors who both concluded that the physical characteristics of Green Lane are such that increases in traffic arising from new development in previous schemes would have resulted in severe harm in terms of vehicle and pedestrian safety. Given that the 2018 Appeal scheme was only for 2 more units that being proposed here, we consider that were NHDC to agree to have this vital highway safety point simply brushed aside it would be contrary to the findings of the 2 previous appeals.

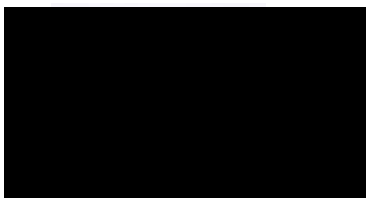
The application seeks to draw a large distinction with the faults of previous proposals by the use of 2 lay bys :to the North of No.7 Green Lane and the second as part of newly formed entrance to the proposed scheme. In addition 2 pedestrian refuge areas are proposed. All of these measures are located north of No 7 , as a result they have **no impact** on the narrow stretch of Green Lane starting at No7 and extending south to outside No 3. As we have made clear here (and acknowledged and noted by 2 planning inspectors) the incidence of parked cars opposite the Maltings and down as far as (and often including) the visibility splays of the Station Rd junction, means that the entirety of Green Lane is regularly effectively single width. Cars parked in this area are beyond anyone's control (least of all the applicants) and as we residents frequently find to our frustration this renders navigation of this junction at times even more perilous.

In absolute terms the length of the narrow (to 3m) part of Green Lane from No7 to the beginning of No3 is approximately 50m and when the stretch including parked cars is included, this increases the entire length of single width to approximately 90m. As has been noted in earlier Appeals the Manual for Streets flags the danger of reversing manoeuvres and recommends a maximum reversing distance of 12m. Whilst longer distances may be considered where a road is straight, to quote the planning inspector “ .. a reversing distance of up to 70m would be considerably above the recommended maximum”. Both Inspectors determined that the severe harm arising to highway safety applied even though the schemes in question included provision for a refuse vehicle being able to turn in and out of the access road to the developments then proposed (as is the case with the current application).

In summary by today's standards Green Lane is in several respects already unfit for its current purpose of just serving the existing houses and flats as well as the agricultural and horse riding use- it would fail on several counts if it were proposed as a new form of access today. The Applicant's proposed scheme would intensify that use and there are no measures proposed or indeed available which could reduce, let alone remove the dangers to pedestrians and cyclists which that increased traffic would bring. This has been tested before in 2 previous Appeals.

For the all of above reasons we request the Committee to refuse permission in this case.

Yours faithfully



W S Rogers MRICS

Cc: Mr & Mrs R Masham, 1, Green Lane
Mr & Mrs A Munns, 3, Green Lane
Mr & Mrs P-J Gates, 5 Green Lane
Mr & Mrs C Powell, 10 Green Lane
Mr & Mrs M Lee, Baldwins Corner, Green Lane
The Directors, The Maltings, Green Lane

Appendix
Photos from 2018



Photo 1. Green Lane on street residents parking



Photo 2. Lucas Lane on street parking on typical Saturday

Photos taken November 2024

