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To: [Planning](#)
Subject: Planning application 6/2019/2165/HOUSE - Just House Coopers Lane Northaw
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Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

District ref: 6/2019/2165/HOUSE

HCC ref: WH/256/2019

HCC received: 17/09/2019

Area manager: Manjinder Sehmi

Case officer: Paul Marshall

Location

Just House Coopers Lane Northaw

Potters Bar

EN6 4NJ

Application type

Full application

Proposal

Erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing

Decision

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 recommends that permission be refused for the following reasons:

The proposed changes to the access by nature of limited visibility, gate position and proposed mitigation, will adversely affect the safety of traffic on the public highway and interfere with the free and safe flow of traffic locally. Proposals are contrary to Hertfordshire County Council LTP 4 Policy 5 (g).

The proposal is for the erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing. Comments: The Highway Authority has commented previously on a similar application. In a review of the plans it appears no further changes have been proposed therefore the previous comments remain in place as follows: Development proposals, as shown on Proposed Site Plan Drawing no. AR/A3/005 rev A, are unchanged to those considered previously under district reference 6/2018/1737/HOUSE, to which the Highway Authority provided comments, and recommendation for refusal in our response dated 08/08/2018.

As a correction to our earlier observation, there is evidence the site enjoys two points of access to the highway existing (with drawing AR/A3/003 placing this at the periphery of the drawing with only partial evidence shown. Attendance on site identifies an access serving the existing garage structure. The HA do not consider that the current application does not fully address the concerns previously expressed.

The site is situated on Well Road which provides a local access function within the road hierarchy and maintainable at highway expense. It is subject to a 40-mph speed limit and maintainable at public expense.

The inbound access relocates from a point measured 11.6m from southern boundary to a point 8.75m. Such a point is circa 20m from the junction of Well Road with Coopers Lane. Coopers Lane is a classified secondary distributor road (B156) subject to a speed limit of 40mph. Secondary Distributor Roads Rural secondary distributors connect the important rural settlements to each other and to the Main Distributor network. They are the main access roads to rural areas.

Presently, existing vehicle access provide set back of 5.6m (partially metalled) from carriageway edge, with gates opening inwards, with such arrangement enabling vehicles to fully wait clear of the highway in order to operate gates such as to not present a hazard to other road users. The secondary access, at northern boundary of the site provides single width driveway to garage structure with no opportunity for vehicles to manoeuvre in order to leave in forward gear. Despite such an arrangement being potentially prejudicial to highway safety, particular noting the limited width and obscured visibility due to foliage either side, a review of accidents (5 years rolling to date) identifies no recorded accidents associated with the site.

Development proposals relocate vehicle access 7.5m away from this point, and the effect of the two accesses enables a 'carriage' drive arrangement enabling vehicles to enter / progress and leave. Such an arrangement has the potential replace a particularly substandard existing access onto Well Road, with one that whilst not to current standard is improved to existing, it has not been demonstrated within this application as sufficiently beneficial to enable the HA to support.

The proposal for gates at the south east access of the site would require vehicles leaving Coopers Lane to effectively park within close proximity to the junction whilst operating the gates, this would interfere with the primary purpose of Coopers Lane, and / or interfere with vehicles leaving Coopers Lane into Wells Lane contrary to its' purpose. In respect of the proposed gates Para 1.9 of the Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 4 – Design Standards and Advice, Chapter 1 – Road Design Criteria requires that if security or other types of gates are provided on residential premises, they shall be sited at least 6m from the highway boundary or back of footway as appropriate (such requirement is not constrained to hierarchy of roads). This is to enable vehicles to draw clear of the highway in order to operate the gates. However, Para 1.9 of the Roads in Hertfordshire states it shall be acceptable for the inbound gate to be set back 5.5m from the highway boundary if the gates open inwards or are in the form of a roller and therefore applicable in this case.

Whilst it is understood that the applicant is suggesting mobile phone gate opener (by reference to drawing AR/A3/005 rev A), such mitigation is only of any value to the owner occupier, and such facility would unlikely be available to guests / trades / deliveries etc to the site. As a result, all such vehicles shall be required to wait whilst operating gates. Whilst details of a means of operation using a mobile phone are submitted, such use requires the dialling of a number, and the HA would observe that it is an offence in the UK to hold a mobile phone whilst driving and introduces risk of contravention (particularly for visitors that may become authorised to operate the gate, but unfamiliar with such requirements). The proposed control measure for opening of gates is not considered appropriate mitigation for ensuring gates are open for all arriving vehicles to ensure no obstruction to the free, safe and unobstructed use of Well Road, in close proximity to the junction with Coopers Lane.

The HA would observe that the applicant suggests use of convex mirror (located adjacent to the egress) to overcome local deficiencies with visibility. The HA do not support or accept the use of such measures. The Hertfordshire Speed Management Strategy (March

2014) does not identify their use as an acceptable aide to visibility, nor are such measures identified within DMRB / TSRGD / MfS or any other guidance. The HA would observe that the mirror is shown outside of the red line boundary of the application, nor evidence that it is within blue line (i.e. land within applicants' control). Their installation is shown within the limits of the highway boundary. The Highway Authority cannot accept any unauthorised structure within the Highway and would require any such installation to be removed. Mirrors, without adequate maintenance become dirty and cease to be effective, as well as being a potential source of vandalism. The HA shall not maintain such a third-party installation within highway land, nor (for the above reasons) enable it to be licensed.

Details are not shown on the use of hazard lights – are these to drivers emerging, or drivers on Well Road? It appears to be located within / upon the exit gate pier, but orientation is unclear (drawing AR/A3/006 is unclear on this point). The HA would present a significant concern that in an unlit location such as Well Road, the flashing of such lights (colour unknown) will be unexpected, their purpose unclear, and may give rise to driver confusion and distraction, in proximity to a junction. Further detail on lighting is required.

Applicant has failed, despite observations made to the 2018 application, to provide any details of visibility available from the access points. Whilst railings may enable a degree of permeability, however the current boundary features heavy foliage and at back edge of highway boundary, to a considerable height. Drawing AR/A3/006 appears to show these retained and to a height of approx 3m. Visibility is therefore restricted, in both directions, to any vehicles leaving the site.

Development proposals shall result in insufficient visibility between users of the proposed new egress and other users of the highway, and insufficient evidence is submitted to suggest that its' implementation carries any benefit.

Highway comments to the 2018 application identify that visibility of 66m measured 2.4m back from the carriageway edge are required for a 40mph road. It is appropriate to note that Hertfordshire sets out its' approach to visibility requirements for new accesses within Roads in Hertfordshire – Design Guide 3rd Edition – Section 1 Policy Information and General Guidance, Chapter 1 Introductions, Standards and Informal Consultations, para 1.4. It states Primary and Main Distributor roads (A and B class roads), carry large volumes of traffic and freight. In general, the standards set out in DMRB should continue to be used on roads which are classified as Primary or Main Distributor roads, and other routes subject to large volumes of traffic. The 2018 response applied MfS standards.

The applicant has – however – failed to demonstrate that visibility of 66m, in both directions, measured from a point 2.4m back, and the Highway Authority would observe that boundary treatment prevents this requirement from being satisfied. The Highway Authority shall not permit the creation of a new access at this time.

No detail is shown on materials to be used for driveway, the HA would expect that appropriate means are taken to ensure that mud / gravel etc is not permitted to track out onto the Highway, as this would be contrary to the Highway Act and hazardous to vulnerable road users (particularly cyclists).

The application is supported by a Design and Access Statement (unaccredited). I do not consider it necessary to respond to the points contained within, however, would note that interpretation of previous comments is incorrect. The HA require gates 5.5m back and references to 2.4m pertain to visibility. Visibility, as directed, is visibility between users of the access and vehicles approaching the site, with distances defined as the necessary define to undertake slowing / avoidance action as necessary at the expected speeds of the road.

On submission of details in respect of landscaping and scaled drawings of visibility available at the egress (and I am satisfied that the use of an 'x' distance of 2m may be appropriate with justification), I shall be pleased to review the above recommendation, however, noting that the application has failed to address any of the concerns presented by the Highway Authority in its' response to 6/2018/1737/HOUSE, I maintain our objection.

The Highway Authority recognise that the existing situation represents a poor form of vehicle access, and further recognise the potential benefits of the carriage arrangement proposed but in the absence of improvements to visibility (not attributable to use of mirrors) and application of the Highway Authorities current specification for a new access, the objection cannot be changed at this time.

Paul Marshall

Date 18/09/2019

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