

**PLANNING APPLICATION 4/03324/17FUL
REAR OF 5 TRING ROAD, DUDSWELL**

BACKGROUND

I, Cllr Lara Pringle, am ward councillor for Northchurch, elected in March 2018.

I am supporting the residents who are opposing this development on the general grounds of **road safety** and **over-development**.

There are also concerns about the accuracy and integrity of the applicant's plans as highlighted in the residents' submissions. One of the residents is a qualified engineer and has concerns that there is a significant difference between the plans and the on the ground measurements.

The residents called for the planning officer to attend to take independent measurements but this was declined.

The residents have cited over development and I support their representations on these points, summarised below. There is no need to repeat the points the residents have eloquently and forcefully made here.

I am concerned about the road safety implications of this development and submit that there are unusual circumstances surrounding this application (the HCC motion attached at Annex A – item 4 on page 3)

ROAD SAFETY CONCERNS INCLUDE:

- Increased and unacceptable severe risk to the safety of road users and pedestrians around the junction of Tring Road and Dudswell Lane
- Unsafe and unsuitable lengthy single track entrance to the development using the pre-existing driveway of number 5 Tring Rd (applicant's property) with a narrow bellmouth exiting onto an already hazardous multiple junction adjacent to bus stops
- Inadequate parking for the number of properties **in the context of the surrounding road network**
- Exceptional circumstances surrounding this stretch of road which was the subject of a Hertfordshire County Council Motion ¹ on 27 March 2018 which has not been taken into account by the Highways officer

OVER DEVELOPMENT:

- Density of the development at 21dwellings/ha is 28.6% above the recommended figure of 15 dwellings/ha set out in BCA19
- The local developments taken for comparison can be distinguished from this development as set out with clarity by residents in their submissions
- **This is a tandem development** – DBC Area Based Policies 2.6.4 describes Tandem Development as the most inefficient, problematic and unsatisfactory form of back

¹ Annex A

land development and says that it is the council's view that this is a generally unsatisfactory form of accommodating new housing

1) This is already an extremely complex junction as highlighted in my letter to HCC Highways officers sent on 6 April 2018 ²

- a) When I was elected in March 2018 I was aware that Highways had already considered the development acceptable stating *'the proposal would not have an increased impact on the safety and operation of the adjoining highways'*
- b) Having considered the application I realised that a number of important circumstances had not been taken into consideration, namely:
 - i) The single track entrance to the cricket ground which effectively forms a cross-roads with 5 Tring Road and which is also on the junction between Dudswell Lane and Tring Road, **is also used as a kindergarten**, with up to 20 cars using the junction at peak times.

The photo below shows the entrance to the kindergarten at the Dudswell Road junction marked in yellow. A blue vehicle can be seen emerging from the single track entrance. This is directly opposite the entrance to the proposed development



² Annex B

*The image below shows that family sized cars waiting for oncoming traffic to leave the kindergarten/cricket club will be positioned so that the rear of the vehicle is within the carriageway of Tring Road
This is directly opposite the entrance to the proposed development*



- ii) There is currently a planning application underway for the telephone repeater station opposite the entrance to be used as a storage facility reference: **4/00537/18/FUL**. This will inevitably mean that the dropped kerb, unused for some significant time, will be used by vehicles moving goods

The photo below is taken from the proposed entrance to the development, marked below in yellow with a line at A. It shows a vehicle turning right from Dudswell Lane into Tring Road. Point B shows the entrance to the telephone

repeater station which is subject to a separate planning application. Although it has a dropped kerb already, it is currently unused and has had an overgrown driveway for a number of years. The planning application is for it to be used as storage, meaning vehicles will enter at the entrance marked B. The entrance to the cricket club/kindergarten is marked C and is a single track entrance. 20 vehicles will use this between 0800-0900 to drop off children and again between 1630 -1800 to collect them



The photo below shows the overgrown entrance to the telephone repeater station (B) which is currently unused but which will form an additional element of this complicated junction. Entrance to Kindergarten is at (C) and entrance to proposed development is shown at (A)



- iii) There are no pavements on the Tring side of the opposite driveway (A).
The photo below shows at (A) the lack of pavement on towards Tring on the opposite side of Tring Rd to the development entrance at (C)
(B) is where the junction with Dudswell Lane/telephone repeater station and cricket club/kindergarten is sited
(D) is neighbouring driveway
(E) is the layby bus stop
(F) is a 3 way shared driveway next to Lyme Avenue entrance
 Just behind the approaching white car is a driveway to a property, beside which is a bus stop



- iv) There is no pavement suitable for crossing the road on the 5 Tring Road side in the direction of Northchurch. The pavement is behind a bus stop lay-by and then ends as shown in the two photos below. These show that the pavement in the Northchurch direction is behind the bus lay-by until the junction with Birch Road, after which it runs out

(A) is entrance to Dudswell Lane; (B) is bus stop; (C) is entrance to development site; (D) is bus stop lay-by adjacent to development site; (E) is Birch Road



Image above A is Birch Road looking away from development towards Northchurch – the pavement on the 5 Tring Road side ceases at Birch Road

- v) This means that people, many of whom are school children, who use the bus stops adjacent and opposite to the entrance to the development have a very narrow corridor in which it is possible to cross the road. It is not safe to cross within the bus stop lay-by, so bus stop users can only cross directly opposite the bus shelter in the shaded area shown below

(A) shows a vehicle emerging from the proposed development. Up to 15 vehicles will use this junction, as well as refuse lorries and delivery vans; The shaded area at (B) shows the only corridor where there is pavement on both sides and therefore the only place where people using the bus stops can cross the road. It is clearly adjacent to the entrance to the development



The photo below shows the bus stop opposite the proposed development with the shaded area (A) the only safe corridor in which it is possible to cross with usable pavement on each side. The line (B) shows the entrance to the proposed development



vi) On 6 April 2018, I wrote to HCC highways drawing their attention to the general road traffic circumstances that had not been taken into consideration at the time of the initial assessment and the case was further considered. I drew the HCC Highways officers' attention to the high level of public concern about road traffic safety in Northchurch over the years which is increasing; this has led to a petition signed by 2 160 people being presented to Hertfordshire County Council on 27 March 2018. It also led to a motion being carried specifying this part of the road as an area of concern.

2) In addition to the points raised by me on 6 April, it was already apparent that there would be an increased risk to the safety of road users and pedestrians around the junction of the development:

a) The entrance to the development is a single track driveway currently serving one property where 3 vehicles can currently park. The development will add a further 12 parking spaces meaning that up to 15 cars will use the single track driveway. These cars, as well as other vehicles associated with the new development will cause additional pressure on an already dangerous and cluttered junction.

b) The shared driveway is too narrow to enable two cars to pass. It will be approximately 60 metres long. Although the junction between the driveway and Tring Road will be improved by creating a bell entrance and visual splays, this does not provide sufficient space for a car to enter the junction whilst another is waiting to leave. There is a passing point planned some 15 metres into the driveway, but this will not assist vehicles turning into the driveway if a vehicles are already approaching the exit.

c) **This is likely to lead to the following unacceptable access risks:**

- i) **that drivers who have entered the shared driveway will be tempted to reverse onto the main road or into the bus layby if there are a number of vehicles approaching from the development, or if someone misuses the passing point to park their car**
- ii) **that drivers waiting to turn into the entrance of the development will have to wait for a number of vehicles to leave the exit before they can turn into it, causing traffic to back up in either direction. This will be particularly difficult if it backs up in the Tring direction, causing congestion to the junctions at the Kindergarten/cricket club as well as the traffic using the 3 way shared driveway at numbers 7, 9 & 11 Tring Road.**
- iii) **That pedestrians, particularly those using wheelchairs or with prams and young children will not safely be able to use the driveway if vehicles are entering or leaving at the same time – there is no space for a separate walkway**

3) INADEQUATE PARKING IN THE CONTEXT OF THE LOCAL ROAD NETWORK

Although on initial consideration the allocation of 3 spaces per property would seem to be adequate, there are concerns about the impact of the development attracting parked cars to the road network in an area which clearly cannot cope with additional car parking.

The applicant resides at 5 Tring Road which currently has a drive way sufficient to park 3 cars, but at a recent event a number of cars were parked on the street in the lay-by bus stop and at a dangerous point. Despite there being a total of 12 parking spaces it is likely that there will be occasions were parking will spill onto the roads demonstrated by these recent pictures taken outside the proposed development where 6 or 7 vehicles appear to have been parked:





- 4) Having drawn the concerns outlined above at (1) b (i) – (vi) to the highway officers' attention, in the context of the points already apparent at 2 (a) –(c), the HCC highway officer has responded with the advice ³ that:

'The National Planning Policy Framework, paragraph 32, states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".'

and

" I do not find that any of the points raised indicate that this application should be refused on transport grounds where the residual cumulative impacts of development are severe."

This appears to be a different test from that referred to at paragraph 9.4.1 of the planning officer's summary which quotes the Highway Authority as stating:

'..the proposal would not have an increased impact on the safety and operation of adjoining highways'

and paragraph 9.4.3 which states:

'The proposed development would provide satisfactory access that would result in no significant adverse impacts on highway safety or the free flow of traffic on the local highway network...'

- 5) Most reasonable people would consider that there is quite a spectrum between 'no significant adverse impacts' and 'a severe impact'. It is not clear whether this is a matter of semantics - If by definition of the National Planning Framework the impact of the development can only justify refusal of the application if it is 'severe', then it follows that unless the impact is 'severe' it is not 'significant' – or whether the Highways Authority has, in the light of the further information determined that there will be some residual impact, but that it will not be 'severe'

However it is clear that the test applied, following the further information provided about the complexity of the junction was the high threshold of 'severe risk'

I am concerned at the following analysis from the highways officer:

'As regards road safety, regardless of the number of users, bus stops, laybys and junctions on this stretch of highway, only one accident involving injury has been recorded in the last 10 years in the vicinity of the site: opposite the bus stop facing number 7. This occurred on 17 June 2012 and is recorded as "slight", indicating that there were no fatalities, and was not related to the road or traffic conditions at the time.'

This appears to demonstrate some disregard for the risks clearly presented by the evidence of the complexity of the existing junction (*"regardless of the number of users, bus stops, laybys and junctions on this stretch of the highway..'*) and adopt a view that that the only basis upon which risk should be measured is the number of historic incidents, rather than the clear hazards which are apparent to anyone who observes the operation of the junction

³ Annex C

for any significant time (incidentally, the officer later agreed that the year of the incident was 2016 and not 2012).

It appears from the language used by the Highways Officer that the final test applied is that of 'severe risk' and that some risk was therefore acknowledged and the Summary at 9.4.3 that '*The proposed development would provide satisfactory access that would result in no significant adverse impacts on highway safety...*' is overstated.

I would suggest that, as Highways Officers did not visit the site or observe its operation as part of the assessment, then it is right that the Development Management Committee members can form a view as to whether there has been margin for error in the assessment of the risk on the spectrum between 'some risk' and 'severe risk'

- 6) The question then arises, if the test applied was whether there was 'severe risk', was there anything that could or should have been taken into consideration and which was not taken into consideration which would have made a material difference between 'some risk' and 'severe risk'?
- 7) I would suggest that proper consideration of the following would make the difference:
 - a) The impact of the telephone repeater station coming into use has not been given significance, as it already has a dropped kerb. This ignores the clear evidence that this building and its access point has been derelict for some years, and has not been in use at all. This means that it is irrational to disregard the bearing of its future use on the operation of the junction, as its impact has been assessed as though it were already in use.
 - b) The Highways officer has not visited the scene and will not be aware that when family sized vehicles are waiting to turn right into the kindergarten, the rear of the vehicle protrudes into the carriageway of Tring Road until the turn can be made – which is directly opposite the development
 - c) The plans provided by the applicant suggest that the pavement continues up Tring Road opposite Lyme Avenue. This is patently not the case, meaning the 'corridor' in which users of the bus stops can cross is much more limited than the plans suggest and is right beside the access to the proposed development.
- 8) Most significantly, on the point of the recent high level of public interest in road safety in Northchurch, resulting in a petition, the highways officer responded:

"I am aware of the petition presented to HCC on 27 March 2018, which is being handled by a colleague, Mr Ed Fisher, here at HCC. The issues of road traffic safety measures in Northchurch raised in this document are not specifically related to the specific proposals of this development."

This is not strictly the case and this has been pointed out to the Highways officers on 28 and 29 April, but to date I have received no comment or response on this.

Following the presentation of the petition of Northchurch residents to Hertfordshire County Council on 27 March 2018, there was a motion, unopposed and carried by the full HCC, to the effect that:

The executive member be requested to consider road traffic ...conditions in Northchurch.... ‘...and authorise the officers to carry out further traffic studies with a view to implementing traffic calming measures and a speed limit of 20 mph along the A4251 from Pea Lane to Billet Lane and up New Road to a point just to the north of Bridgewater Hill ...’

The clear implication of this is that the area in question, the Tring Road junction with Dudswell Lane and junction with the entrance to 5 Tring Road, is part of the area specified in the motion carried by HCC councillors.

This motion was clearly carried because of exceptional concern about the road traffic safety conditions in Northchurch and it would therefore have been appropriate for the Highways officers to demonstrate that they had taken the concern of the HCC councillors into account.

9) On 28 April I wrote to the Highways officers with reference to the motion:

‘The councillors considering the motion therefore determined that the area of concern began, from the Tring direction, at Pea Lane and thus included Tring Road at the junction with Dudswell Lane, where the access to the development is situated. The wording of this motion demonstrates that the concerns of the local population regarding road traffic safety in Northchurch are endorsed unanimously by HCC for the area which includes the relevant location, namely the stretch of Tring Road where the junction with the development will be situated at the junction with Dudswell Lane.

On the face of it this would seem to be related to the specific proposals of this development as these regard the road safety at the junction.

I wanted to bring this to your attention so that the residents can be sure that you have taken the full wording of the HCC motion into account and that you were cognisant of the fact that the junction is within the area of concern identified by HCC when you reached your decision.’

To date I have had no response from the Highways Officers. I would suggest that this amounts to an unusual and exceptional set of circumstances where the Highways officers have not taken into consideration the concerns expressed by the HCC in the motion carried on 27 March which is very specifically related to Northchurch and it’s exceptional circumstances and which very specifically relate to the junction in question as it is on the A4251 Road between Pea Lane and Billet Lane...

10) I would urge the councillors to take into consideration the following:

- a) The evidence of the exceptional complexity of this junction – there are already some 7 junctions that children and elderly people crossing the road would have to check, aside from driveways used by single residences and the entrance to 5 Tring Road. The addition of 12 vehicles to make the total sharing this driveway 15 will mean that it will become almost impossible for the elderly and children as young as 11 to safely cross the roads in the ‘corridor’ opposite the bus stop.
- b) The number of objectors to this development who are not immediately affected by the development but who have taken the time to register concerns about the road safety indicates the reality of public concern
- c) The number of vulnerable people who are using this junction – elderly people and school children using the bus stops and young children being taken to kindergarten

- d) The lack of a site visit by the highways officer
- e) The very strict threshold which has been applied to risk assessment, namely that the risk has to be 'severe' and that evidence of complexity of the junction has been overlooked because there is apparently insufficient evidence of serious injury incidents at this precise point
- f) The evidence of concern of the HCC over this very stretch of road, cited in the motion of 27 March
- g) The permanent and irrevocable nature of the development: - If this does create an unacceptable hazard at this junction, the hazard will not be removed and generations to come will have to live with the consequence of this decision

And find, exceptionally, that on this occasion, there is a severe risk to road safety and to reject this development

OVER DEVELOPMENT:

The residents have made some compelling written arguments to establish that this is a case of over development. I endorse their representations and support them, but will not repeat them here.

The residents dispute the accuracy of the plan measurements on the ground and claim that given the measurements on the ground and the inclusion of hedges and fences mean that the driveway will have to move towards the property at 5 Tring Road. This will mean that for sufficient width to be available for a fire engine to enter the property, the distance from 5 Tring Road would be extremely narrow and may have to result in alterations to number 5

I have spoken to the residents and have formed the view that they are realistic about the general need for development and would have accepted a smaller scale development of 2-3 chalet bungalows as initially suggested by the planning officer. This would have had the advantage of providing more parking space at the sides of the properties and avoided the need of creating a car park within the development, backing on to the residents' gardens. The residents are perplexed by the planning officer's decision to support 4 residences when he had originally suggested that 2-3 chalet bungalows would be suitable.

- Density of the development at 21dwellings/ha is 28.6% above the recommended figure of 15 dwellings/ha set out in BCA19
- The local developments taken for comparison can be distinguished from this development as set out with clarity by residents in their submissions
- **This is a tandem development** – DBC Area Based Policies 2.6.4 describes Tandem Development as the most inefficient, problematic and unsatisfactory form of back land development and says that it is the council's view that this is a generally unsatisfactory form of accommodating new housing

