

Reference No: 5/14/3049

Valid Date: 10/11/2014

End of Stat Period Date: 04/01/2015

Case Officer: Thomas Wilson

Report Written Date: 02/07/2015

Applicant: Burston Nurseries PLC Burston Rose & Garden Ltd**Proposal:** Improvement to site access and introduction of new signal controls**Site Address:** Burston Rose And Garden Centre North Orbital Road Chiswell Green
Hertfordshire**Ward:** ST STEPHEN**Parish:** ST STEPHEN**Constraints:**

Motorway

Metropolitan Green Belt

Landscape Development Area

Area of Special Control for Ad

BACKGROUND**Site / Surroundings:**

The application site comprises the entrance to Burston Nurseries, a section of the North Orbital Road and adjacent land. The site is within the Metropolitan Green Belt.

The existing access consists of a priority junction. The junction allows movements into the site from both northbound and southbound traffic on the A405, with northbound traffic utilising a right turn lane and crossing over the southbound lanes. All traffic exiting the site turns left on to the A405.

Within the site the access road splits into two with one serving the commercial site and the other serving residential properties and a storage and distribution yard.

Proposal:

Planning permission is sought for the reconfiguration of the site access to and from Burston Nurseries and the installation of traffic signal controls.

Reconfiguration includes:

- New signal controlled access from Albany Mews to the North Orbital Road which is operated via an overhead sensor for vehicle traffic and standard pedestrian signals
- Adjacent to entrance to Burston Nurseries new signal controls on North Orbital Road in both directions and for right hand turning into Burston Nurseries and left hand turning exiting Burston Nurseries. This caters for both vehicle traffic and pedestrian crossing.
- New left turn lane and entrance into Burston Nurseries from North Orbital Road and Toucan traffic signalling.

Relevant Planning History:

None.

PLANNING POLICY

National Planning Policy Framework (NPPF) March 2012

SADC District Plan Review (1994)

POLICY 1	Metropolitan Green Belt
POLICY 34	Highways Consideration in Development Control
POLICY 69	General Design and Layout
POLICY 74	Landscaping and Tree Preservation

REPRESENTATIONS

Publicity: 26/11/2014

Expiry Date: 17/12/2014

Notifications:

The owner/occupier of Nos. 1-12 Albany Mews; Nos. 2-36 (evens) Willow Way; Nos. 1-25 (odds) Penman Close; Breydon, Broadview, Burston Manor, Hertfordshire Fisheries, Lyredene, Pescus, Starbucks, The Limes (Burston Manor), Deepset and Jemerold North Orbital Road; No. 10 Manor Drive and No. 91 Mayflower Road were notified on 17/11/2014.

Representations in support of the proposal were received from the occupants of No. 21 Cherry Hill, No. 10 Willow Way, St Albans Cycle Campaign, St Albans and Districts Footpaths Society and The Ramblers' Association.

Summary of representations:

- Reducing speed limit to 50mph is sensible and would improve safety
- Good safety measure for the pedestrians who access the garden centre from the other side of the road
- Would reduce short car journeys for those who live nearby but do not feel it's safe to cross the road
- Opportunity should be taken to create a shared cycle path along the A405 to the Noke roundabout. This is a missing link in a potential direct cycleway between Watford and London Colney along the A414 and A405.
- It would be sensible to make the A405 from Park Street to the M25 subject to 50mph speed limit as it is from M25 junction towards Watford.
- Would extend the 003 bridleway to link with 003a.
- Important facility for pedestrians, cyclists and horses to cross the A405
- Should increase the use of sustainable modes of transport
- There is no safe crossing point for pedestrians and cyclists between the footbridge at Tippendell Lane and the Footbridge at the Black Boy south of the M25 and neither of these is suitable for horses.
- The database for the County Council's Rights of Way Improvement Plan (ROWIP) includes a safe crossing at this point with the reference 6/226.
- It would be simpler and easier to just reduce the speed limit to 50mph

A representation against the proposal was received from the occupants of No. 23 Penman Close.

Summary of representation:

- Traffic lights would create a backlog to the Noke roundabout resulting in drivers using Watford Road to avoid the lights.
- Cars idling would create additional noise and pollution for residents

St Stephens Parish Council:

In principle we have no objections although there are concerns regarding traffic flow and other highway issues

Consultations:

Archaeology

No comment and no condition requested

Highways Agency

The HA is an executive agency of the Department for Transport (DfT).

We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport.

The HA will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN.

Having considered the proposals the Highways Agency have concluded that they have no objections and a TR110 is attached accordingly.

Hertfordshire County Council Highways

Notice is given under article 10 of the Town and Country Planning (General Development Procedure) Order 1995 that the Hertfordshire County Council as Highway Authority does not wish to object to this planning application.

Comments

Development proposal

The site is located on the A405 North Orbital Road at the junction serving the access to Burston Nurseries.

The existing access consists of a priority junction. The junction allows movements into the site from both northbound and southbound traffic on the A405, with northbound traffic utilising a right turn lane and crossing over the southbound lanes. All traffic exiting the site turns left on to A405.

Within the site the access road splits into two. One serves the commercial site, the other serves two residential properties and the B8 storage and distribution yard.

Development Proposal

The applicant makes the case that the existing access is not suitable for heavy vehicle usage due to the nature of its design, road conditions and speed limit. The existing junction is considered to be poor and as a result a cluster of accidents has been recorded. The proposed alterations include a proposal to reduce the speed limit from 70mph to 50mph and formalise the operation of the junction by introducing signal control.

Design Standards

The existing vehicle speed and speed limit dictates the suitability and design of a new signalised junction.

The applicant has included a lower speed limit of 50mph. At this stage the assumption is that a lower speed limit is intended to cover the section of North Orbital Road between what is commonly known as the Noke roundabout and the roundabout junction with Tippendell Lane.

However, it is generally accepted that simply lowering speed limits should not be used as a method to attempt to solve the problem of isolated hazards, such as reduced forward visibility. If the speed limit is set unrealistically low for the particular road function and condition, it may be ineffective and drivers may not comply. Department for Transport Guidance, Setting Local Speed Limits and Hertfordshire County Council Speed Management Strategy covers in detail the relevant criteria necessary to ensure appropriate speed limits cover the local road network.

One of the principal aims in determining appropriate speed limits should be to provide a consistent message between speed limit and what the road looks like, and for changes in speed limit to be reflective of changes in the road layout and characteristics. The A405 is covered by the national speed limit, 70mph for a dual carriageway. The area of the A405 surrounding Burston Nurseries does not include any significant changes in characteristics. Therefore, there is a level of uncertainty whether a lower speed limit covering the relatively short section would be acceptable without extending and/or including further measures.

If many drivers continue to travel at existing speeds following the introduction of the introduction of the signalised junction, the risk of collisions and injuries may increase and significant and avoidable enforcement activity would be needed.

The proposed speed limit will be subject to a wider design process and a Traffic Regulation Order, the results of which at this stage are not in direct control of the highway authority. Therefore, I would suggest a Grampian style condition is required to cover this point.

Capacity

The A405 is part of the County's principle 'A' road network, part of the primary network. Therefore, the function of the route is more strategic. It is important that delays to through traffic are minimised. The proposed traffic signals have been assessed and found to adequately function and queuing traffic suffers only minor delays and causes no wider problems to the surrounding network.

Accessibility

The pedestrian crossing facility incorporated into the junction design will provide a wider benefit.

Adoption

It would be normal to expect all equipment associated with the signalised junction to be accessible or within land classified as public highway. It is not clear from the application details whether all of the land is within public highway therefore it may be necessary to upgrade areas and dedicate as public highway.

Planning conditions

If the planning authority is minded to grant the planning application the highway authority recommends the following conditions,

Condition 1

No works shall commence on the site until the Traffic Regulation Order for a suitable speed limit has been secured by the Highway Authority.

Reason: In the interests of highway safety.

Condition 2

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing titled Proposed Signalised Junction – Preliminary General Arrangement Ref 1401-77 101 Rev B have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

If you require further assistance please email hertsdirect@hertscc.gov.uk or for information use our website www.hertsdirect.org. If you do not have access to email or internet please call us on 0300 1234 047.

DISCUSSION

Main Issues:

Are the proposed works development and do they require planning permission?

The Town and Country Planning (General Permitted Development) (England) Order 2015
SCHEDULE 2 — Permitted development rights
PART 9 - Development relating to roads
Class A – development by highways authorities

Permitted development

A. The carrying out by a highway authority—

(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(g) of the Act*; or

(b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.

Town and Country Planning Act 1990

55 Meaning of “development” and “new development”.

* (2) (b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road [but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

The works proposed are not to be carried out by a Highway Authority, but by a third party, therefore the proposal would fail to comply with the permitted development criteria.

The works do fall under development as defined within section 55 (2) (b) of the Town and Country Planning Act 1990.

Principle of development in the Green Belt

The subject site is located adjacent to Chiswell Green and within the Green Belt.

Paragraphs 79 and 80 of the National Planning Policy Framework (NPPF) notes that

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy 1 (Metropolitan Green Belt) stipulates that development in the Green Belt will not usually be given permission unless in very special circumstances or for (amongst other things) uses appropriate to a rural area.

Paragraph 87 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 90 of the NPPF notes that certain forms of development (other than exceptions to new buildings) are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

The proposal would primarily fall under an engineering operation. The additional hardstanding and traffic lights would have a limited impact upon the openness of the Green Belt given the existing context of the locality comprising of a main dual carriageway with street lights and associated vehicle traffic.

It is considered that the proposed development would preserve the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt and therefore is appropriate development in the Green Belt.

Visual amenity

The proposal would result in the loss of some soft landscaping and a long row of trees to accommodate the improved left hand access into Burston Nurseries. These trees contribute to the visual amenity of the area and screen the road from The Limes.

Were the application to be approved it is considered necessary to request further details of the hard and soft landscaping to ensure adequate soft landscaping is retained and appropriate provision of replacement landscaping is secured where possible.

Impact on neighbours' amenities

The large tree screen to the front of The Limes would be lost as result of the proposed development and the left turn lane would bring the road closer to the front elevation of the property (7.5m at its closet point). This would result in additional noise and disturbance, although the only limited weight can be afforded to the sound screening that the existing trees offer given they are not a permanent structure and can be lost through an unforeseen event.

Whilst there would be some traffic closer to the front of The Lime sit is not considered that its presence 3m closer would cause sufficient noise and disturbance above the present situation to justify refusal.

It is not considered that the additional noise and pollution from cars idling would be sufficiently greater than the noise and pollution generated at present to justify refusal.

Highways considerations

Policy 34 (iv) of the local plan states that new accesses to primary roads and main distributor roads (The North Orbital Road is a primary road) will normally be resisted, but where access is permitted a high standard of provision will be required. In this instance the access is existing and the proposals are improvements to this.

Paragraph 32 of the NPPF notes that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed junction would make access to the site safer for drivers, pedestrians, cyclists and horse riders and therefore accords with the NPPF in this respect. However, the proposal may have wider consequences on the road network.

The A405 (North Orbital Road) is part of the County's principle 'A' road network, which is part of the primary network and therefore, the function of the route is strategic. Consequently, it is important that delays to through traffic are minimised.

The Highways Authority have assessed the proposed traffic signals and found that they adequately function and that queuing traffic would suffer only minor delays and they cause no wider problems to the surrounding network.

The proposal also requires the speed limit to be lowered from 70mph to 50mph, which must be secured by a Traffic Regulation Order (TRO). One of the principal aims in determining appropriate speed limits should be to provide a consistent message between speed limit and what the road looks like, and for changes in speed limit to be reflective of changes in the road layout and characteristics. The A405 is covered by the national speed limit, 70mph for a dual carriageway. The area of the A405 surrounding Burston Nurseries does not include any significant changes in characteristics. Therefore, there is a level of uncertainty whether a lower speed limit covering the relatively short section would be acceptable without extending and/or including further measures.

If many drivers continue to travel at existing speeds following the introduction of the introduction of the signalised junction, the risk of collisions and injuries may increase and significant and avoidable enforcement activity would be needed.

It is therefore considered necessary to impose a Grampian style condition requiring no works to commence on the site until the Traffic Regulation Order for a suitable speed limit has been secured by the Highway Authority.

Planning balance

There have been five accidents on the highway in the past 5 years within the proximity of the site entrance. The proposal would reduce the potential for accidents and improve highways safety in the locality.

Paragraph 75 of the NPPF notes that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The proposal would allow access across this busy junction, which at present is difficult as there are no traffic lights along this section of the road. There is a pedestrian bridge further down the road near Tippendell Lane.

The proposal would help link the right of way 003 which ends when it reaches the North Orbital Road adjacent to The Limes with right of way 003a which ends on the other side of the North Orbital Road opposite the entrance to Burston Nurseries.

On-balance it is considered that the improved safety and connectivity that the proposal would afford would outweigh the loss of visual amenity that would arise from the removal of the trees and landscaping.

Comment on Town / Parish Council / District Councillor / Concern(s):

The Parish Council's concerns have been addressed in the main discussion above.

CONCLUSION

To include justification for recommendation and relevant development plan policies

The proposal is considered to be appropriate development in the Green Belt and would not be harmful to its openness. The proposed development would not detract from the character and appearance of the locality. There will be no adverse impact on neighbouring properties. There would not be an adverse impact upon highways safety subject to meeting the requirements of the attached conditions. The loss of trees and landscaping would be balanced by the benefits of the proposed development. The development complies with Policies 1 (Metropolitan Green Belt), 34 (Highways Consideration in Development Control), Policy 69 (General Design and Layout),

HUMAN RIGHTS CONSIDERATIONS

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998

RECOMMENDATION: Conditional Permission **Decision Code:** A1

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No works shall commence on the site until the Traffic Regulation Order for a suitable speed limit has been secured by the Highway Authority.

In the interests of highway safety. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

3. Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing titled Proposed Signalised Junction - Preliminary General Arrangement (Drawing No. 101 Rev B) have been submitted to and approved in writing by the Local Planning Authority.

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

4. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed hard surfacing materials; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.); existing trees to be retained; existing hedgerows to be retained.

To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

5. Soft landscape works required to be submitted under Condition 4 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted.

To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

6. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which are shown to be retained. These trees shall be protected during the implementation of the development in accordance with recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. In addition, drawings shall be submitted showing the layout of underground services. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.

To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: EL14 and EL14 Rev A received 23/10/2014; 801, 301 Rev A and 302 Rev A received 10/11/2014 and PL05 and 101 Rev B received 12/03/2015.

For the avoidance of doubt and in the interests of proper planning.

Informative(s):

1. This determination was based on the following drawings and information: Planning Report, Land registry plan, EL14, EL14 Rev A, Technical Note (Transport Planning Associates) received 23/10/2014, 801, 102, 301 Rev A, 302 Rev A received 10/11/2014, Stage 1 Road Safety Audit (Alpha Consultants), PL05, Designers Response Report to the Stage 1 Road Safety Audit (Transport Planning Associates) and 101 Rev B received 12/03/2015.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

PLAN NO'S:

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer	Thomas Wilson
Section 65 Parties	HCC Highways Pegs Lane Hertford SG13 8DE
Plans on website	http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lq.Planning

Author:

Thomas Wilson

Date: **2nd July 2015**
