

12. 18/2156/RSP – Retrospective: Installation of two Speed Indicator Devices at GRASS VERGE OPPOSITE 27 WOLSEY ROAD AND GRASS VERGE INFRONT OF 7 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE.

Parish: Batchworth

Ward: Moor Park & Eastbury

Expiry of Statutory Period: 03.01.2019

Case Officer: Tom Norris

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: called to Committee by three Members should officers be minded to refuse.

1 Relevant Planning and Enforcement History

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application 'site' consists of two areas of grass verge adjacent to the road network within the Moor Park Conservation Area.

2.2 The Speed Indicator Device (SID) situated at 'location 1' is on a grass verge immediately adjacent to no 7 Sandy Lodge Road and the SID situated at 'location 2' is on a grass verge opposite to no 27 Wolsey Road.

3 Description of Proposed Development

3.1 This application seeks full planning permission for the installation of two Speed Indicator Devices on grass verges adjacent to the road within the Moor Park Conservation Area.

3.2 The Speed Indicator Devices (SIDs) consist of a black tubular pole some 3.0m in height with an LED illuminated sign some 0.6m in width and 1.0m in height affixed to it. There is also a solar panel affixed to the top of the pole to power the device.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No objection]

""ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- *Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)*

Requirements

BEFORE carrying out any work you must:

- *Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.*
- *Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.*

- *Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>*
- *In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.”*

4.1.2 Conservation Officer: [Object]

“Characterised by large detached houses, with large green spaces and tree lined avenues, there is little pre-existing street furniture within the Moor Park area.

The installation of the speed indicator devices disrupts the streetscape in both locations, detracting from a key characteristic of the area which is typified by ‘spectacular views along tree lined roads’, as described in the character appraisal. Although the desire and support for the devices is acknowledged, more appropriate methods of reducing speeds within the area could have been employed, such as additional speed bumps/ rumble strips, which do not disrupt the green spaces on either road. The speed indicators installed are intrusive and detract from pleasant features such as the street lighting and open grass verges in the locations they have been installed.

This is reiterated in the 2006 character appraisal for the area, which states:

‘The open character of the frontages in the conservation area is one of its most pleasant features. The existing grass verges are of high landscape quality and have a positive visual influence. New crossovers or other breaks to these verges will generally not be encouraged. Planting and soft landscaping is characteristic and will be encouraged. Walls, metal gates and railings will not be considered to be sympathetic as these are likely to alter the area’s appearance.’

Therefore, the installed speed indicator devices cause less than substantial harm to the designated heritage asset, Moor Park Conservation Area, against NPPF paragraph 196. The devices are not considered sympathetic to the area’s character and have a negative effect upon the open nature of the frontages, which is acknowledged within the area’s appraisal as one of its most positive features.”

4.1.3 Moor Park (1958) Ltd: [No response received, it is noted that Moor Park (1958) Ltd are the applicant]

4.1.4 Batchworth Community Council: [No response received]

4.1.5 Hertfordshire County Highways: [No objection]

“The Speed Indicator Devices (SIDs) are located on verges along a private road that is not highway maintainable at public expense. HCC as Highways Authority considers that the location of the SIDS is acceptable and does not have any specific objections to the application.”

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 25

4.2.2 No of support comments received: 15 comments and 3 petitions carried out by Moor Park 1958 containing 87 total signatures.

4.2.3 No of objections received: 2 comments.

4.2.4 Site Notice: posted 19.11.2018, expired 10.12.2018

4.2.5 Press notice: published 16.11.2018, expired 07.12.2018

4.2.6 Summary of support comments:

They are highly effectively and are being increasingly used on public roads
They are not out of keeping
The speed bumps are ineffective in slowing down 4x4 vehicles
Slows down traffic using Moor Park as a 'short cut'
Improve safety for school children

4.2.7 Summary of objection comments:

They are not appropriate within the Conservation Area
The speed bumps already restrict the speed of vehicles

4.2.8 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

Examination in Public which took place in March 2013. Relevant policies include DM3, DM6, DM9, DM13 and Appendix 5.

6.3 Other

6.4 The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27th November 2006 as a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. The Appraisal was subject to public consultation between July and October 2006 and highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area.

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
Moor Park Conservation Area Appraisal (2006).

7 **Planning Analysis**

7.1 Conservation Area Impact and Highways Impact

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.1.2 The proposed development is located within the Moor Park Conservation Area. Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area. The Appraisal notes that the special interest that justifies the designation of the Conservation Area is derived from features including spectacular views along tree lined roads and open frontages. The appraisal states that the open character of the frontages in the Conservation Area is one of its most pleasant features.

7.1.3 The key points of consideration of the application, which are discussed below, are the potential Highway benefits arising from the installation of the SIDs and whether this is considered to outweigh any potential harm caused to the Conservation Area. Other material planning considerations are addressed in the relevant sections of this report.

7.1.4 The overriding and desired purpose of the SIDs is to remind drivers of their passing speed and to notify them when the speed limit is exceeded in order to calm and reduce the speed of traffic through the Moor Park estate.

7.1.5 The applicant submits that the locations of the two SIDs have been carefully chosen so as to cause as minimal impact as possible on the setting of the Conservation Area; improve the safety of pedestrians within the estate; and *“the reduction of traffic speeds in key locations [is considered] to be a significant contributory factor in maintaining, and indeed*

improving, the environment, character, ambience and attractiveness of the Conservation Area.”

- 7.1.6 The Council's Conservation Officer was consulted and raised objection to the proposals, stating that the installation of the SIDs disrupts the streetscape in both locations, detracting from a key characteristic of the area which is typified by 'spectacular views along tree lined roads', as described in the character appraisal. The Conservation Officer further states that although the desire and support for the devices is acknowledged, more appropriate methods of reducing speeds within the area could have been employed, such as additional speed bumps/ rumble strips, which do not disrupt the green spaces on either road. The speed indicators installed are intrusive and detract from pleasant features such as the street lighting and open grass verges in the locations they have been installed.
- 7.1.7 The Conservation Officer references the 2006 character appraisal for the area, which reiterates:
- 7.1.8 *'The open character of the frontages in the conservation area is one of its most pleasant features. The existing grass verges are of high landscape quality and have a positive visual influence. New crossovers or other breaks to these verges will generally not be encouraged. Planting and soft landscaping is characteristic and will be encouraged. Walls, metal gates and railings will not be considered to be sympathetic as these are likely to alter the area's appearance.'*
- 7.1.9 The Conservation Officer concludes that the installed SIDs cause less than substantial harm to the designated heritage asset, Moor Park Conservation Area, against NPPF paragraph 196. The devices are not considered sympathetic to the area's character and have a negative effect upon the open nature of the frontages, which is acknowledged within the area's appraisal as one of its most positive features.
- 7.1.10 Paragraph 193 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.1.11 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.1.12 The National Planning Practice Guidance states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 7.1.13 Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation
- 7.1.14 The perceived public benefits of the SIDs for discussion are therefore the improvement to the safety of pedestrians within the estate and any reduction in traffic speeds preserving or enhancing the Conservation Area.

- 7.1.15 It is acknowledged that the SIDs would inevitably have a degree of benefit to road and pedestrian safety within the estate. Notwithstanding this consideration, it is reiterated that the effectiveness of the traffic calming measure is not in dispute and, like can be said of the SIDs and other traffic calming measures, fulfils a purely functional purpose. The subject roads are both privately maintained roads with a speed limit of 20mph and already include traffic calming measures in the form of speed bumps. Whilst it is submitted by the applicant that the existing traffic calming measures have become ineffective, it is not considered that this would wholly justify harm to the Conservation Area caused by other or additional measures. This view is supported by the Conservation Officer who notes that, although the desire and support for the SIDs is acknowledged, more appropriate methods of reducing speeds within the area could have been employed which are less visually intrusive and less harmful to the Conservation Area. As noted, the applicant contends that there is a need for the SIDs and that the existing traffic calming measures are ineffective, however, no evidence has been provided to support this. The Highway Authority raise no objection as the roads are private and therefore outside of their control, however, they offer no comment on the need or otherwise for the SIDs.
- 7.1.16 It is also factored into consideration that the roads in which the SIDs are located are not public roads and, whilst the 'public' benefit of the devices is acknowledged, the weight afforded to any public benefit arising from their installation is limited based on the test set out in the NPPF.
- 7.1.17 It is considered that the submission that reduced traffic speeds will "considerably heighten and enhance the amenity, character, attractiveness and general ambience" of the Moor Park Conservation Area is unsubstantiated and as such is afforded limited weight. Whilst the logic behind this argument is not completely disregarded, it is considered that the link between the two is one that is exaggerated. Furthermore, in lieu of evidence to prove a direct link between the two, the reduced speed of traffic is not something that fulfils the criteria set out within adopted planning policy nor is it a feature described within the character appraisal of the Conservation Area.
- 7.1.18 On balance it is therefore considered that the proposed Speed Indicator Devices are harmful to the character and appearance of the Moor Park Conservation Area and the benefits arising from their installation do not outweigh the harm caused so as to justify the grant of planning permission.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 It is considered, given the scale and positioning of the SIDs in relation to the nearest residential dwellings, that they would not lead to any harm to any residential amenity by virtue of their brightness or glare.
- 7.2.3 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.3 Wildlife and Biodiversity

- 7.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.3.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.4 Trees and Landscaping

7.4.1 The proposed development would not involve the removal or harm to any trees

8 Recommendation

8.1 That Retrospective Planning Permission be REFUSED for the following reason:

R1 The development has a negative effect upon the open nature of the frontages and spectacular views along tree lined roads and adversely affects the character and appearance of the Conservation Area failing to preserve or enhance the character and appearance of the heritage asset. The public benefits of the proposal are not considered to outweigh the less than substantial harm to the significance of the designated heritage asset. The development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (adopted 2006) and NPPF (2018).

8.2 Informative(s):

The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.