



PLANNING COMMITTEE: 26th November 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0970 **Removal of existing front wall and fence and replace with railings and sliding gates at 14 Trinity Avenue**

WARD: Trinity

APPLICANT: Mr. Raj Miah
AGENT: Lee Randall

REFERRED BY: Councillor Nahar Begum
REASON: The scheme would be an improvement in highway safety terms contrary to the advice submitted by the Local Highway Authority

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **REFUSAL** for the following reason:

1.2 The proposed development would have a detrimental impact on highway safety through the provision of an additional gated access creating an additional and unnecessary point of conflict between emerging vehicles and highway users in non-compliance with the guidance contained within the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposals are for the removal of the existing front boundary wall to the property, which would be replaced with black metal railings and sliding gates, up to 1.8m high. The scheme also includes the provision of an additional dropped kerb to complement the single dropped kerb already in place to the existing access. A licence for this dropped kerb would need to be obtained from the Local Highway Authority. The

proposed works would enable the driveway to operate in a “drive-in, drive-out” format as opposed to the existing arrangements whereby vehicles are required to either reverse in or reverse out due to the space constraints of the site. Sliding gates would be provided to both access / egress points.

3. SITE DESCRIPTION

- 3.1 The site constitutes a large dwelling located within a primarily residential area of the town. It is a terraced property attached to neighbouring dwellings to the south. It has an integral garage and a gated front driveway. There is a brick and timber front boundary wall of 1.5m set along the boundary fronting on to the road. On the opposite side of Trinity Avenue is the Malcolm Arnold Academy.

4. PLANNING HISTORY

- 4.1 *N/2007/523* Three-storey dwelling house together with attached garage (Approved subject to conditions)
- 4.2 *N/2005/1643* New dwelling adjacent to 14 Trinity Avenue (Approved subject to conditions)
- 4.3 *N/2005/1301* Proposed dwelling adjacent together with bungalow and detached garage to rear (Refused)
- 4.4 *N/2003/1558* Construction of a two bedroomed dormer bungalow (Approved subject to conditions)
- 4.5 *69/0103* The change of use of a dwellinghouse to an old peoples home (Approved)

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northampton Local Plan.

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Local Plan

E20 – New Development

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Local Highway Authority:** Objection to the application on the basis that the application does not comply with the Local Highway Authority's policies on multiple accesses and the location of the gate. No dwelling should have more than one vehicular access point from any highway. Such proposals create additional and unnecessary points of conflict between emerging vehicles and other highway users. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary.
- 6.2 *Further comments (11th November 2013):* This site has been reviewed once again. Trinity Avenue is a very busy road, it was noted on-site that cars were parked on either side of the road and were frequently moving in both directions. All other properties on the road operate from one access requiring reversing in / out. There are no recorded accidents on or near to the property within the last three years. The Authority is struggling to see any reasonable justification to relax its policy and standards as stated in its Standing Advice. Any additional point of access will result in the loss of 2-3 on-street car parking spaces. There is also sufficient space on plot to accommodate 3+ cars. In addition, it is difficult to achieve or to have control over vehicular visibility due to parked cars on Trinity Avenue. There are also doubts over the practicality of the swept path / vehicle's turning movement if the proposed access is allowed.
- 6.3 The applicant's major concern as regards the safety of reversing out on to the highway is ruled out given that the Highway Code Rules confirm that any reasonable and competent motorist should reverse into an access such that they may drive out forwards. There is no way of controlling in / out movements at each access resulting in the potential for vehicles reversing on to the highway in two locations. Resistance to multiple accesses has been covered in Standing Advice for a number of years. They have been appeals on this subject that have been successfully defended based upon individual circumstances. Overwhelming evidence would be required to support a relaxation of adopted policy, which has not been put forward. There would be the potential for both proposed vehicular accesses to be used for reversing out on to the highway as there would be no viable control over the accesses. An additional and unnecessary point of conflict would be created and should be resisted; otherwise these will have an adverse or detrimental effect on highway safety.

7. APPRAISAL

Design & Visual Impact

- 7.1 In visual terms it is considered that the newly proposed railings and gates would be acceptable in the context of the site's surroundings. The boundary treatment of several properties on the road comprises

black metal railings, most notably serving the grounds of the school located on the opposing side of Trinity Avenue. In addition, the proposed full height of 1.8m would be appropriate from a visual and character perspective. The proposed installations would include ornate detailing in the interests of providing visual interest – the precise specification of the gates and railings could be secured via planning condition.

Highway Safety

- 7.2 The applicant has described in correspondence (dated 23rd and 28th October 2013) that the application is motivated by a desire to improve highway safety at the site. The front driveway affords insufficient space for a turning circle to be achieved – the applicant has stated that this causes highway safety concerns as it necessitates a reversing manoeuvre to be made to leave the driveway. There is a Secondary School entrance located on the opposing side of Trinity Avenue, which the applicant has stated leads to a high volume of pedestrian movements along this particular stretch of Trinity Avenue. It is their opinion that being able to leave the property in forward gear would improve the site in terms of highway and pedestrian safety.
- 7.3 The Local Highway Authority (LHA) have submitted both initial objections and a further detailed response setting out the full reasons for these objections, which centred upon the provision of multiple access points to a single dwelling and associated new gates positioned within 5.5m of the highway boundary. Such provisions do not accord with the requirements of the LHA's Standing Advice (April 2013). This Standing Advice, although not formally part of the Development Plan, has been formally adopted by the LHA as a statutory consultee on planning applications and is a material consideration which carries considerable weight when considering applications requiring alterations or additional accesses to the public highway.
- 7.4 The LHA have confirmed from a visit to the site that Trinity Avenue is a busy road with cars parked on its either side with frequent car movements being observed in both directions. It is also noted that all other residential properties on Trinity Avenue operate from a single access necessitating reversing manoeuvres either from or out on to the highway. Accident data retrieved by the LHA indicates that there have been no recorded accidents on or near the application site within the last three years, which would indicate that reversing manoeuvres are being undertaken without undue difficulties.
- 7.5 Importantly, as the LHA have stated, there would be no way of controlling in / out movements should a further access point be permitted. This is notwithstanding the drive-thru arrangement indicated upon the proposed site plan. Such an arrangement would be neither controllable nor enforceable. The proposed layout could quite conceivably result in both accesses being used for reversing out on to

the highway – leading to additional potential conflict between emerging vehicles and highway users.

- 7.6 In terms of on-street car parking, it is estimated that two to three spaces would be lost as a result of providing an additional dropped kerb. This loss would be in the context of a well-used street where ample demand for on-street car parking can be observed. Additional pressure would therefore be placed upon on-street car parking supply, which would be expected to have the added adverse effect of limiting the vehicular visibility available from the site's access points due to the position of parked cars.
- 7.7 The applicant has suggested in correspondence that a safety improvement, in the context of visibility, would be provided through the installation of see-through railings in place of the current solid brick wall. It is considered that the provision of railings would have a limited positive effect in this context given that the current wall is merely low-level (approximately 0.7m in height) with piers and see-through screening above. Further, the existing access is relatively wide for a single access (approximately 5.5m) and has afforded a railed gate. In any event, the negative safety impacts of providing a further vehicular access point would far outweigh the limited safety benefits in a visibility context provided by installing continuous railings to the frontage.
- 7.8 It is considered that the provision of newly gated access points would clearly contravene the LHA Standing Advice already referred to. A 5.5m distance should be achieved from the back of the highway to ensure that vehicles can pull away from the public highway in the event that entrance to the site is impeded by closed gates. It is noted that the site is presently gated, but this should not act as a justification for the provision of a further gated access point that would further encourage conflict between stationary and moving vehicles to the detriment of highway safety.
- 7.9 In summary, it is considered that the proposals would have a detrimental effect on highway safety through the provision of multiple gated access points. This arrangement would encourage conflict between emerging vehicles, stationary vehicles and highway users (including pedestrians). The present access arrangements are typical of properties on Trinity Avenue and inadequate justification has been provided by the applicant to allow non-compliance with the guidance contained within the LHA's Standing Advice. The scheme is therefore in clear non-compliance with the guidance contained within the NPPF (paragraph 35), which states that developments should be designed and located to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

8. CONCLUSION

- 8.1 The proposed development would have a detrimental impact on highway safety through the provision of an additional gated access

creating an additional and unnecessary point of conflict between emerging vehicles and highway users in non-compliance with the guidance contained within the NPPF.

10. BACKGROUND PAPERS

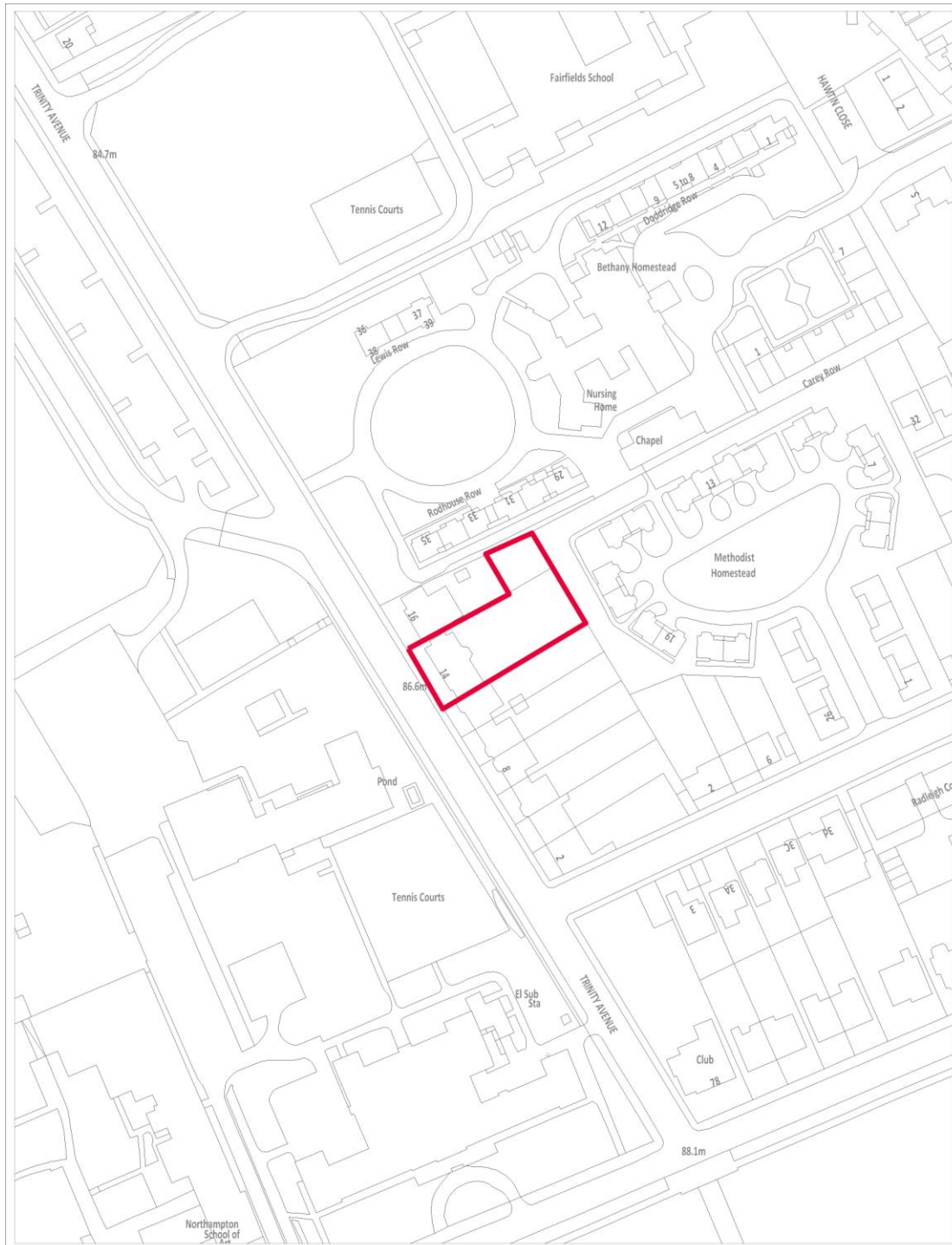
10.1 N/2013/0970

11. LEGAL IMPLICATIONS

11.1 None for the Council as Local Planning Authority.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: **Planning**
 Date: **12th November 2013**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Committee**

Title
14 Trinity Avenue

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