

BOSTON BOROUGH COUNCIL

Planning Committee – 14 January 2020

Reference No: B/19/0409

Expiry Date: 25-Nov-2019

Extension of Time: 15-Jan-2020

Application Type: Full Planning Permission

Proposal: Erection of electronic gates at site entrance

Site: Land off Sibsey Road, Boston, PE21 9RN

Applicant: Charlotte Dew, Larkfleet Homes

Ward: Fishtoft

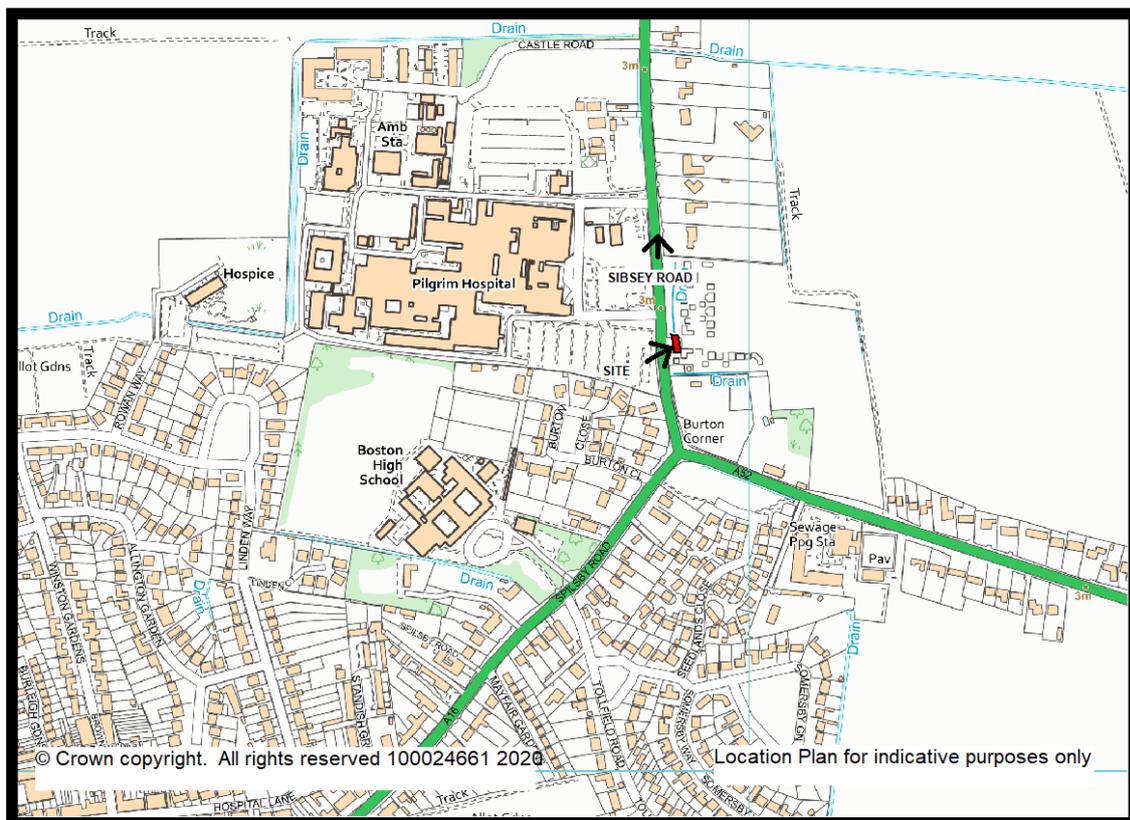
Parish: Fishtoft Parish Council

Case Officer: Trevor Thompson

Third Party Reps: None

Link to Application: [B/19/0409](https://www.boston.gov.uk/permissions/B/19/0409)

Recommendation: GRANT



1.0 Reason for Report

1.1 This report has been presented to the Planning Committee at the request of Councillor J Skinner.

1.2 Councillor Skinner has made the following comments:

'My reasons for calling this application in is a highways issue, there is no information as to how long it will take the gates to open and it could be possible that a delivery/service lorry could be waiting to get into the development when other vehicles also wanting access will have to wait on the A16 to also access the development. My concerns are for Ambulances going out from the hospital on blue lights. Other traffic are already restricted for getting out of the Ambulances way because of the island created for pedestrians to cross the road in this area.

The developers had already offered a solution to a known problem when they put in the original application, that is a management company to police parking. If the roads are not to be adopted it is for them to police it.'

2.0 Application Site and Proposal

2.1 The application site boundary is about 9m wide and 20m long. It includes part of the site entrance and estate road that forms part of the new housing estate off Sibsey Road, Fishtoft. The site boundary does not follow any physical feature on site but defines the area where the proposed works will take place.

2.2 This application is for the construction of walls with electric gates to serve the new housing estate at the site entrance. The purpose of the new walls and gates is to ensure that pedestrian and vehicular traffic flows to and from the site are estate related only and not overspill from the Pilgrim Hospital which is located on the opposite side of Sibsey Road.

2.3 The proposed gates will be set back about 11 m from the junction of the new housing estate road and the A16 and will be approximately 1.8m in height. One gate will run across the estate road and will be about 5.7m wide – this will be a sliding gate. The other gate will run across the footpath on the northern side of the estate road leading to the rest of the estate to the east. This gate will be about 1.3m wide.

2.4 Part of the footpath that is to be located to the south of the new estate road along Sibsey Road and follows the access radii will effectively be 'closed off' by the proposed new wall. It is proposed to display a sign on the front elevation (Sibsey Road) of this new wall advertising 'Welcome to Boston Gate Est 2019'.

2.5 The proposed walls and associated piers which will be located either side of the estate road will support the proposed pedestrian and vehicular gates. The walls will be about 2m high (including the coping) and will be arranged in a crescent shape either side of the road to provide visual interest to the entrance to this estate.

2.6 In support of the application, the applicant has made the following statement:

'The reasoning behind the application was linked to previous discussions between our technical team and the highways authority. Multiple residents complained about parking on the site by those visiting the hospital. Our technical team and highways discussed different solutions to this issue. The concept of gates was not necessarily to be used as a physical barrier, but more of a deterrent to stop hospital users parking on the site.

Double yellowing the site is not a plausible solution as this will cause issues not only for those living on the development but, also the fact the development is managed, maintained and privately owned (bar the adopted highways).

The gate would be operated by a pressure plate either side, so it will open on the approach to it. The gate is there to deter people from entering, rather than creating a physical boundary. So delivery drivers and emergency vehicles will be able to gain access without the need for a key or fob. More than likely the gates will remain open, during peak periods of in and out flows of traffic, as they will be activated using sensors. Although during peak traffic periods the gates will remain open, their physical presents should help to deter excessive visitor parking. The gates are activated using sensors and thus, it is unlikely the gates will repletely open and close every time an individual car enters or exists the site. Therefore, we are doubtful the gates will cause tailbacks’.

3.0 Relevant History

- 3.1 Planning permission was granted for the erection of 66 dwellings on land to the east of Sibsey Road subject to 19 conditions in June 2017 (ref B/16/0141)

4.0 Relevant Policy

South East Lincolnshire Local Plan (2011-2036) (SELLP)

- 4.1 Relevant policies contained within the SELLP are as follows:

- Policy 2 - Development Management
- Policy 3 - Design of new development
- Policy 30 - Pollution

National Planning Policy Framework (2019) (NPPF)

- 4.2 The relevant parts of the National Planning Policy Framework (2019) that are relevant to this proposal are:

- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport

- 4.3 In particular, paragraphs 108, 109 and 110 of the NPPF states:

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.0 Representations

5.1 As a result of publicity no representations have been received.

6.0 Consultations

6.1 **Fishtoft Parish Council** has made the following comments;

‘concerns with regard to delivery vehicles accessing the site, particularly with a large number of properties on the site, could cause tailbacks onto Sibsey Road which would exacerbate the issues already experienced for vehicles accessing Pilgrim Hospital, particularly emergency vehicles. If the purpose of the proposal is merely to stop unauthorised parking, a more sensible solution would be for double yellow lines – as per the precedent set on Burton Close’

6.2 **County Highways Authority** has no objections and has made the following comments:

‘The electronic gates could possibly cause some queue back onto Sibsey Road, if they were slow in opening, if there were several vehicles arriving at one time faster than the gates were able to operate or if the gates were to fail, say because of a power failure.

However, the drivers of following vehicles would not be expected to simply slam into the back of the last vehicle in a queue of waiting vehicles. Vehicles are routinely slowing and stationary on this part of the network and elsewhere without there being unacceptable safety implications.

I think we would need to monitor the situation and talk with the Developers in the event that there were some significant problems but on the evidence of what we have before us, I don't (believe) there is enough to advise refusal of the Application.

The gates are being proposed in response to issues the Developers has advised they are having with those who are not residents of the development parking on the internal roads. If your Members are concerned about the possibility of tail-backs onto Sibsey Road, could we ask the Developer to provide some evidence of the scale of the issue and then take a view on whether the problem justifies the solution they are proposing?

6.3 **Boston Borough Council Operations Manager** has not commented.

6.4 **Witham Fourth District Internal Drainage Board** has no comment

7.0 **Planning Issues and Discussions**

7.1 The key planning issues in the determination of this application are:

- Impact on highway safety
- Impact on residential amenity
- Impact on the character of the area

7.2 One of the key issues in the determination of this application is the impact on highway safety and whether, in particular, the installation of the proposed electronic gates will result in tailbacks onto Sibsey Road which may result in congestion or cause harm to highway safety. Although it is intended to install a pedestrian gate across the footway at the entrance to the estate off Sibsey Road, it should be noted that the layout of the estate includes a separate pedestrian access onto Wainfleet Road, through the public open space.

7.3 This application has been subject to discussions with the County Highway Authority at pre application stage. The County Highway Authority has no objections though the Fishtoft Parish Council has concerns as indicated above.

7.4 Fishtoft Parish Council has suggested that double yellow line are applied on the roads serving this estate to prevent excessive on-street parking that may arise given the site is opposite the Pilgrim Hospital. However, the estate roads will be privately owned and will not be adopted by the County Council. Thus, any vehicle parked on double yellow lines that may be applied to any of the estate roads would not be enforceable.

7.5 At the time application B/16/0141 (i.e. the permission for this estate) was determined, it was intended that a management company would be used to enforce unauthorized parking along the private roads forming part of this estate, especially by staff and visitors of the Pilgrim Hospital. It appears that the applicants do not wish to pursue this option because there are difficult practical and legal issues relating to clamping and enforcement of unauthorized parking on private land. Therefore, it would appear there is little deterrent to prevent unauthorized parking.

- 7.6 The applicant says that occupiers of properties on this estate are already experiencing difficulties with hospital users parking their vehicles on the estate roads and has submitted photographs of parked vehicles demonstrating this point. It would appear that the applicant is constantly requesting hospital users to move their vehicles off the estate during the daytime though unauthorised on-street parking during the evenings and at weekends also seems to be a problem. It also seems that unauthorised parking is already causing some 'conflict' between residents of the estate and hospital users who park their vehicles on the estate roads.
- 7.7 The applicant says that *'at the moment inconsiderate parking is a major problem and it is effecting our sales office as people are blocking the parking area for the show house; our purchasers who can't get into their own homes; and our construction team as it is making difficulties for deliveries etc'*.
- 7.8 Policies 2 and 3 of the SELLP are the most relevant policies of the development plan, these seek to ensure good design through a variety of criteria, in particular considering matters relating to access (for example policy 2 criteria 4) and general issues such as accessibility and layout. The reasoned justification of Policy 2 of the SELLP seeks amongst other things to ensure *'development does not have an adverse impact upon physical or social infrastructure such as local roads, schools or health care...'* Furthermore, paragraph 109 of the NPPF says that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.9 The proposed gates will be set back about 11m from the main road and it should be noted that this distance would only accommodate two cars (or perhaps one large commercial vehicle) to wait clear of Sibsey Road when the gates are closed. This is clearly of some concerns and the views of the Fishtoft Parish Council and Councillor J Skinner are understandable. However, the perception of the impact (ie that vehicles would be obstructed) must be balanced against the technical response and available evidence.
- 7.10 Unauthorised parking is clearly causing highway related problems and although a gated access is not an ideal solution, it seems to be the most practical option available. As indicated above, parking restrictions (double yellow lines) cannot be undertaken because the estate roads are private and not adoptable highways. It is clear that the County Highway Authority do not object to the proposals from a technical perspective relating to congestion or highway safety and consider that the scheme is an appropriate response in highway terms. Given this lack of objection, it is considered that a refusal on such grounds would be unlikely to be sustainable at Appeal.
- 7.11 It should also be noted that the although the County Highway Authority encourage that all new roads and footways on all new residential developments are adopted, the County Highway Authority cannot compel a developer to do so. Under the Highways Act, a developer can request that the Highway Authority adopts their roads, but also provides the Highway Authority with the ability to refuse to adopt those roads if the Authority is of the opinion that they are not of sufficient utility to the public.

This is however a matter for the developer and the Highway Authority. Further, the control over vehicles using the estate roads is not a planning matter, and in this instance, the Council is only considering whether it is acceptable in policy terms, to install the physical development namely the gates and walls. Other solutions to the problem would fall outside of the planning remit.

- 7.12 Overall, given the lack of objection from the Highway Authority on grounds relating to highway safety, it is considered that a refusal on such grounds would be unlikely to be sustainable at Appeal. It is considered that this development will not cause unacceptable or significant impact on highway safety and that residual cumulative impacts on the road network as a result of this development would not be 'severe' to warrant refusal of this application. It is considered that this proposal accords with the objectives of policy 2 of the SELLP and paragraph 109 of the NPPF.

Impact on residential amenity

- 7.13 The proposed wall and gates will be set back from Sibsey Road and will be between 7-9m from the nearest dwellings located either side of the entrance to the site (i.e. plots 5 and 65). The design and siting of the walls and gates will not affect visual amenity, nor will the operation of the gates opening and closing likely cause any significant noise disturbance to the nearby residents. The concerns expressed by the Parish Council with regards the potential for tailbacks to occur on Sibsey Road (and possibly along the estate road) may have some impact upon residential amenity but such harm, given the scale and nature of such disturbance, will not be significant or substantial.
- 7.14 The issue relating to unauthorized parking on the estate roads (especially by hospital users) appears to be causing some conflict with occupants of the estate which, in turn, is clearly having some effect on residential amenity and the enjoyment of property of these residents. The proposed gates will go some way towards minimizing this conflict and improving the amenity of residents. No objections have been received by any existing residents of this estate to this proposal.
- 7.15 The counterpoint to this is that it may be argued that the provision of a 'gated access' may create an 'gated community' which may be at odds with the objectives of section 8 of the NPPF and policy 3 of the SELLP which collectively seeks to promote social and community cohesion and interaction. This factor weighs against the application in the planning balance.

Impact on the character of the area

- 7.16 The site forms part of a large housing estate that is under construction and opposite the Pilgrim Hospital. There are residential properties along the frontage of Sibsey Road to the north and there is an AW pumping station further to the south. The proposed gates and associated walls are of good design. They will be set back from the main road and will assimilate within the overall design and characteristics of the rest of the estate. From a design perspective, the scheme will provide visual interest at the entrance of this estate and is acceptable.

8.0 Summary and Conclusion

- 8.1 There are factors that weigh both in favour and against this application. On one hand, concerns have been expressed about the impact that this development may have upon highway safety and will cause tail-backs onto Sibsey Road resulting in congestion and other highway issues. Also as indicated above, the proposed gates may also create a 'gated community' which conflicts with the objectives of policy 3 of the SELLP in relation to integration and accessibility, and therefore does not constitute sustainable development as defined in the NPPF.
- 8.2 On the other hand, this development will provide some amenity and highway benefits, especially to the existing and future occupiers of this estate that weigh in favour of this application. As indicated above, unauthorized on-street parking along the estate road especially by users of the Pilgrim Hospital is already causing highway problems and conflicts between motorists and residents. This application will help to alleviate these problems. The design of the proposed wall and gates is of good quality though condition 3 below is recommended to ensure good quality materials are used. Also, in terms of highway safety, significant weight is attributed to the comments of the County Highway Authority who have raised no technical objections to the scheme. The scheme being in general accordance with the overall requirements of policies 2 and 3 of the SELLP, and paragraphs 108-110 of the NPPF.
- 8.3 When taken as a whole, it is considered that the proposals would be in accordance with the aims of the development plan, in particular those policies identified within this report. Whilst there are material considerations within this report which both weigh in favour of and some which weigh against the scheme, overall, it is considered that on balance the benefits of the scheme would outweigh the negatives identified and given the scheme would be in general accordance with the policies of the development plan it is recommended that the application be approved.

9.0 Recommendation

- 9.1 It is recommended that Committee GRANT Planning Permission subject to the following condition(s) and reason:-

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received 30-Sep-2019 and in accordance with the associated plans referenced:

- Entrance gate location plan ref L161/EGP/01
- Entrance gate – site layout –preliminary ref L161/SITE/01
- Entrance gate- plan and elevation- preliminary ref L161/ENTRY/01

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. No development shall take place above ground level until details of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity and to accord with the objectives of Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (2011-2036).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.