

**NYM/2020/0583/FL Newlands Farm, Newlands Road Cloughton – appeal statement response**

My name is Kay Aitchison and I am the officer for the Local Highways Authority, North Yorkshire County Council, (NYCC) who has assessed and made recommendations regarding the above application. In response to the appellants statement I would like to clarify the guidance used and the reasons for the recommendations made.

I have inspected the site on a number of occasions since following a report to NYCC by Cloughton Parish Council in an email on 6<sup>th</sup> May 2018 regarding an new unauthorised access opening in a wall on Newlands Road Cloughton. The Parish expressed concerns regarding the location of the opening and the nature of the tipping taking place. The opening in the wall originally occurred when a vehicle collision removed a section of the wall. NYCC received a call on 25<sup>th</sup> January 2019 from a member of the public reporting mud on the road from the unauthorised access causing a danger to road users.

Since that time various letters, site visits and telephone calls have taken place to determine a suitable and safe location for an access, and requesting that the current location opening, the subject of this application and appeal, be closed and the wall reinstated. The current location as described in my recommendation, dated 1<sup>st</sup> October 2020, cannot meet the required DMRB clear visibility requirement of 215m measured 2.4m from the carriageway edge, with an eye height of 1.05m. This eye height was specified as the type of vehicle to use the access, in perpetuity, could not be guaranteed to be large and have a higher vision height. It is likely that smaller vehicles, cars, and vans would use the access. The visibility could not be meet due to the layout and alignment of the road as it rises and bends to the north of the site. The land within any visibility envelope, which should be kept clear of any obstruction, would require the removal of the existing stone wall. The land behind the wall falls steeply away.

“The Design Manual for Roads and Bridges (DMRB) contains information about current standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom” and is published by Department for Transport. This guidance is used by NYCC when assessing all sites, which are not within a speed limit of 40mph or less. There is no alternative guidance available for road of a lesser classification than all-purpose trunk road, which is national recognised for rural locations outside of a speed restriction or limit.

For roads, within a speed limit of 40mph or less, NYCC policy states that Manual for Streets and Manual for Streets 2, should be used. These documents are published by Department for Transport.

When assessing or carrying out a vehicle speed survey the only guidance available to determine the suitability of the information provided is CR185 Vehicle Speed Measurement published by Department for Transport as part of the DMRB document. It contains the requirements for the measurement of vehicle speeds and for determining 85th percentile speeds on existing all-purpose trunk roads. There is no other nationally recognised guidance available for a less classification of road. The introduction states that it “can be used where existing vehicle speeds are necessary to set the basis for design. Such schemes can include the setting of speed limits, minor improvements to existing roads and altering or designing new priority junctions, accesses or signal controlled junction” The guidance states the sample sizes necessary in both directions of travel, and the frequency and times which are most representative of neutral traffic flows which are not impacted by seasonal variations. It also states that when a manual survey is undertaken, a minimum of two surveys should be carried

out, on different days of the week and at different times of the day, at least a month apart, not in peak hours, this provides a more robust set of data.

Should the appeal be upheld and the access refused the LHA would recommend the following condition be added to any decision

#### **MHC-04 Closing of Existing Access at Newlands Road Cloughton**

The existing access onto **Newlands Road Cloughton** must be permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

#### **Reason for Condition**

In the interests of highway safety and the amenity of the area.

Should the appeal be granted and the retention of the access be permitted the LHA would recommend the following conditions be added to any permission given:-

#### **MHC-03 New and altered Private Access Verge Crossing at NEWLANDS ROAD CLOUGHTON**

The development must not be brought into use until the access to the site **NEWLANDS ROAD CLOUGHTON** has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and footway must be constructed in accordance with the approved details and Standard Detail number **E30** and the following requirements.

- Any gates or barriers must be erected a minimum distance of **15 metres** back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within **15 metres** of the public highway must not contain any loose material that is capable of being drawn onto the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

#### **Reason for Condition**

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

#### **MHi-C New and altered Private Access or Verge Crossing – (MHC-03)**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is

available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing and industrial roads street works 2nd edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20roads%20street%20works%202nd%20edition.pdf) .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

#### **MHC-05 Visibility Splays at NEWLANDS ROAD, CLOUGHTON**

There must be no access or egress by any vehicles between the highway and the application site at **NEWLANDS ROAD CLOUGHTON** until splays are provided giving clear visibility of **215 metres** measured along both channel lines of the major road from a point measured **2.4 metres** down the centre line of the access road. In measuring the splays, the eye height must be **1.05 metres** and the object height must be **1.05 metres**. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

#### **Reason for Condition**

In the interests of highway safety.

#### **MHi-D Visibility Splays – (MHC-05)**

An explanation of the terms used above is available from the Local Highway Authority.

#### **MHC-07 Delivery of off-site Highway Works**

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- **Fill to land within visibility envelope, construction of a suitable approved retaining structure and suitable approved edge restraint at Newlands Road Cloughton prior to permitted access being brought into use**

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

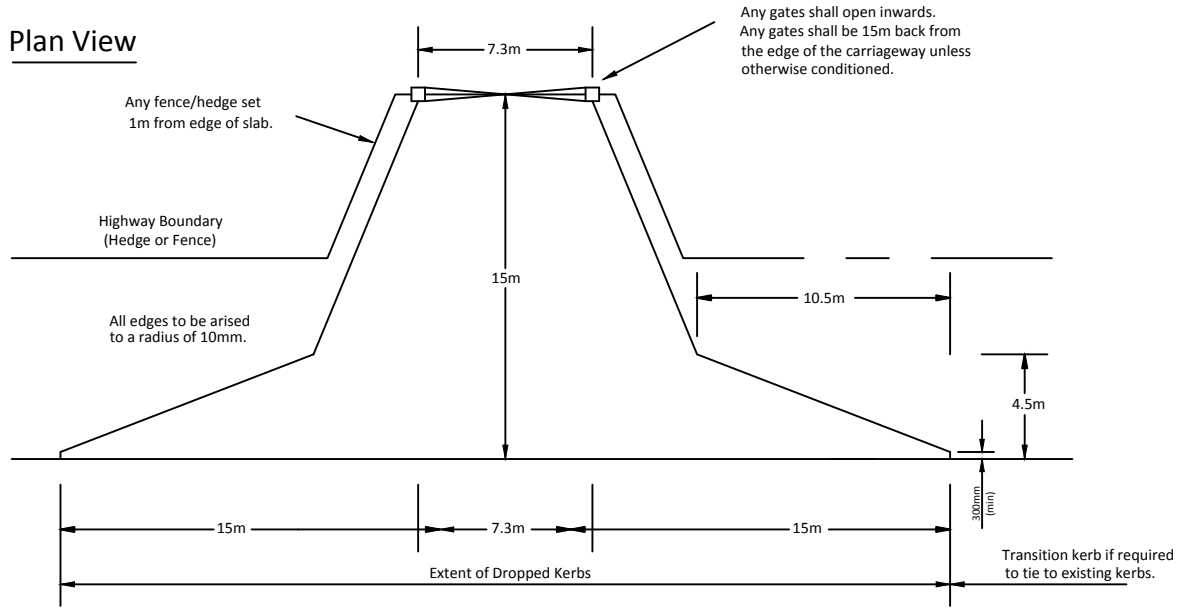
**Reason for Condition**

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

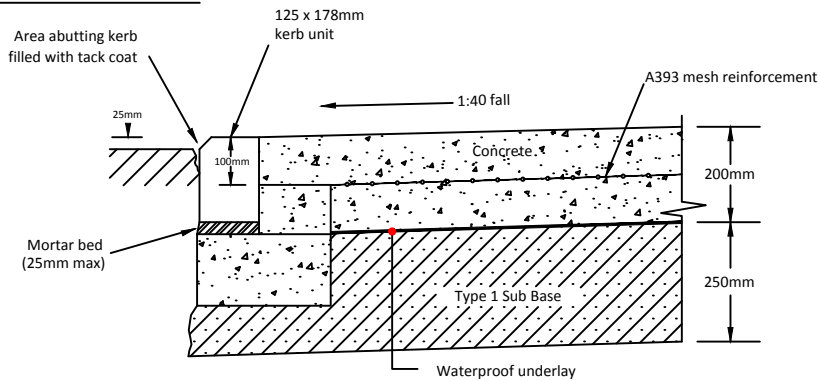
**MHi-F Delivery of off-site highway works – (MHC07)**

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence

## Plan View



## Section Through Kerb



## NOTES

1. Air Entrained Concrete shall be a designated mix reference PAV1 to BS EN 206-1. It shall have a 20mm nominal size coarse Aggregate and a 75mm slump. It shall be delivered to site ready mixed.
2. All concrete shall be placed in approved formwork.
3. Concrete to have a tamped finish.
4. Construction joints shall be parallel to carriageway and no closer than 3m to edge of carriageway.
5. Construction joints shall be formed by introducing a lath 25mm square against the face of the formwork. The joints shall be arised and sealed. The remaining depth of concrete shall be roughened in order that the two faces adhere.
6. Concrete shall not be laid at ambient temperatures below 3°C.
7. Concrete shall be so transported and placed to avoid contamination, segregation or loss of constituent materials. All formwork shall be free from dirt, standing water, snow or ice. Concrete shall not be placed until the approval of formwork and the foundation has been given by the Engineer. Concreting must then be started within 24 hours or further approval must be sought. Fresh concrete shall not be placed against in-situ concrete which has been in position for more than 30 minutes. Concrete shall be laid and compacted as specified within 30 minutes of its discharge from the mixer and unless otherwise agreed by the Engineer shall not be dropped into place from a height exceeding 2m.
8. Waterproof underlay shall be approved 125 micrometres impermeable plastic sheeting. Where an overlap of plastic sheeting is required this shall be at least 300mm.
9. Concrete shall be cured for 24 hours before vehicular use.

Do Not Scale