

# REPORT FOR INFORMATION

agenda item: 11b

## Highways Development Control: Advice to Chiltern District Council

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Chiltern Local Committee

17 October 2001

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### 1. Purpose of report

- a To inform the Committee of the role undertaken by the County Council's Highways Development Control staff in dealing with the highway issues associated with planning applications in the Chiltern District

### 2. Proposed Action

- b The Committee is invited to **NOTE** the content of this report

### 3. Supporting Information

- c Under the Town & Country Planning (General Development Procedure) Order 1995 the general rule is that a local planning authority, in this area Chiltern District Council, must determine a planning application within eight weeks of receiving it.
- d Under the terms of Article 10 of the General Development Procedure Order 1995 the local planning authority are required to consult the local highway authority, in this area Buckinghamshire County Council, before granting planning permission for development that falls into one of the following categories:
  - Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway;
  - Development likely to prejudice the improvement or construction of a classified road or a proposed highway;
  - Development involving:
    - (i) the formation, laying out or alteration of any means of access to a highway; or

- (ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force;
- Development which consists of or includes the laying out or construction of a new street.
- e Under the terms of the Town & Country Planning (General Development Procedure) Order 1995, Buckinghamshire County Council as local highway authority are regarded as a Statutory Consultee and should be given at least 14 days notice of a proposed development so that it can comment if it wishes to do so. Once the relevant period of notice has expired there is no obligation to delay the application to await comments from a consultee unless an agreement to allow a longer period has been made. Under an agreement known locally as the “Millard Letters”, Buckinghamshire County Council is given 21 days in which to formally respond on an application.
- f Given the number of applications that have to be dealt with (145 in the Chiltern area, 1705 in the whole of Bucks last year) and the short time-scale that the County Council has to respond, the Head of Transportation has been given delegated authority by members to assess the highway impact of proposals and make recommendations to the District Planning Authorities.
- g The main thrust of the consultation process, as advocated in the Town & Country Planning General Development Order, is to enable the application to be determined as quickly as possible.
- h Following changes to the Town & Country Planning General Development Order in 1988, the district planning authority does not have to automatically give effect to representations received from the highway authority and may indeed take and act on independent advice. Prior to this date, local highway authorities had powers to direct that an application be refused or that conditions be imposed on highway grounds. Although highway authorities lost their powers of direction, it was not intended that the weight to be attached to highway and traffic considerations would be diminished. Local planning authorities are still advised that planning permission should not be granted for development likely to cause danger on the highway.
- i As a responsible highway authority, Buckinghamshire County Council provides comment on all applications across the county affecting A and B class roads and those likely to generate traffic on C and unclassified roads. The Highways Development Control Team was set up for that specific purpose. Within the Chiltern District, the District Engineer provides comment on minor developments on ‘C’ and “unclassified” roads under the agreement set out in the aforementioned “Millard” letters.

- j When considering an application HDC Officers will have regard to:  
National Planning Policy Guidance (PPGs), Regional Planning Guidance (RPGs) and planning policies contained within the County Structure Plan, the District Local Plan, the County Council's Integrated Transport Strategy and Local Transport Plan;  
Relevant planning history of the site, including extant permissions;  
Impact on highway safety;  
Existing and future capacity of the local highway network;  
Design of the new access or road layout;  
Environmental issues;  
Convenience to users of the highway and of the development;  
Published design standards.
- k The County Structure Plan (CSP) gives advice on the principles that are to be taken into account when considering the highway implications of development proposals. These are referred to in Transport Policy TR1A(g) and can be found in the Appendix to the CSP. District Councils are encouraged to adopt these principles within the transport policies contained in their own Local Plans.
- l In addition the County Council produced its own set of highway development control policies based on these principles. These were first adopted by the County Council's Planning and Transportation Committee on 9 January 1997. Subsequent changes have been agreed at varying times by the Highways & Public Transport Sub-Committee. These policies are contained in the Highways Development Control Policy Statement.
- m In addition to the policy considerations there are a whole raft of "design standards" that may need to be considered. The Department of Transport/Highways Agency produce a Design Manual for Road and Bridges. Whilst this is ostensibly aimed at Motorway and Trunk Roads, local highway authorities are commended to adopt the standards contained therein. Buckinghamshire County Council adopts these standards wherever practicable. The Department of the Environment/Department of Transport published Design Bulletin 32 in 1992 that gives advice on the layout considerations for Residential Roads and Footpaths. The Department of the Environment, Transport and the Regions has more recently published a companion guide to DB32 entitled Places, Streets and Movement. Again the County Council takes this advice on board wherever possible. Having had regard to these standards, the Council has produced its own Residential Road Layout Standards, which is in the process of being updated, and its own Specification – Roads for Adoption.
- n In dealing with larger applications, particularly those that may give rise to capacity problems, officers have access to a suite of computer programs produced by the Transport Research Laboratory. PICADY is used to model junctions, ARCADY for roundabouts and OSCADY for

traffic signals. Other modelling tools such as TRANSYT or CONTRAM are used for more complex proposals.

- o The County Council also subscribes to the TRICS database which is an extremely useful tool for predicting traffic attraction/generation rates to proposed development.
- p Having considered planning policy, relevant planning history, the impact of the development on highway safety and the local highway network, the design of the new access or road layout, environmental issues, etc., the Highways DC Officer will make a recommendation to Chiltern District Council on the merits or otherwise of the proposal. Recommendations are usually in the form of “no objection”, “conditional approval” or “refusal”.
- q Another “general rule of thumb” that is to be applied when considering proposals is that an applicant is entitled to receive a planning consent unless it can be shown that the proposed development would give rise to demonstrable harm. e.g. that it would rise to conditions of highway danger. Therefore in making his recommendation, particularly if it is a refusal, the officer must be prepared to defend his position on appeal or if challenged by the planning officer.
- r In conclusion, it must be emphasised that the County Council is not responsible for determining the application. That falls to the local planning authority in most cases unless the application is appealed. The highway viewpoint is just one, albeit a very important one, of a number of consultations undertaken by the District Council in reaching its conclusion on a proposal. Although the Head of Transportation has delegated authority to make recommendations on a proposal on behalf of the County Council, the Highways Development Control Officer must have regard to a whole host of planning policies, design standards, potential impacts, etc in reaching his decision/recommendation. It should be further emphasised that he is also accountable to his line management and members.
- s Highways Development Control acts in partnership with the District Council in the planning application process and regular liaison meetings are held to ensure that the County Council is best placed to respond to the needs of the Head of Planning Services and her team.