

Unrestricted Report

ITEM NO: 8

Application No.
14/00506/FUL

Site Address:

81 New Road Ascot Berkshire SL5 8PZ

Ward:
Ascot

Date Registered:
16 May 2014

Target Decision Date:
11 July 2014

Proposal:

Formation of vehicular access onto classified road.

Applicant:

Mr J Doel

Agent:

Mr Paul Scott

Case Officer:

Sarah Horwood, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been reported to the Planning Committee at the request of Councillor Virgo for the reasons that there would be a benefit to the surrounding highway as it will remove cars from the road.

2. SITE DESCRIPTION

The site is located at the very edge of Bracknell Forest Council's administrative boundary. The Bracknell Forest Council Borough boundary intersects the Blackmoor Stream, with the main dwelling, the majority of the curtilage and the existing vehicular access located on Kennel Ride within the Royal Borough of Windsor and Maidenhead.

The site's north west boundary adjoins New Road and is screened by trees and shrubs, along with a fence approximately 1m high. Between the boundary screening and the highway is a grass verge. The surrounding area is residential in character with Londis located close by on the opposite side of the road.

3. RELEVANT SITE HISTORY

09/00794/FUL refused for formation of vehicular access onto a classified road for the following reason: "The proposal would create an unnecessary access with substandard visibility and would be a hazard to road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document".

The refusal was taken to appeal where it was dismissed due to unacceptable harm to highway safety.

14/00273/FUL refused for formation of vehicular access onto a classified road for the following reason: "The proposal would create an unnecessary access onto a classified road and visibility at the proposed vehicular access would be obstructed by vehicles parked on New Road either side of the proposed access, resulting in a hazard to road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document".

4. THE PROPOSAL

The proposal is for the formation of vehicular access onto classified road. New Road is a 'C' classified road and therefore planning permission is required for the proposed vehicular access.

A driveway and turning area would be provided on site and the existing wooden fence facing onto New Road would be repositioned and foliage removed to create a visibility splay of 2m x 43m at the proposed access.

This revised application has been submitted in an attempt to address the reasons for refusal of application 09/00794/FUL and the subsequent appeal which was dismissed and refused application 14/00273/FUL. The planning statement submitted with the application states there have been changes in circumstances on site and in the surrounding area since application 09/00794/FUL was refused and dismissed at appeal which have led to the submission of this application. These changes are as follows:

- on site turning would be provided to allow a vehicle to exit the site in a forward gear onto New Road;
- relocation of existing fence and removal of foliage to provide 2m x 43m visibility splays;
- waiting restrictions have been implemented on the north west side of New Road between Monday and Saturday 8am-6pm and Sunday 10am-4pm (no waiting is allowed on the road in certain areas between these times).

5. REPRESENTATIONS RECEIVED

Winkfield Parish Council were consulted on the application. No comments were not received at the time of printing of this report and any comments received will be reported in the supplementary report.

5no. letters of support have been received which can be summarised as follows:

- From number 87 upwards (including the new banner homes development) all houses have vehicular access onto New Road.
- Will make visibility at no. 87 better as the parking spaces on the non yellow lined area opposite the Londis will be limited further by the implementation of this dropped kerb therefore removing cars from that side of the road.
- Child care service provided by the applicant provides a service to the community.
- A dropped kerb and an off street area to safely deposit and collect children would benefit parents and also reduce potential traffic build-up on the road-side.
- Often see parents struggling to park in New Road in an effort to safely place their children into applicants care.
- This situation has been made considerably worse by the inconsiderate parking of Londis customers despite the introduction of yellow lines.
- Will improve the safety of dropping off and picking up children from the childminding service provided at the property.

1no. letter of objection received which can be summarised as follows:

- Haven't observed children being dropped off at the entrance onto New Road. Only used by the applicant to park his car there.
- Applicant has a dropped kerb access to the rear of his property which is closer to the house thus making a safer option for the parents to collect/drop their children and taking them away from a busy/dangerous road.
- Have had a number of hit and run incidents involving our vehicles(two in the last month alone) we know that parking is difficult and opening the front of applicants property will only impact on this by limiting further the available parking spaces to Londis patrons and neighbours.
- Due of the line of the fence/boundary any cars exiting the proposed drive would reverse blind onto an already busy and dangerous road.
- There is a running stream teaming with wild Life which is the boundary between the two Boroughs which the proposed drive would have to cross and old Oak trees which would decrease any sight lines.

6. SUMMARY OF CONSULTATION RESPONSES

The Highways Officer has objected to the proposal and recommend refusal.

As an adjoining Authority, the Royal Borough of Windsor and Maidenhead have been consulted on the application. No comments were not received at the time of printing of this report and any comments received will be reported in the supplementary report.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)
Retained Policies of the South East Plan 2009 (SEP)
Core Strategy Development Plan Document 2008 (CSDPD)
Saved Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)
Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

These policies are considered to be consistent with the sustainable development principles of the National Planning Policy Framework (NPPF), and as a consequence are considered to carry significant weight.

The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees, etc. These matters are assessed below.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

Saved Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

The proposed vehicular access onto New Road would be approximately 4.5m at the bellmouth onto the highway. This would not be considered excessive in size for a residential access. The proposed relocation of the fenceline facing onto New Road and removal of foliage would not have an adverse impact upon the visual character of the area.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

10. RESIDENTIAL AMENITY

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. This is consistent with the NPPF.

The proposed formation of a vehicular access onto New Road would not be considered to result in detrimental harm to the residential amenities of neighbouring properties through noise and disturbance or visual prominence.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

11. TRANSPORT IMPLICATIONS

Saved Policy M9 of the BFBLP ensures that development provides satisfactory parking provision. A further material consideration for parking provision is provided in the Council's adopted Parking Standards. The NPPF refers to local authorities setting their own parking standards for residential development. Policy CS23 of the CSDPD refers to increasing the "safety of travel".

Planning application number 09/00794/FUL was refused by the Local Planning Authority and dismissed at appeal. This application differs in that it includes the formation of a driveway with parking and turning for two cars (as opposed to 1 car proposed under application 14/00273/FUL). These works fall within the administrative area of the Royal Borough of Windsor & Maidenhead. No application has been made to them so their delivery cannot be guaranteed - officer comment: these works could be permitted development if the surface is porous or provision made for drainage. As set out in the Planning and Highway Statements submitted with the application the access and parking is only sought to serve the childminding practice operated from the property by the applicant's wife. The Highway Authority is of a view that the applicant has not addressed the issues considered relevant by the Planning Inspector in the dismissal of application number 09/00794/FUL.

New Road is a classified local distributor road subject to a 30mph speed limit. It is mainly residential in character although there is a local convenience store in close proximity to the site, with limited off-road parking serving it. There is no footway along the south eastern side of the road in front of the site, only a highway grass verge which is approximately 2m wide. In addition there is a watercourse to the front of the property with a pedestrian bridge providing pedestrian access to the front of the property.

This Council, as Highway Authority, has a range of powers and duties under which they maintain and improve the highway network, and manage its use and the activities taking place on it. These include the Highways Act 1980 ("the 1980 Act") principally covering the structure of the network; the New Roads and Street Works Act 1991 ("the 1991 Act") covering utility street works; and the Road Traffic Regulation Act 1984 regulating the activities of road users. The Traffic Management Act 2004 added to these powers. It also added the network management duty, which requires local traffic authorities to do all that is reasonably practicable to manage the network effectively to keep traffic moving. This means that the Council can at their discretion introduce waiting restrictions where on-street parking compromises the efficiency of the highway network.

Waiting restrictions have recently been introduced on New Road in order to manage parking associated with the operation of a local convenience store - Londis at 140-142 New Road. This has led to vehicle parking being displaced from around the store to areas outside those

controlled by the restrictions. Parking is permitted where the access to number 81 is proposed. It is inevitable that the sight lines to the right and left at the proposed access would be obstructed by parked vehicles to the detriment of highway safety.

There is a general presumption against the formation of new vehicular access points onto the classified highway network as they create additional points of potential for conflicts and interrupt the free flow of traffic. Where they are necessary to enable development they must be designed to the highest standard and benefit highway safety. The property already benefits from the provision of a vehicular access from Kennel Ride which serves a large garage and a forecourt. This provides adequate facilities to park vehicles and thus there is no reason to provide an unsafe access to the front of the dwelling. In paragraph 10 of the appeal decision, the Inspector quotes: "whilst New Road is the front of the house where visitors and deliveries arrive, there is vehicular access and off street parking on the Kennel Ride side" and it is therefore considered that this existing vehicular access is sufficient to serve the dwelling and an additional access onto New Road is not necessary. Although providing vehicular access to the dwelling from New Road may prevent any vehicles visiting the property or accessing the property from parking on New Road itself, there is already parking on the Kennel Ride side and therefore no need for people visiting the property to access it from New Road when there is parking on the Kennel Ride side. Further, the onsite turning area is set back some 70m from the highway itself and the boundary of the site facing New Road is well screened. People visiting the property may therefore not realise that parking and turning exists at the property if the application were allowed and it may therefore not be used, with people still parking on New Road itself. If this proposed turning area were then utilised for parking, there would be no room for onsite turning which would mean any vehicles using the New Road proposed access would have to reverse back out onto New Road to the detriment of highway safety.

It is acknowledged that on site turning has been provided on this revised application which would address one issue raised in the appeal decision relating to refused application 09/00794/FUL (allowing a vehicle to exit the site in a forward gear); however the revised application still fails to address other highway safety implications raised in the appeal decision.

At paragraph 8 of the appeal decision, the Inspector quotes: "New Road is an important local distributor road. It is clear to me that when emerging forwards in a vehicle from the proposed off street parking space there would be obstructions either to the left or the right which would prevent the driver from seeing vehicles travelling on New Road. Even if the fence line to Lambourn House was altered and/or vegetation cut back and/or removed, vehicles parked on the south east side of the road would cause a major visual barrier".

It is acknowledged that the revised application proposes to relocate the existing fence facing onto New Road and to remove foliage so as to improve visibility at the proposed access; however this does not address the issue of vehicles parked on New Road causing an obstruction. Due to Londis being in close proximity to the application site (there is 18m between the proposed vehicular access and the front elevation of Londis) obstructive parking occurs on New Road from people stopping to visit the store. In paragraph 9 of the appeal decision, reference is made to the problem of "trade vans and trucks using the area as lunch or tea break stops after purchases from the store...clogging up" the road close to the shop. This issue would be worsened by the waiting restrictions which now operate on the highway outside of nos. 87 to 101 New Road and nos. 122 to 144 New Road where no waiting is permitted between Monday and Saturday 8am until 6pm and Sunday 10am until 4pm. There are however no waiting restrictions on the highway outside of the application site or either side of it which means that any vehicle wanting to visit Londis could be displaced to park on the highway outside of no. 81 or either side of the proposed vehicular access resulting in an visual and physical obstruction to vehicles exiting the site as visibility would be impaired by

these parked vehicles. This would be worsened if those parked vehicles were vans or trucks stopping off at Londis for a lunch break which are higher and larger, causing even more of a visual obstruction to visibility at the proposed access onto New Road.

In conclusion, it is considered that the waiting restrictions which have been introduced outside of nos. 87 to 101 New Road and nos. 122 to 144 New Road would force vehicles to park outside of the application site or either side of the proposed vehicular access resulting in a visual obstruction to vehicles exiting the site which would be detrimental to highway safety. There is an acceptable vehicular access and parking for the dwelling on Kennel Ride and therefore on balance, the creation of a new vehicular access onto a classified road which is unsafe due to obstructions caused by parked vehicles is not necessary and would result in a highway danger, contrary to policy CS23 of the CSDPD which seeks to increase the safety of travel.

12. FLOOD RISK

The NPPF encourages developers to take full account of flood risk. Paragraph 103 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere as a result of development, and only consider development appropriate in areas at risk of flooding, informed by a site-specific flood risk assessment.

As per previous application 09/00794/FUL, it is considered that the proposal causes no additional obstruction to the existing watercourse and the proposal would therefore not cause additional flood risk in accordance with the NPPF.

13. CONCLUSIONS

The dwelling has an existing vehicular access and parking from Kennel Ride. The proposed creation of a vehicular access onto New Road at this site would be unsafe due to waiting restrictions which exist in close proximity to the application site which would force vehicles to park outside or either side of the application site resulting in visual obstruction, dangerous to other highway users. The proposal is therefore contrary to policy CS23 of the CSDPD which seeks to increase the safety of travel.

Therefore the application is recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** for the following reason(s):-

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

02. This refusal is in relation to drawings and documents received on 16 May 2014 by the Local Planning Authority.

01. The proposal would create an unnecessary access onto a classified road and visibility at the proposed vehicular access would be obstructed by vehicles parked on New Road either side of the proposed access, resulting in a hazard to road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk