



Delegated Report

Removal of Condition Application

Application No:	20230596
Location:	Costcutter, Culverstone Stores, Wrotham Road, Culverstone, Kent, DA13 0RQ
Description:	Application for removal of condition 4 attached to planning permission reference 20050861 for the erection of two storey building to provide retail on ground floor with two self-contained flats and staffroom, stock room, offices and wc accommodation ancillary to ground floor retail use and laying out of 12 car parking spaces; to allow pedestrian access onto Whitepost Lane by removing small fence panel.
Applicant:	Mr Tarsam Judy
Site Visit:	27 th July 2023

Submitted Documents/Plans

- Application Form - dated 30/05/2023;
- Supplementary Information - Previous Decision Notice (ref. 20050861);
- Drawing no. CC/A3/01 - Site Location Plan; with Existing and Proposed Elevations;
- Drawing no. CC/A3/02 - Existing Block Plan (scale - 1:200);
- Drawing no. CC/A3/03 - Proposed Block Plan (scale - 1:200).

Relevant Planning History

Reference	Description	Decision	Decision Date
20050861	Erection of two storey building to provide retail on ground floor with two self-contained flats and staffroom, stock room, offices and wc accommodation ancillary to ground floor retail use and laying out of 12 car parking spaces.	PERMITTED	16.02.2006

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to

assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving Well-Designed Places

Supplementary Planning Guidance

- Department for Transport's Manual for Streets (2007)
- Kent County Council Dropped Kerb Application Guidance (2022)

Consultations, Publicity and Representations

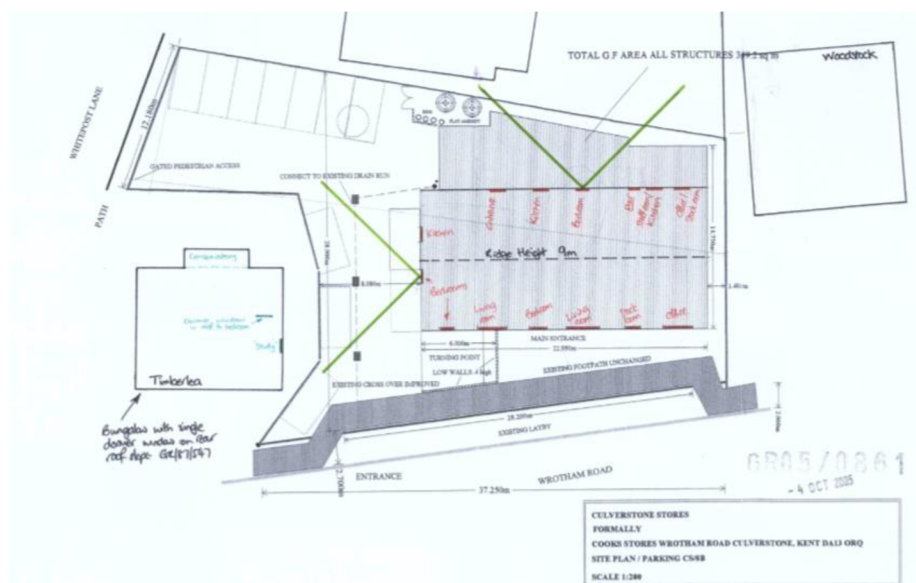
External Consultees

Meopham Parish Council - Objects to removal of condition 4 of this planning application. This is a retrospective application with no detailed argument for the removal of the condition and the council have had many local concerns about safety being expressed about the gap in the fence leading into the road.

Internal Consultees

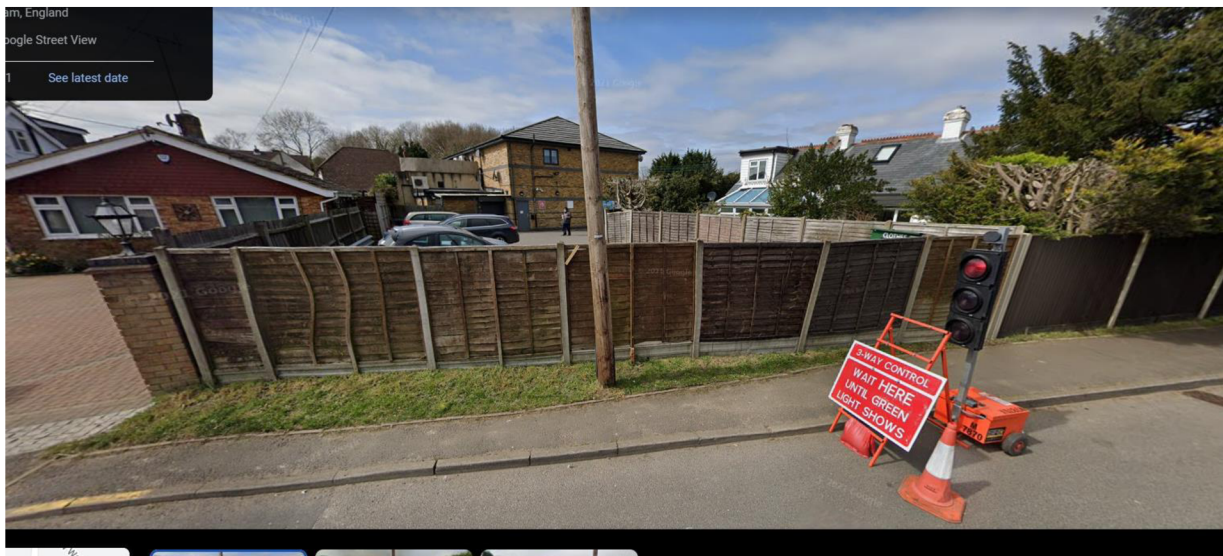
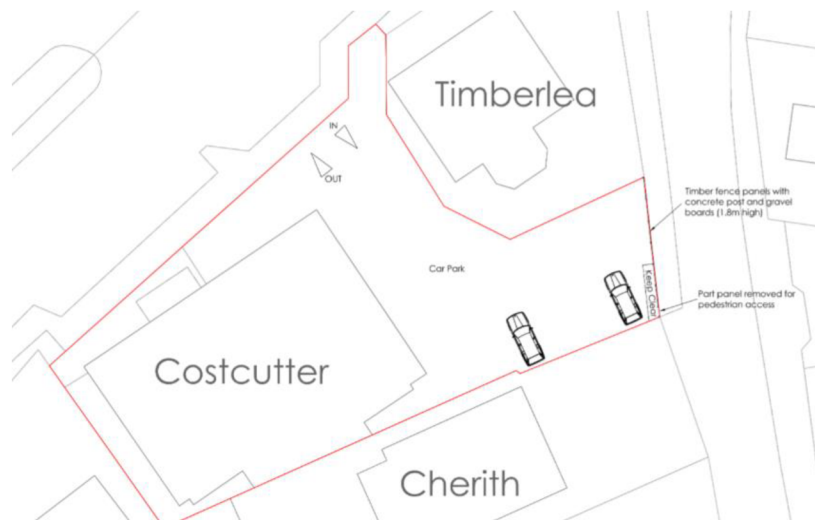
GBC Highways Officer - Having looked at the original application, I can find no trace of any comments regarding the pedestrian access from Whitepost Lane. Google Street View gives no information as the earliest images are February 2009 by which time the original permission has been implemented.

In general, anything that contributes to active travel is welcomed unless the proposal is itself hazardous health or highway safety. The original concept appears to have the pedestrian gate at the opposite end of the fence where it directly linked to the footway.



This proposal has the access at the opposite end of the fence where there is a narrow verge and a narrow

footway and bot end at this location.

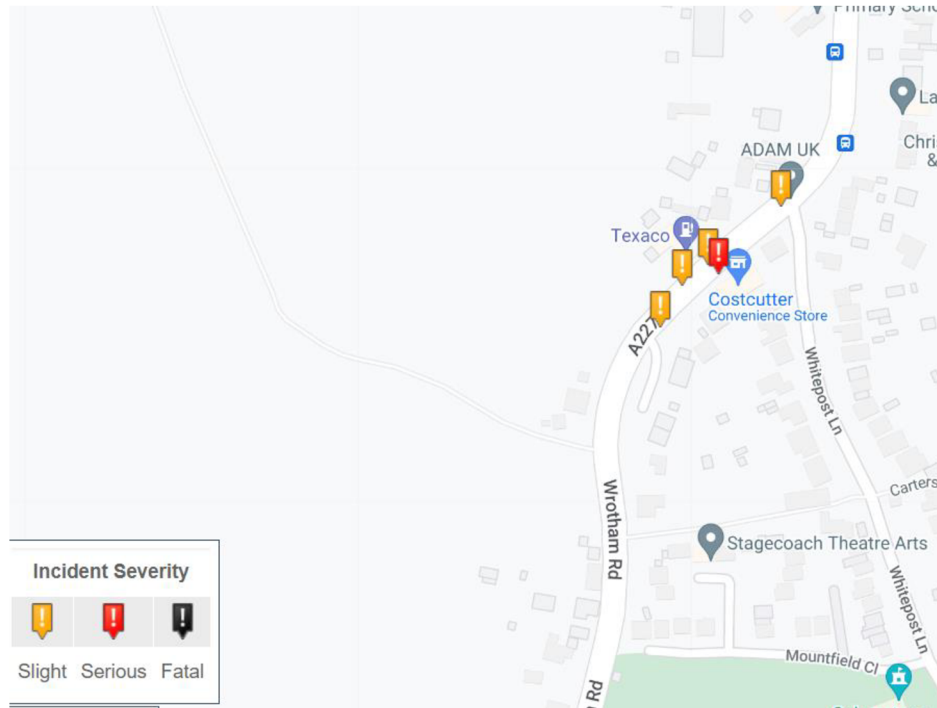


Google Street View April 2021

Considering the requirements of Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. The recommended width is 2 metres with a minimum width of 1.5 metres and an absolute minimum width of 1 metre, should be available. In this instance with restricted visibility the paths leading to the access should be 2 metres wide to allow two people to pass, whilst the actual access could be 1.5 metres, but ideally 2 metres. I can see no justification for permitting anything narrower and anything wider could become attractive as an unofficial vehicular access.

To support pedestrian access as the footway on the south side of Whitepost Lane finishes at site boundary with Cherith, the applicant would have to enter into an appropriate agreement with Kent Council the Highway Authority to carry out any footway widening works and to provide dropped kerbs with tactile paving to assist pedestrians particularly those with mobility impairment to cross the road and the provision of these dropped kerbs should be a Grampian Condition on the opening of the access. It is also suggested that the existing restrictions should be extended to include the pedestrian dropped kerbs and a distance 18 metres past to provide some visibility of approaching vehicles which approximately equates to the normal distance associated with the zigzag markings at a zebra crossing

However, any access formed could become attractive to vehicle occupants who could park on Whitepost Lane and walk into the shop avoiding the need to park in the shop's car park. Interrogation of the Crash Map Data Base shows for the 5 years 2017 to 2021 a small cluster of accidents near the Costcutter entrance and one at the Whitepost Lane Wrotham Road junction.



The junction between Wrotham Road and Whitepost Lane is a gentle curve which could be taken at a speed greater than what could be normally expected at a perpendicular junction. But this end of Whitepost Lane is subject to waiting restrictions although enforcement is liable to be minimal. It would be reasonable to request the applicant to fund works at the junction to slow vehicles as they enter Whitepost Lane, but this again would be subject to a Grampian Condition. This would slow vehicles, so a driver has longer to determine if there are any obstructions or other hazards in Whitepost Lane and take appropriate action. Again this Would require an agreement with Kent County Council which may or may not be forthcoming.

My inclination at this stage is the application should be refused, until a detailed proposal that includes the formation of the dropped kerbs, extension of the yellow lines and alterations at the junction of Whitepost Lane with Wrotham Road can be formulated and agreed with the Highway Authority, although it has to be accepted that alterations to the waiting restrictions are subject to their own legal process and may not be forthcoming. It is also probably better the pedestrian access were located in the originally proposed position, so the pedestrian crossing point is not immediately adjacent to a vehicular access.

Neighbouring properties

Ten surrounding properties were consulted and four representations were received. The neighbours all registered objection to the development, raising the following material and non-material planning considerations. Please note only the material planning applications are relevant to this decision.

Material Planning Considerations

- Increase parking on Whitepost Lane
- Increase risk to pedestrians and road users
- Road is not lit
- Impact entrance/exit to adjoining property
- Retrospective – fence already removed

Non-Material Planning Considerations

- Queries with the neighbour consultation letter

The consultation period expired 30th June 2023.

Officer's Analysis

Removal of Condition 4

This Section 73 application seeks to remove condition 4 attached to planning permission ref. 20050861. The Local Planning Authority judged that the principle of the development was acceptable with planning approval, subject to no.8 planning conditions.

For the purpose of this application no fresh issues can be introduced and the only issues relating the removal of condition 4 can be considered. Condition 4 of 20050861 states the following:

4. *The pedestrian access shown to Whitepost Lane shall be deleted and no such access shall be provided at any time without the prior written approval of the District Planning Authority*

The committee report for 20050861 states that “concerns have also been raised in respect of the provision of a gated pedestrian access onto Whitepost Lane on the grounds of safety. The applicant has expressed in a letter that should this element be considered hazardous they are happy to remove it via a condition should the development be held acceptable”. Therefore, condition 4 was attached to the decision notice in the interest of pedestrian and highway safety.



Google Street View (April 2021)





Site Visit Photographs (27/07/2023)

As shown in the site photographs the narrow fence panel has already been removed, but the gravel board remains in place. This narrow gap is to be retained as part of this development, but the plans show that the gravel board would be removed.

The site photographs below highlight the narrow verge and footway that pedestrians would egress onto from the site, which ends abruptly at the southern edge of the site (boundary with Cherith). Therefore, pedestrians would need to immediately cross Whitepost Lane to travel southwards into Culverstone Valley. The access is approx. 35m from the gentle curved junction from Wrotham Road that can be taken at high speed, with cars often parking adjacent to the fence line which limits visibility of vehicles entering Whitepost Lane and is a risk to pedestrian and highway safety. Whitepost Lane is not lit by streetlamps and with the Costcutter closing at 9pm in the winter months visibility of pedestrians would be further limited. Moreover, the access is located adjacent to a driveway with no visibility for pedestrians or vehicles egressing from the property, which is a risk to safety and contrary to guidance set out in Kent County Council's Dropped Kerb Guidance (2022) and Manual for Streets (2007).

Gravesham's Highways Officer has expressed numerous concerns with the development and recommended refusal based on the information provided. He highlighted the originally proposed pedestrian access was located further north and that the access onto the site should be widened. The comment considered some positive aspects of the proposal, but concluded that given the risk to pedestrian and highway safety the application should be refused.

As such, the Local Planning Authority consider that new pedestrian access hereby proposed increases the risk to pedestrian and highway safety contrary to Section 9 of the National Planning Policy Framework (2021), Policy CS11 (Transport) of Gravesham's Local Plan Core Strategy (2014), Manual for Streets (2007) and Kent County Council Dropped Kerb Guidance (2022). Therefore condition 4 cannot be removed and this application is refused.

Conclusion

The application has been fully considered and from the information provided the development would represent a risk to pedestrian and highway safety, therefore condition 4 remains relevant and cannot be removed. As such, the application is refused on the following ground:

1. The proposed pedestrian access represents a risk to pedestrian and highway safety by virtue of its position close to a driveway, the narrow footway which ends at the site edge and the nearby highspeed junction with a lack of street lighting and obstructions to vehicle visibility. Therefore, the proposal is contrary to Section 9 of the National Planning Policy Framework (2021), Policy CS11 (Transport) of Gravesham's Local Plan Core Strategy (2014), Manual for Streets (2007) and Kent County Council Dropped Kerb Guidance (2022), and condition 4 cannot be removed.

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	27 th July 2023	Dated:	27 th July 2023