



Delegated Report

Householder Planning Application

Planning Application No: 20211285

Location: 99 Old Road East Gravesend Kent DA12 1NX

Description: Creation of a new vehicular access.

Applicant: Ambareen Estates LTD

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form received 4th November 2021;
Covering Letter received 9th December 2021;
Drawing No. 21/03/01 – Existing Block Plan, Site Location Plan and Elevations received 11th November 2021;
Drawing No. 21/03/02 – Site Location Plan received 11th November 2021;
Drawing No. 21/03/03 – Proposed Block Plan and Elevations received 11th November 2021;
Drawing No. 21/03/04 – Existing and Proposed Parking Layout received 22nd November 2021;
Photograph received 4th November 2021; and
Photograph received 13th October 2021.

Relevant Planning History

Application Ref. No.	Description	Status	Date
20181251	Formation of a vehicular access and creation of a hardstanding in the front garden.	Refused	02.05.2019
19820018	Erection of a front porch	Permission	16.02.1982
19750030	Erection of a two storey dwelling house	Permission	21.08.1975

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- Policy T1 - Impact of Development on the Highway Network
- Policy T5 - New Accesses onto Highway Network
- Policy 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 12 - Achieving sustainable development and well-designed places
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020;
- Householder Extensions/Alterations Design Guide SPD (2021)
- SPG 4 - KCC Parking Standards (2006);
- SPG 6 - Vehicular Accesses to Classified Highways (1992).
- PGN6 – Planning Policy for vehicular accesses to classified highways (2009)

In addition to the Local Plan policies, the Council has adopted supplementary guidance ***“Planning Policy for vehicular accesses to classified highways”*** (Planning Guidance Note No 6).

This gives detailed advice regarding design criteria for vehicular accesses and sets out the circumstances where permission will be granted for new vehicle accesses onto classified roads. It has been the subject of thorough public consultation.

The Council's policy and guidance for controlling the formation of vehicular accesses to classified highways is long established dating from the mid 1970's and reaffirmed in November 1980. It was established as a planning policy through the original Gravesham Local Plan in 1987. The policy guidance was revised in September 1991 following which an explanatory leaflet was produced. In November 1992 the policy guidance was reappraised. The policy guidance was modified only in its interpretation concerning accesses to local distributor routes subject to a 30mph speed limit. This had the effect of deleting on such roads the requirement for the provision of a vehicle turning area within the site to enable vehicles to enter and leave in a forward direction.

The current guidance makes it clear that whilst each application for a new vehicular access to a classified road will be considered on its individual merits, certain standards will apply throughout:-

- There should be a minimum depth of 5.0 metres available from the rear edge of the highway or path, to ensure a car can be parked wholly off the road (increased to 5.5 metres where the driveway leads to a garage door);
- Visibility splays should be provided appropriate to the class of road and the speed of passing traffic. Typical standards are 2 x 2 metres (measured along back of footway) for pedestrians and 2 x 45 metres (measured along kerb line) for vehicles. Where these cannot be provided within the applicant's land-holding, the agreement of a neighbouring landowner may be required to comply;
- There should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property;

- Excessive gradients which would cause dangers to road users in wet/icy conditions should be avoided;
- The access should not create a hazard by virtue of its close proximity to other entrances, road junctions, pedestrian crossings and traffic islands;
- In conservation areas and in the grounds of listed buildings, there will be a presumption against paving over the entire forecourt for the benefit of parking. New proposals should seek to retain at least half of the garden as soft landscaping.

Other Supplementary Planning Guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)

Consultations, Publicity and Representations

Consultees

Environment Agency – No comments received.

KCC - Highways and Transportation - No comments received.

GBC - Highways Officer - A similar application has already been considered, 20181251 and my original comments are copied below.

“Road East is a classified road B261. Therefore in accordance with the Councils’ Planning Guidance Note 6, Schedule 1, on site turning of a vehicle is required so vehicles may enter and exit in forward gear in the interests of highway safety.

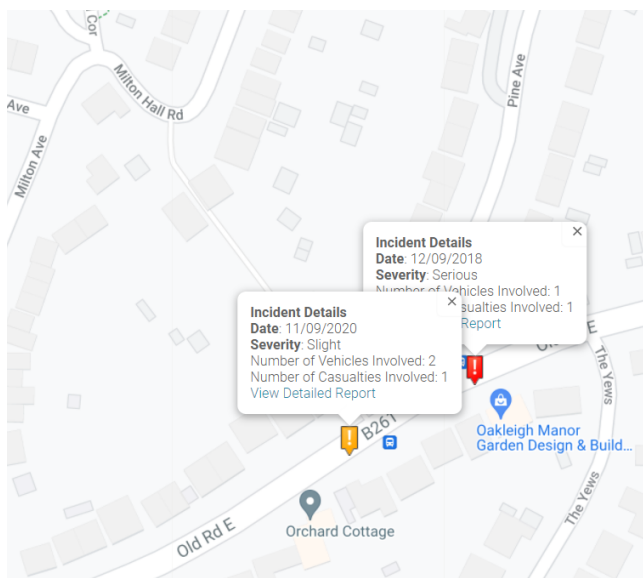
There are other properties that have accesses and many of these have the ability to turn on site or have the benefit of two access points. However some do not, but of these I am having difficulty in tracking any that have a planning permission.

Given the current policy of the Council I have no option but to recommend refusal, but with the caveat given there are other accesses in the area that do not benefit from on-site turning, this may not be sustained at appeal. It should also be noted that on Crashmap.co.uk, there are three injury accidents between 2014 and now, one each of 14/11/2014 (serious), 11/06/2015 (slight) and 5/8/2016 (slight). The two slight injuries involved two vehicles whilst the serious was a single vehicle. Without purchasing additional information nothing more is known. But given the age of these events, they are not considered to be significant as with one exception they are older than three years.”

Since my 2018 comments there have been two further nearby accidents as detailed on crash map either side of Pine Avenue. There was a serious accident to the east of Pine Avenue on the 12/09/2018 and a slight to the west of Pine Avenue on the 11/09/2020. As these accidents are recent they are relevant when considering the proposal. More details are available on payment of a fee, unless Kent County Council can provide the details for free.

I also note the drainage details for the drive is via an Aco drain, but no details are given on where it drains too. The drive should be constructed from a bound permeable material, as soakaways are not permitted within 5 metres of a highway or building. Alternatively it may be possible to connect to a public sewer if Southern Water give their permission

However, my recommendation remains one of refusal as the proposal does not comply with PGN6.



Crash Map 2018 to 2020



Crash Map 2014 to 2017

Neighbouring properties

Five surrounding properties were consulted with a consultation expiry date of 22nd December 2021. Two representations were received supporting the application.

Officer's Analysis

Background

As the planning history shows, planning permission was refused in 2019 (Ref. 20181251) for the following reason;

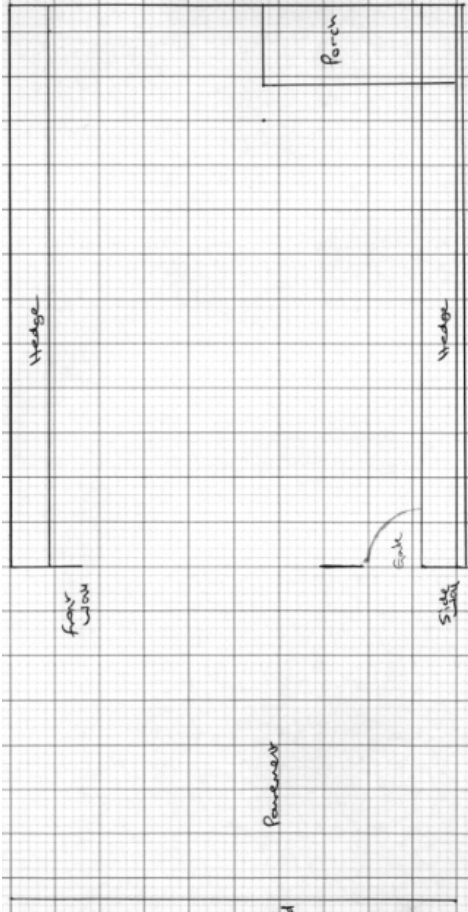
1. *The front garden area of 99 Old Road East is neither deep enough nor wide enough to provide the required turning area to enable vehicles to enter and leave in a forward direction when accessing the property. The development without adequate turning facilities within the site would result in vehicles reversing into and out of the site potentially requiring vehicles to stop in the highway to the detriment of the free flow of traffic. The busy nature of the highway and with the suggested access being close to the entrance to a public footpath and with restricted visibility to the west also increases the hazards of such an access. As such the proposal would be to the detriment of highway and pedestrian safety and the free flow of traffic on this busy classified 'B' class road contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014, saved Policy T5 of the Gravesham Local Plan First Review 1994, and to the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (February 2009) adopted as supplementary*

planning guidance and section 9 of the National Planning Policy Framework (NPPF).

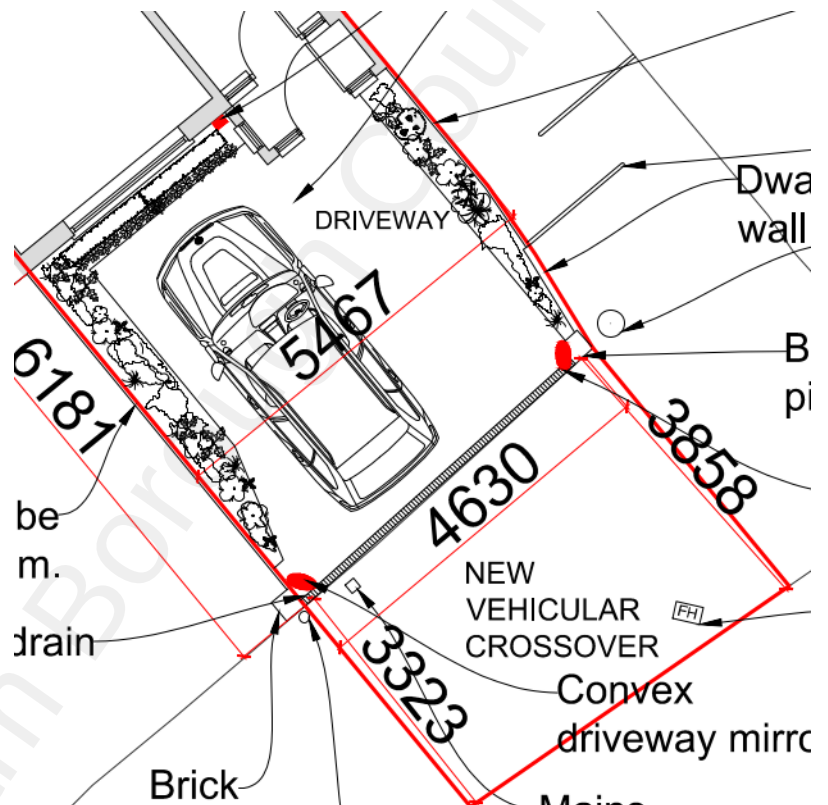
The main differences between the current scheme and the previous are;

- A reduction in the front boundary wall and removal of pedestrian gate to provide a wider access;
- The aco drain has been shown across the front boundary; and
- An electric charging provided.

Previous Scheme (Ref: 20181251)



Current Scheme



In essence, the proposal is very similar to the previous in terms of the access and parking provision.

Site Description

99 Old Road East is a two storey semi-detached property located within the urban area of Gravesend on the B261 which is a Schedule 1 classified road. The area is residential in character and there is a public footpath, Church Lane, that runs to the side of the application property. Previously there was a low level boundary wall to the front with soft landscaping to the sides and soft landscaped front garden. The front boundary wall and all soft landscaping has been removed and the side boundaries have approximately 1.8m high slatted fencing.

Streetscene May 2019



Current Streetscene



Proposal

This application seeks permission for the creation of a vehicular access to a hardstanding to facilitate off road parking for one vehicle. The proposed hardstanding would measure approx. 4.46m wide and 5.36m in depth. The proposed crossover would measure 5.2m wide and 3.8m in depth. The existing timber fencing along the west facing common boundary with No. 97 would be reduced in height to 1m. The existing fencing along the east facing boundary with Church Walk will be retained. The proposed plan shows two areas of soft landscaping on either side boundary and an electric car charging point. The proposal would

result in off road parking for one vehicle.

Design, Character and Appearance

The area is characterised by residential dwellings with the majority of the properties within the immediate area being large detached dwellings with wide frontages with driveways and garages. The exception is the semi-detached pair of which the application property is one. To the west of the property, there are some semi-detached dwellings with driveways, however these differ in design than the application property and benefit from a wider frontage. Therefore, whilst the majority of the properties within the immediate area benefit from crossovers and driveways, these properties are substantially larger than the application dwelling, and also historic.

Looking to the application property itself, as shown in the photos above, prior to the existing works to the frontage, the property benefitted from a low level boundary wall, mature hedging and landscaping and laid to lawn front garden. This had a positive contribution to the visual amenity to the streetscene and area as a whole. The removal of all the soft landscaping, the laying of sub-base and the erection of approx. 1.8m high side boundary fencing has resulting in a hardening of the streetscene which generally does benefit from pockets of soft landscaping in the form of boundary hedging, laid to lawn front gardens and trees.

Therefore in terms of design, character and appearance, the existing works to the front garden, together with the proposed hardstanding has and would further result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development would therefore be contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2021).

Amenity of Future Occupiers

The proposal will provide acceptable living conditions that safeguard the amenity of future occupiers, in accordance with Policy CS19 (LPCS) and Section 12 NPPF (2021).

Neighbouring Amenity

The proposal would result in the reduction of the shared boundary fencing and as such, the development proposed is not considered to materially impact the amenity of any adjoining or neighbouring property. As such it is in accordance with Policy CS19 (LPCS) and Section 12 NPPF (2021).

Parking and Highways

The proposed development would result in the provision of 1no. off road parking space, which would not accord with the KCC Parking Standards for a 4-bed property.

In relation to the vehicular access, the preamble of saved Policy T5 (LPFR) states that; *In urban area, turning movements account for a significant proportion of accidents. On major routes in rural area, speed becomes an additional factor. New accesses can create further potential hazards, both by increasing the number of turning movements on urban roads and by creating additional potential obstructions on the rural road network. It is particular important that the main highway network of primary, district and local distributors should remain free of new accesses.*

Saved Policy T5 says; *The formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.*

Paragraph 11 of the NPPF (2021) that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date

development plan (paragraph 11c) and where there are no relevant development policies, or out-of-date planning permission should be granted unless any adverse impacts would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (paragraph 11d)ii).

In addition to the Local Plan policies, the Council has adopted supplementary guidance "Planning Policy for vehicular accesses to classified highways" (Planning Guidance Note No 6). This gives detailed advice regarding design criteria for vehicular accesses and sets out the circumstances where permission will be granted for new vehicle accesses onto classified roads. It has been the subject of thorough public consultation.

The Council's policy and guidance for controlling the formation of vehicular accesses to classified highways is long established dating from the mid 1970's and reaffirmed in November 1980. It was established as a planning policy through the original Gravesham Local Plan in 1987. The policy guidance was revised in September 1991 following which an explanatory leaflet was produced. In November 1992 the policy guidance was reappraised. The policy guidance was modified only in its interpretation concerning accesses to local distributor routes subject to a 30mph speed limit. This had the effect of deleting on such roads the requirement for the provision of a vehicle turning area within the site to enable vehicles to enter and leave in a forward direction.

The current guidance makes it clear that whilst each application for a new vehicular access to a classified road will be considered on its individual merits, certain standards will apply throughout:-

- there should be a minimum depth of 5.0 metres available from the rear edge of the highway or path, to ensure a car can be parked wholly off the road (increased to 5.5 metres where the driveway leads to a garage door);
- visibility splay should be provided appropriate to the class of road and the speed of passing traffic. Typical standards are 2 x 2 metres (measured along back of footway) for pedestrians and 2 x 45 metres (measured along kerb line) for vehicles. Where these cannot be provided within the applicant's land-holding, the agreement of a neighbouring landowner may be required to comply;
- there should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property;
- excessive gradients which would cause dangers to road users in wet/icy conditions should be avoided;
- the access should not create a hazard by virtue of its close proximity to other entrances, road junctions, pedestrian crossings and traffic islands;
- in conservation areas and in the grounds of listed buildings, there will be a presumption against paving over the entire forecourt for the benefit of parking. New proposals should seek to retain at least half of the garden as soft landscaping.

On Schedule 1 roads, the following additional considerations apply:-

- where an alternative means of vehicle access can be provided which does not affect the main road, a new access to the classified road will normally be refused;
- all applications will be expected to show on-site turning space – typically, this will require a minimum forecourt area of 7.5 metres width and 8 metres depth;
- exceptional circumstances will be needed to justify the creation of more than one means of access to a single residential property;

- all new entrances will have to have full sight-lines appropriate to the speed of passing traffic and all reasonable steps should be taken to design out any hazards arising from this access. This may entail further work in the highway.

Schedule 1 roads covers all trunk roads, primary and district distributor routes (A and B roads) and those local distributor routes which fall partly or wholly outside a 30mph speed limit. In this case at 99 Old Road East the site fronts onto an B Class primary distributor route the B261.

The basic requirement of an access to A or B class roads (Schedule 1 roads) is that a car should be able to be driven in and out in a forward direction and hence there has to be sufficient space for turning the vehicle around on the forecourt in addition to the vehicle parking space. This should not be in the form of a multi-point turn.

This policy, which has been adopted and strictly enforced by the Council over the past 30 or more years aims to ensure that residents who live on major strategic routes are not permitted to create entrances which would require them to reverse their vehicles either on or off the public highway and thereby causing potential danger to other moving traffic as well as to pedestrians.

It would not be possible to satisfy the above policy criteria at this property in Old Road East. The size of the front garden at this dwelling would be inadequate for the creation of a turning area in accordance with the Council's adopted minimum criteria and technical requirements to enable vehicles to enter and leave in a forward direction.

The width of the front garden varies from a maximum of 5.63m internally, decreasing to 5.35m at the frontage as the east boundary pinches in. This width also does not include the proposed brick pier which would result in the access being approx. 4.45m. Whilst it is acknowledged that there are other properties that have accesses, many of these have the ability to turn on site or have the benefit of two access points. However some do not, but of these there does not appear to be a record of planning permission.

It is not disputed that there is sufficient space just to park a car in the front garden clear of the highway but the implication of not having a full turning width available is simply a greater likelihood that residents will choose not to turn around within the site and a vehicle would reverse either onto or off the site, either manoeuvre being hazardous. Furthermore, looking at the previous application (Ref. 20181251), it does not appear that the applicant has attempted to address the previous reasons for refusal. Whilst it is acknowledged that the provision of a vehicle charging point would be beneficial, this would not outweigh the demonstrable harm. It is therefore still considered that the proposed vehicular access in this location would still breach saved Policy T5 (LPFR), as it would result in vehicles reversing into or out of the site to the detriment of highway safety and free flow of traffic on this busy classified road.

Of the neighbouring properties which many have vehicular accesses in this location, all benefit from wider frontages which have sufficient space for vehicle turning or have two access points. In relation to the adjacent dwelling, No. 97 and smaller dwellings to the west, those accesses appear to be historic as there are no records of planning permission being granted for them although have properly constructed vehicle crossovers.

Account has to be taken of the previous planning history and the fact that a very similar proposals was refused permission in 2019 (Ref. 20181251). There has really been no substantial change in circumstances since then in either policy terms or the available space for parking and turning which must mean that the same reasons for rejection would still apply today.

Overall and taking into consideration the above, in terms of highway safety, the proposed access and hardstanding would be contrary to saved Policy T5 of the Gravesham Local Plan First Review (1994) and Policy CS11 of the Core Strategy 2014.

Any Other Material Planning Considerations

Impact on Biodiversity - as aforementioned within this report, the existing works and the proposed development have resulted in the removal of a substantial amount of soft landscaping within the front garden and therefore has resulted in a loss of biodiversity. Section 15 of the NPPF (2021) states that developments should result in a biodiversity net gain. Whilst two small areas of soft landscaping are shown on the proposed drawings, these are not considered to mitigate the loss that has already resulted. The proposal would therefore be contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (NPPF) (2021).

Conclusion

The application has been fully assessed and it is considered that the proposal cannot be supported as it would result in a detrimental impact on the visual amenity of the streetscene and area as a whole, a loss of biodiversity and highway safety reasons, contrary to Policies CS11, CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), saved Policy T5 of the Gravesham Local Plan First Review (1994), Sections 12 and 15 of the National Planning Policy Framework (2021) and the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) adopted as supplementary planning guidance.

Therefore, it is recommended that planning permission is refused, for the following reasons:

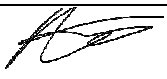
1. The existing works to the front garden, together with the proposed hardstanding has and would further result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development would therefore be contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2021).
2. The existing and proposed works have and would result in the removal of a substantial amount of soft landscaping of the front and therefore has resulted in a loss of biodiversity. The proposal would therefore be contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (NPPF) (2021).
3. The front garden area of No. 99 Old Road East, Gravesend is unable to provide an acceptable turning area in accordance with the Council's adopted criteria and technical requirements to enable a vehicle to enter and leave in a forward direction. The development without adequate turning facilities within the site would result in vehicles reversing into and out of the site potentially requiring vehicles to stop in the highway to the detriment of the free flow of traffic. The busy nature of the highway and with the suggested access being close to the entrance to a public footpath also increases the hazards of such an access. As such this would be to the detriment of highway and pedestrian safety and the free flow of traffic on this busy classified 'B' class road, contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), saved Policy T5 of the Gravesham Local Plan First Review (1994), paragraph 130 of the National Planning Policy Framework (2021) and the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) adopted as supplementary planning guidance.

Recommendation

Refusal

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbs
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Signed:		Signed:	
Dated:	12 th January 2022	Dated:	13 January 2022

Gravesham Borough Council