

**East Malling &
Larkfield**
East Malling

14 May 2018

TM/18/01106/FL

Proposal: Proposed new entrance to No.165 Wateringbury Road
Location: Belvidere Oast 165 Wateringbury Road East Malling West
Malling Kent ME19 6JE
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought to create a new vehicular access to this property onto Wateringbury Road. Currently, access to the site is shared with the neighbouring property at 163 Wateringbury Road and visibility for vehicles leaving the site is limited in either direction due to the geometry of the road and layout of boundary walls and buildings in the locality.
- 1.2 The proposed new access would be located approx. 30m to the south of the existing access which is to remain in place to serve the residential property at 163 Wateringbury Road. This would require the removal of a section of close boarded fence, shrubs and bushes.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Roud to fully assess the merits of the proposed development.

3. The Site:

- 3.1 The site is located outside the settlement confines of East Malling, within the countryside, on the east side of Wateringbury Road. The site contains a detached dwelling house created through the conversion of a former oast house. A timber cart barn is located in front of the dwelling.
- 3.2 Wateringbury Road in the vicinity of the site has a 40mph speed limit and the carriageway measures between 4m and 5.5m in width. The road is bisected by white lines defining the north and south bound carriageways. The road is flanked by vegetation on both sides in the locality, although sections of ragstone boundary wall are located on either side of the existing access to the application site and in front of the neighbouring dwelling at 163 Wateringbury Road, which measure between approx. 1.2m and 1.5m high. A section of footpath is located on the west side of the road, opposite the site.

4. Planning History (relevant):

TM/08/01476/FL

Approved

12 June 2008

Freestanding car port to front of building and shed/workshop to rear garden

5. Consultees:

5.1 PC: No objection but in respect of the proposed vision splay, it is felt that the highway authority need to assess whether this is satisfactory.

5.2 KCC (H&T): Initial comments: I estimate visibility to the nearside when looking right/north to be 1/3 of the minimum recommend for the speed on this road. This is of concern and I consider grounds to recommend a refusal to this application. Visibility to the south is also inadequate.

5.2.1 Looking at the cross sections provided I estimate the gradient of the access proposed to the highway to be 1:4.3 of 23%. The gradient of the access should be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

5.2.2 In conclusion I recommend a refusal for this application on behalf of the highway authority.

Subsequent comments submitted in respect of amended plans of the proposed access

5.2.3 I am grateful for the cross section provided which shows a satisfactory access gradient (1:20, maximum acceptable 1:8) although this is not based on a survey; levels shown indicatively; the access extends at least 18m into the site/off the highway.

5.2.4 For a 40mph speed, a sight stopping distance of 65m is required. This is measured from a view point 2.4m back off the highway to a nearside point on the highway which can be 1m from the kerb line/edge of carriageway. Currently from the latest access plan, the visibility to the north (looking right on emerging) is 24m. This is unacceptably low. Visibility to the north ignoring (i.e. removing) the Ragstone wall next to the garages indicates that a visibility of 41m might be achieved. This equates to a stopping distance for traffic approaching at 29mph.

5.2.5 On behalf of this authority I write to confirm that a refusal of this application is recommended on the grounds that inadequate/unsafe visibility is available for emerging traffic.

5.2.6 Private reps (including site notice): 2\0S\0X\0R

6. Determining Issues:

- 6.1 The main issue with this application is the impact of the works upon highway safety.
- 6.2 Policy SQ8 of the MDE DPD relates to road safety, transport and parking. Point 2 of the policy states:
- “Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.”*
- 6.3 Paragraph 108 of the NPPF states that when assessing specific planning applications it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development upon highway safety can be cost effectively mitigated to an acceptable level.
- 6.4 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 6.5 It is apparent from the representations made by the highway authority that an acceptable level of forward visibility cannot be provided with the design of the proposed access onto Wateringbury Road. Particularly when looking north (i.e. into the path of approaching traffic from East Malling), the amount of visibility that would be provided (24m) is approx. 1/3 of what is required for the 40mph speed of the road. This is considered by the highway authority to be “unacceptably low”. The highway authority has even considered the likely visibility were the ragstone wall that fronts onto Wateringbury Road in front of the site removed. I must stress that this is not part of the proposed development but a hypothetical situation. However, even if that wall was removed, the visibility looking north from the proposed access would still fall well short of that required for the speed of the road. The visibility to the south of the proposed access is also considered to be unacceptable to the highway authority.
- 6.6 In light of the above, it is considered that the proposed access would not be safe or suitable. Adequate mitigation cannot be undertaken (such as by the removal of the front boundary wall to the north of the proposed access) that would render the proposed development acceptable. Consequently, the proposed development is considered to have an unacceptable impact upon highway safety and is, therefore, contrary to policy SQ 8 of the MDE DPD and also current national planning advice contained within paragraphs 108 and 109 of the NPPF.
- 6.7 Turning to other matters material to the consideration of this application, policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its

surroundings. The proposed access would require the removal of a section of close boarded fencing and shrubs located behind it. The size and design of the proposed access are such that it would not have an unacceptable impact upon the character of the site or wider rural locality. It would not, therefore, be contrary to policy CP24 of the TMBCS.

6.8 To provide the required visibility splays would necessitate the demolition of the ragstone walls in front of the application site and the neighbouring dwelling at 163 Wateringbury Road, as well as cutting back a long section of vegetation on the south side of the access road. These works would have a detrimental impact upon the character of the street scene, which would be contrary to policy CP24.

6.9 In light of the above considerations, the proposed development would result in an unacceptable impact upon highway safety and, as such, would be contrary to adopted development plan policy SQ8 as well as current Government planning policy contained within the NPPF. As such, I recommend that planning permission is refused.

7. Recommendation:

7.1 **Refuse planning permission** for the following reason:

Reason:

1. The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, would not provide safe or suitable access for those using it and would, therefore cause unacceptable harm to highway safety which cannot be mitigated to an acceptable level. The development is, therefore contrary to policy SQ 8 (2) of the Managing Development and the Environment – Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

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