DELEGATED DECISION REPORT

SMD/2018/0797	**362 ASH BANK ROAD**	**RETENTION OF VEHICULAR ACCESS**
Valid 27/12/2018	**WERRINGTON**	
		(FULL - HOUSEHOLDER)

MAIN ISSUES
Would the development result in a highway danger

DESCRIPTION OF SITE
The semi detached stone dwelling fronts Ash Bank Road (the A52) however it sits on a corner plot where cross road traffic lights provide a controlled junction with Salters Lane to the south and Washerwall Lane to the north. The dwelling has an immediate roadside frontage and does not provide any parking to the front or form any vehicular access with the A52. The side of the dwelling and its plot are flanked by Salters Lane the D1183, adjacent and on the other side of Salters Lane there is St. Philip's Church.

PROPOSAL
The proposal is to construct and form a new access with Salters Lane to the side of the plot to the rear of the dwelling. The work would involve some levelling with the carriageway edge and the laying of paving blocks between the highway edge and the plot boundary. The access would be formed between an opening in the boundary hedgerow.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)
S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework (the NPPF)

Paragraph(s) 108 NPPF

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
When previous attempts were made to open an access in this location the Highway Authority advised the owner, at the time, that it was an illegal and unsafe access and must be closed. With the commencement of legal action the owners carried out the minimum amount of work necessary to close that access opening. The Highway Authority note that under the applicant's ownership occupants have again started to illegally use the opening as an unsafe access to the highway.

CONSULTATIONS

Publicity
Site Notice expiry date: 2nd Feb 2019
Neighbour consultation period ends: 18th Jan 2019

Public Comments
None Received

Town / Parish Comments
Awaited

Staffordshire County Council Highways

Objection

OFFICER COMMENTS

The access arrangement only affords a narrow car's width through the hedgerow. The proposal would not provide the requisite visibility splays and moreover there is not sufficient land within the applicant's control to provide that visibility.

The proposed access point would be within 15 metres of a four way traffic signal controlled box junction. Vehicles leaving the proposed access would not be able to see properly before pulling into the carriageway and the waiting or flowing traffic stream, while a vehicle waiting to turn into the access would disrupt and obstruct the flow of traffic – all resulting in a significant highway danger. The County Highway Authority has raised an objection to the proposed development in that it would create an unsafe and illegal access

The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road (such as the D1183) can be permitted by Part 2, Class B of the General Permitted Development Order 2015. I make no comment here as to whether the proposed development in this case would be permitted by Part 2, that is not a question that is before us and instead the applicant has asked the Local Planning Authority to make, in any event, an express grant of planning permission. Regardless of what might be permitted by the General Permitted Development Order, the Local Planning Authority should not make a separate express grant of planning permission for a dangerous access arrangement and the application to do so should be refused.

Whatever the decision here or whether or not the development might be permitted by any Order, this would not prejudice the requirement to secure approval under s. 184 of the Highways Act to carry out works to the highway, or for the County Highway Authority to take action against an illegal access.

CONCLUSION / PLANNING BALANCE
The proposal is for a dangerous and unsafe access arrangement.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 18/02/2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council