

DC/2017/00035

CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM THE PUBLIC HIGHWAY INTO PART OF THE WOODSIDE TRADING ESTATE

WOODSIDE TRADING AND INDUSTRIAL ESTATE, WOODSIDE, LLANBADOC, USK, NP15 1SS

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 30.01.2017

1.0 APPLICATION DETAILS

- 1.1 This application relates to land to the north of Woodside Garage that forms part of the wider trading and industrial estate. It is located on the edge of the town of Usk running parallel to the River Usk.
- 1.2 Planning permission is sought for a new vehicular access into part of the trading estate. To facilitate the provision of an entrance new dropped kerbs would be installed.
- 1.3 A recent Existing Lawful Development Certificate to establish a lawful access at the site was refused for the following reason:

The applicant has failed to show on the balance of probability that the land has been continually used as a vehicle access in excess of 10 years.

2.0 RELEVANT PLANNING HISTORY

DC/2016/01430 - The existing access, from the public highway, serving part of the property known as Woodside Trading Estate, has been used continuously, for a period of time in excess of ten years. Refused 19/12/2016

MB32228 - Reconstruction of service station. Approved 12/06/1990

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 Landscape, Green Infrastructure & the Natural Environment
S16 Transport
S17 Place Making & Design

Development Management Policies

EP1 Amenity & Environmental Protection
DES1 General Design Considerations
MV1 Proposed development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llanbadoc Community Council – Recommend the application is refused for the following reasons:

- The application seeks to remove an existing form of dropped kerb access between the rear of the BP petrol station and No 11 Woodside and the formation of a vehicular access as a form of road junction.
- The applicant's reasons for this are to avoid parked vehicles blocking this entrance to the estate and thus allowing safe entry/exit for large vehicles.
- We note that the existing dropped kerb type arrangement although having been in operation for a number of years was unauthorised and that the County Council as the highway authority cannot install any parking restrictions to keep this unauthorised access clear.
- We noted that there have been a number (7) of objections to the proposal by the immediate nearby residents who would be affected by the loss of parking in an area lacking in local parking provisions.
- The material considerations then are the improved access for the commercial vehicles to and from Usk Valley Joinery against the loss of parking provision for local residents.

We feel that this latter objection carries more weight as an existing parking problem for local residents would be made worse and would recommend refusal accordingly. We wondered if the applicant could make say 2 parking spaces available on their site for local residents in recompense for those lost and the proposed junction then allowed.

MCC Highways – Have no objection. The application is for the construction of a vehicular access from part of the Woodside Trading Estate onto the adjacent public highway which is a classified route No. R106. As far as the Highway Authority is concerned this is an established vehicular access which has been used historically to access the Woodside Trading Estate buildings on the northern side of the existing fuel station. There is an existing row of dropped kerbs at the access point along the edge of the carriageway which have been in-situ for a period well in excess of 20 years to facilitate access. Whilst the kerbing is not of a typical type it is evident that they have been laid to provide a short upstand between 25mm and 50mm to allow vehicles to traverse.

In light of the aforementioned comments the Highway Authority are of the opinion that this is an existing vehicular access which has been used historically therefore are not in a position to object to the application.

Should the applicant wish to carry out any alterations to the access they will be required to satisfy the requirements of the Highway Authority.

4.2 Neighbour Notification

Objections from five properties citing the following:

- There is very little parking this side of the bridge for householders;
- There are already two entrances into the industrial estate;
- If it is such a problem to get to the rear of the petrol station why isn't the car wash knocked down making a better access and it would be a big cure in the litter around the back of the petrol station with the hand car wash where there is a permanent tatty caravan parked;
- HGVs and delivery vehicles have more than enough room to stop, load and unload with the current setup and do this on a weekly basis;
- A similar plan has previously been rejected by the planning board (Application No: DC/2016/01430);
- It would encourage lorries through Usk and over the bridge which is already illegal;

- The proposed site is opposite the bus stop and would cause problems for bus & coach drivers required to stop or wait there as well as causing a potentially dangerous congestion bottleneck;
- Parking adjacent to a dropped curb becomes a contravention where a vehicle is parked on the carriageway alongside a place where the footpath or verge has been lowered to the level of the carriageway to enable easier passage to or in front of an entrance to a property;
- As there is already access to this property alongside the garage, this would effectively become a second access to the same property, enabling vehicles to enter by one entrance and exit by a different one, which I understand is against Monmouthshire CC building guidelines;

Letters of support have been received from two properties, noting the following:

- Would greatly benefit from the access being official as we have deliveries on a daily basis throughout the week, this access was asked for due to an accident that occurred due to a lorry waiting to deliver to us and we were accused of an accident and also the cars parking/blocking what looks like a drop kerb already in existence;
- Some of the residents have 3 vehicles per household and living where there is on street parking is fair also there is plenty of space to park on the opposite side of the petrol station;
- If there was to be a fire in any of the buildings behind the houses how would a fire engine get in there;

5.0 EVALUATION

5.1 Visual Impact

5.1.1 Whilst the application site immediately adjoins the Usk Conservation Area, owing to the nature of the proposed works (installation of a dropped kerb) it is not considered that the development would fail to preserve or enhance the character and appearance of the Usk Conservation Area.

5.2 Highway Issues

5.2.1 When planning permission was granted for the reconstruction of the service station in 1990 the area now subject of this application is intended to be kerbed rather than serve as an additional point of access. A lowered kerb has been installed however, it is not possible to determine when this was undertaken. A recent Lawful Development Certificate to establish that an access had been used continually in breach of planning control in excess of 10 years. This application was refused as it failed to show on the balance of probability that the land has been continually used as a vehicle access in excess of 10 years.

5.3.1 The proposal now to create a formal point of access has been considered by the Council's Highway Engineer who notes that the Highway Authority are of the opinion that this is an existing vehicular access which has been used historically therefore are not in a position to object to the application. The existing kerb provides a short upstand between 25mm and 50mm which already allows vehicles to traverse at present, unless vehicles are parked across the opening.

5.3.2 Therefore for the reasons detailed above it is not considered that the development is contrary to Policy MV1 of the Monmouthshire LDP and as such no grounds to recommend a refusal.

5.3 Response to Other Issues Raised

- 5.3.1 Residents at Woodside have expressed concerns that the provision of a new entrance would result in the loss of 2 parking spaces. This area does not form part of the properties' formal parking provision and as detailed in section 5.2 previously in this report there are not sufficient highway grounds to refuse an access in this location.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
Reason: For the avoidance of doubt.

Informatives:

1. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.