

Application	4
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Application Number:	23/02097/FUL
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Application Type:	HOUSEHOLDER
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Proposal Description:	Installation of a dropped kerb to a classified road (A19) (resubmission of application 23/00174/FUL, withdrawn on 20.03.2023)
At:	26 Doncaster Road, Askern

For:	Mrs T Hughes
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Third Party Reps:	0 Supporters 0 Objectors	Parish:	Askern Town Council
		Ward:	Norton and Askern

Author of Report:	Nathan Ward
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SUMMARY

This application is a resubmission of application (ref: 23/00174/FUL) and is seeking permission for the installation of a dropped kerb to a classified road (A19).

The previous application was withdrawn on 20.03.2023 following comments made by the Highways Development Control Officer.

The proposed dropped kerb is to serve a residential dwelling, and that it would be a second dropped kerb at this location as the existing property shares an access and dropped kerb with the adjacent neighbour.

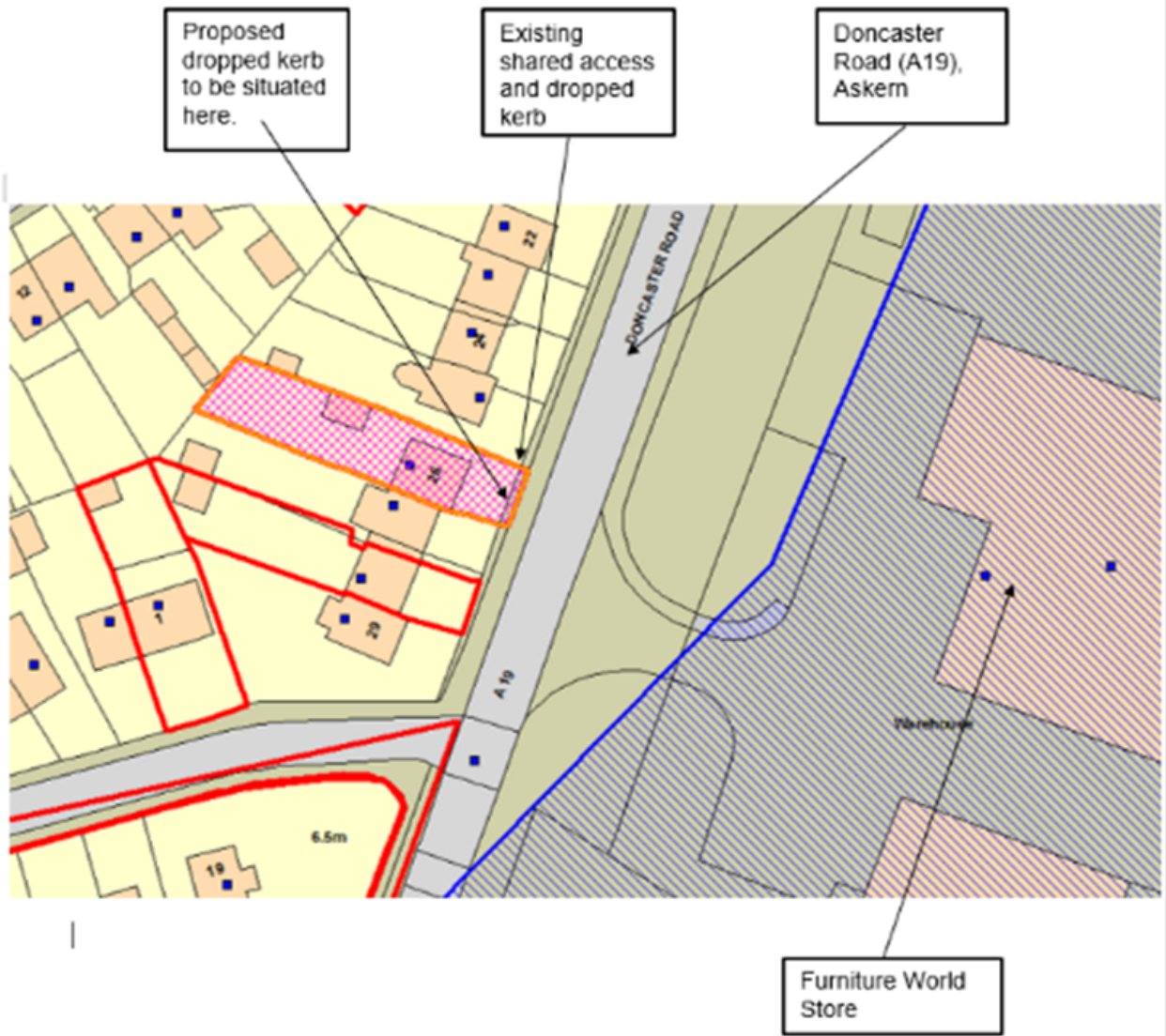
The resubmitted proposal is considered to harm highways safety as it fails to distinguish where a specific entry point is into a property and gives no definition/clarity on the highway as well as minimising the protection a full height kerb also gives to pedestrians.

The application also failed to provide adequate plans in order to fully assess the merits of the proposed development. The plans failed to address concerns raised by Highways Development Control

This application is being presented to members because it has been called in by local Ward Councillor White.

RECOMMENDATION: REFUSE

ANNOTATED SITE PLAN



1.0 REASON FOR REPORT

1.1 This application is being presented to Planning Committee at the request of Ward Councillor White.

2.0 PROPOSAL AND BACKGROUND

2.1 Planning permission is sought for the installation of an additional dropped kerb onto Doncaster Road, Askern.

2.2 This application is a resubmission of a previous application (23/00174/FUL) which sought to install an additional dropped kerb at this site. That application was withdrawn prior to determination to avoid a refusal on the grounds of lack of sufficient information to assess the application.

2.3 The proposed additional dropped kerb is sought in order to create a private access and driveway/turning area so that there is sufficient turning space within the site to enter and exit in forward gear.

2.4 The plans also show the removal of a section of the front wall to form a new private access, this can be carried out under Permitted Development Rights and so the only element requiring planning permission is the installation of the dropped kerb, as this would be to a classified road. It is this element of the works only which is before Planning Committee for determination.

3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS

3.1 The application site is a semi-detached, two storey dwelling situated on an established residential street. The front of the property is bound by a low-lying wall of brick, with modest grassy verges situated in front. To the rear of the site is a single storey garage outbuilding.

3.2 The property is set back from Doncaster Road (A19) and is separated by a gravelled front curtilage. The property currently shares an access and dropped kerb with their neighbour to the north (No. 25). Directly opposite the application site is a large Furniture World Store. Overall, the character of the area is largely residential, with the Furniture World store being the sole commercial unit in the area.

4.0 RELEVANT PLANNING HISTORY

4.1 The planning history for the application site is as follows:

Application Reference	Proposal	Decision
23/00174/FUL	Installation of a dropped kerb to a classified road (A19)	Withdrawn – 20/03/2023
79/2142/P	Erection of single storey conservatory extension (1.95M X 4.5M) at rear	Granted - 01/08/1980

5.0 SITE ALLOCATION

- 5.1 The application site lies within a Residential Policy Area as defined in the adopted Doncaster Local Plan and its supporting Policies Map (Sept 2021).
- 5.2 National Planning Policy Framework ('NPPF') 2023
- 5.3 The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Section 4: Decision Making – paragraph 43 relates to the information that is required for local planning authorities to make good, well-informed decisions. Section 9: Promoting sustainable transport - paragraphs 114b and 115 specifically relate to the highway safety considerations of development proposals
Section 12: Achieving well-designed and beautiful places – paragraphs 135(a) and 139 relate to the need for good quality and well-integrated design and state that poor quality designs should be refused.
- 5.5 Doncaster Local Plan (2021)
- 5.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012). The following Local Plan policies are relevant in this case:
- 5.7 Policy 13: Promoting Sustainable Transport in New Developments (Strategic Policy)
Policy 41: Character and Local Distinctiveness
Policy 42: Good Urban Design (Strategic Policy)
Policy 44: Residential Design
- 5.8 Appendix 6 – Residential Development states that two allocated off street parking spaces must be provided to meet the parking standards for 2+ bed units.
- 5.9 Other material planning considerations
- 5.10 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021. The adopted SPDs are regarding Biodiversity

Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.

- 5.11 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.
- 5.12 The Transitional Developer Guidance (updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.
- 5.13 The South Yorkshire Residential Design Guide (2011) covers the requirements for parking in residential settings and the relevant sections are B.1.1.19 and B.1.1.24 - Technical Requirements – Private Drives.

6.0 REPRESENTATIONS

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:
- The application was advertised via neighbour letter, with an overall consultation expiry date of 20th November 2023. Following this publicity, no letters of objection were received from local neighbours, and no letters of support were received.

7.0 CONSULTATIONS

Internal CDC Consultees

- 1.0 **Highways Development Control - Objects.** Highways Development Control would not support a new centralized access as shown in the unscaled “Site Plan Access”, however would support a widened shared access to 4.5m which includes the existing drop kerb being widened to cater for the new access width. The “Front Garden” area highlighted on the attached “Site Plan Access” will need to be shown on any scaled plan as a hard standing surface i.e. concrete, tarmac / block paving which the latter two can be porous. Any existing and boundary treatments will need to be clearly shown on any scaled plans. The existing grass verges adjacent to any access widths will need to be shown on the site plans and stated to be altered to match the existing footway.
- 7.2 **Highways Road Safety** – No comments beyond Highways Development

Control.

External Consultees

- 7.3 **Town Council** - No comments received
- 7.4 **Yorkshire Water** – No comments received
- 7.5 **Northern Gas** – No objections raised.

8.0 ASSESSMENT

- 8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

“Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

- 8.2 The NPPF (2023) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 8.3 The main issues for consideration under this application are as follows:
 - Impact upon highway safety
 - Impact upon the design and character of the surrounding area
 - Impact upon residential amenity
- 8.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:
 - Substantial
 - Considerable
 - Significant
 - Moderate
 - Modest
 - Limited
 - Little or no

The Principle of the Development

- 8.5 The application site falls within the Residential Policy Area as defined in the adopted Local Plan (2021). As such, extensions and alterations to a domestic property are acceptable in principle if they remain subsidiary to the host

dwelling, are of a scale and design that is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

Impact upon Highway Safety

- 8.51 Policy 13 states that new developments shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. Paragraph A6 states that proposals will be supported where development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.
- 8.52 Policies 41(a), 42(b), and 44(b) all seek for development to integrate well with the immediate and surrounding environment.
- 8.53 Policy 42 B(4) states development will be supported where it considers access points, street design, parking and operational highway requirements to safely cater for pedestrians, cyclists and vehicles.
- 8.54 Paragraph 43 of the NPPF highlights that the right information is crucial to good decision-making, particularly where formal assessments are required. To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
- 8.55 Paragraph 114(b) of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that there is safe and suitable access to the site can be achieved for all users.
- 8.56 Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.57 The applicant states that the purpose of the proposed development is to ensure they do not need to reverse out onto the road in order to exit the site, and that the new driveway and dropped kerb would allow for access and turning provisions within the curtilage of the application site.
- 8.58 The proposal will create an additional 4.8m wide private access for the applicants at No. 26, with an associated dropped kerb of 4.66m.
- 8.59 The existing shared access and parking arrangements to the side would also be retained.
- 8.60 The plans show that the proposed dropped kerb would be installed between the existing dropped kerb, currently used for the shared access, and another dropped kerb used by No. 27. However, the plans provided are of poor quality. Specifically, the proposed site plan provides no specified scale, and it is therefore impossible to accurately identify precisely where the proposed new entry point to the site would be along the existing site boundary. It does not show existing or proposed boundary treatments and so there is no clarity over

what is proposed in this respect; likewise, the existing grass verges have not been shown on the plans. The plans also fail to show the extent of the existing shared driveway entrance and dropped kerb, and so it is impossible to assess the relationship of the proposed dropped kerb with the existing dropped kerbs already present. This means it is not clear whether the proposal would create one long dropped kerb or multiple dropped kerbs in close proximity to each other. Additionally, no information has been provided with regards to proposed surfacing for the driveway, the existing boundary treatment or the grass verges on the existing footway. This should be hardstanding in order to be used as a turning space, to avoid the transportation of gravel onto the highway.

- 8.61 Notwithstanding the poor quality of the plans submitted, and the resultant ambiguity of what is proposed on the ground, there are clear highway safety issues with either eventuality. The creation of multiple access points in such close proximity to each other on a classified road would create uncertainty on the road as drivers will be unsure which access vehicles will be entering and existing the highway from. This scenario cannot be supported as it would cause unacceptable harm to highways safety by virtue of disrupting traffic flow on a busy classified road, contrary to local and national policy requirements.
- 8.62 In the alternative, if the proposal does involve the creation of one long-dropped kerb, this would cause unacceptable risk to pedestrian safety on the street, as there would be no place of refuge for pedestrians to wait whilst vehicles are entering and leaving the application site. A significant stretch of the road pedestrians would no longer benefit from the protection provided by a full height kerb. Again, this would be contrary to local and national policy requirements.
- 8.63 As part of their consultation response, in the interests of seeking to work positively and proactively with the applicant, the Council's Highways Officer suggested a viable alternative proposal which would address the issues the applicant is seeking to overcome whilst also overcoming the technical highway safety objections. The suggestion involved the widening of the existing shared access and dropped kerb, which would ensure that the public footway is not affected by such a long-dropped kerb as currently proposed, whilst also suitably providing for the turning provisions within the site which the applicant requires. The Highways Officer's comments and proposed solution was provided to the applicant on November 17th, 2023, however at the time of writing no amended plans have been received and so the assessment and recommendation are based on the current plans.
- 8.64 The proposal set out on those current plans is unacceptable for the reasons given above. Therefore, the proposal is considered to be contrary to Local Plan Policies 13, 41, 42 and 44, and paragraphs 114(b) and 115 of the NPPF. Ultimately, the Highways Officer continues to maintain the objection to the scheme in its current form and the technical advice provided must be given great weight by the planning committee in reaching its decision.

Impact upon the character and appearance of the area

- 8.65 Policy 41 A states that developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 8.66 Paragraph 135(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area.
- 8.67 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.68 The application site is located at the entrance to the town of Askern and lies on Doncaster Road (A19), a busy classified road that acts as the main road into and out of the town.
- 8.69 The existing street is relatively high density and consists of semi-detached and terraced properties, of a similar design.
- 8.70 The proposal would lead to the creation of a new break in the front boundary treatments, however the removal of part of the front boundary wall to create the access is permitted development and therefore could take place at any time without requiring any planning permission from the council. There would be no adverse impact on the street scene arising from the creation of the dropped kerb itself, which is solely what this planning application relates to.

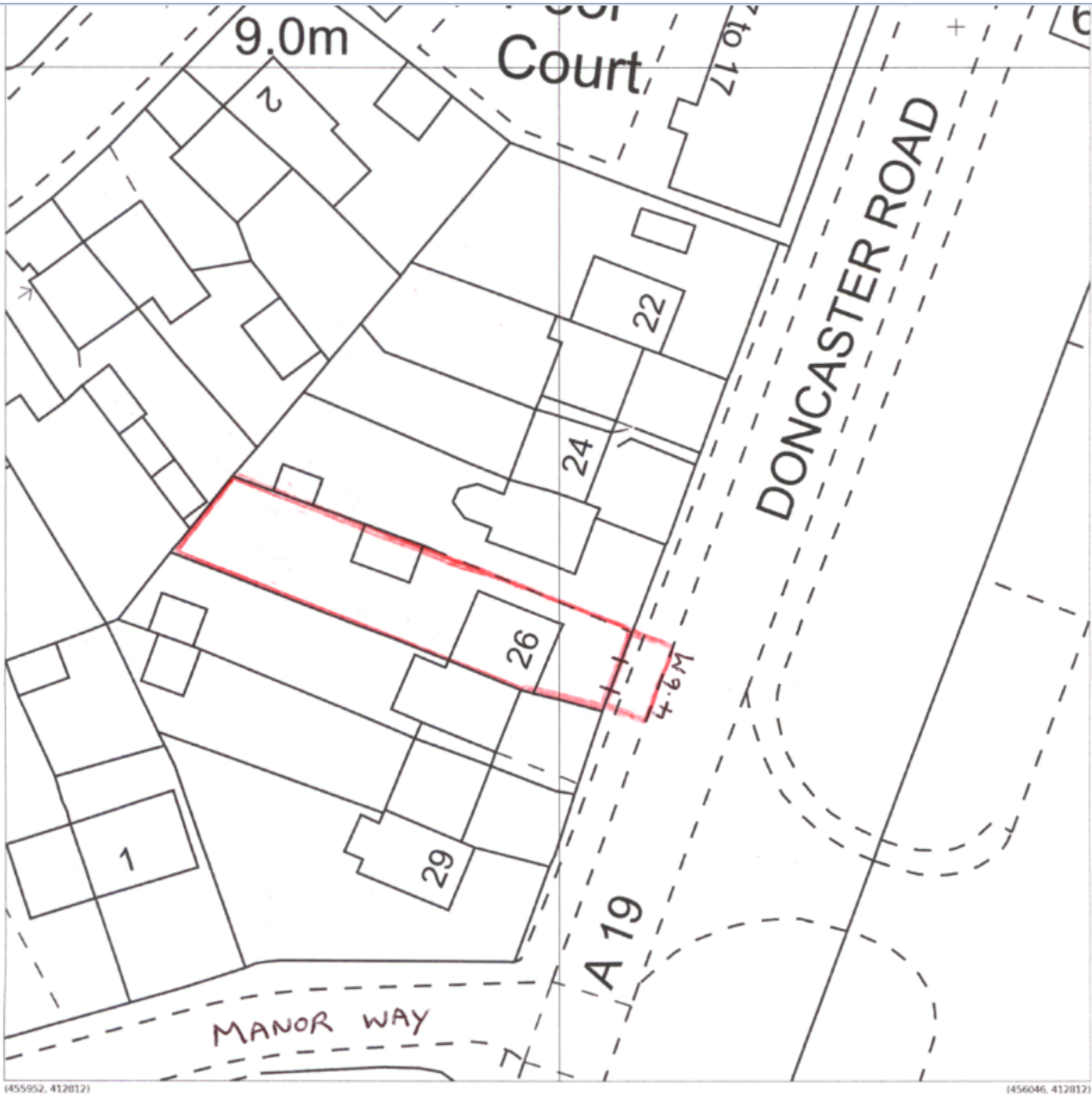
9.0 PLANNING BALANCE & CONCLUSION

- 9.1 The submitted plans indicate that the proposal would be harmful to pedestrian and highways safety by virtue of either creating one long dropped kerb on the public footway or of creating multiple accesses onto the classified road in close proximity with each other. The proposal therefore contravenes Policies 13, 41, 42 and 44 of the Local Plan as well as paragraphs 114(b) and 115 of the NPPF
- 9.2 The plans provided to the Local Planning Authority by the applicant were inadequate and failed to provide sufficient information to address the concerns raised by the Local Planning Authorities Highways Development Control Team. Consequently, the proposal contravenes Section 4 of the NPPF, specifically paragraph 43. Officers have endeavoured to work with the applicant to reach a satisfactory alternative solution which would overcome the highway safety objections and still provide the applicant with a workable layout on site. Unfortunately, this has not resulted in any amended plans being forthcoming and we must therefore determine the application as it currently stands.
- 9.3 On balance, whilst the applicants may benefit personally from additional turning provisions within their residential curtilage, the overall harm to highways safety by virtue of installing one long dropped kerb or the creation of multiple access points, and the consequent impact on pedestrian and highway safety outweighs the potential benefits to them.

10.0 RECOMMENDATION – REFUSE PLANNING PERMISSION

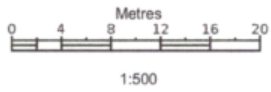
1. The Local Planning Authority considers on the basis of the information provided that the proposed development would cause clear and significant harm to highways and pedestrian safety at Doncaster Road, which is a classified road, because it would either involve creating a single long dropped kerb or multiple access points within close proximity to each other. In either eventuality, the proposal would therefore be contrary to Policies 13, 41, 42 and 44 of the Local Plan as well as Paragraphs 114 and 115 of the National Planning Policy Framework.

APPENDIX 1 – SITE PLAN



Produced 24 Jan 2023 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right



26, Doncaster Rd, Askern, Doncaster
DN6 0AL

APPENDIX 2 – PROPOSED FLOOR PLANS

