

**Report of the Chief Executive**

**Appeal Decision**

<b>APPLICATION NUMBER:</b>	<b>25/00409/FUL</b>
<b>LOCATION:</b>	<b>35 Ilkeston Road Bramcote Nottinghamshire NG9 3JP</b>
<b>PROPOSAL:</b>	<b>Dropped kerb access to serve new driveway at front of property</b>

**APPEAL ALLOWED**

**RECOMMENDATION BY OFFICER – REFUSAL**

**DELEGATED DECISION**

**REASONS FOR REFUSAL –**

The proposed vehicular access onto the public highway, by virtue of its proximity to the footway and pedestrian crossing, resulting in conflict with pedestrians and cyclists, , resulting in conflict with vehicular traffic, would have a detrimental impact on highway safety contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

**LEVEL OF DECISION: WRITTEN REPRESENTATIONS**

The appeal is allowed and planning permission is granted for dropped kerb access to serve new driveway at front of property at 35 Ilkeston Road, Bramcote, NG9 3JP, in accordance with the terms of application, Ref 25/00409/FUL, subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The parking area shall not be brought into use until the area identified for that purpose on the 'Proposed site access, internal parking area and vehicle tracking layout' drawing has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Proposed Site Access, internal parking area and vehicle tracking layout.

The inspector considered the main issues to consider was the effect of the proposed development on pedestrian and highway safety.

## REASONS

- It is proposed to construct a new dropped kerb and vehicle access onto the classified A6007 Ilkeston Road to provide frontage parking at the appeal property (No 35). Ilkeston Road is subject to a 30mph speed limit and experiences a high volume of traffic throughout the day. Most properties on the section of Ilkeston Road around number 35 have access to parking areas on their deep frontages. However, the vehicle access proposed in this appeal would be within the zig-zag markings of a signalised toucan crossing situated close to the front of the appeal site. The toucan crossing provides access to Bramcote Hills Park which is well-used for a number of leisure purposes and public events. The toucan crossing is also in frequent use by pupils of a nearby secondary school.
- I have considered the potential for groups of pedestrians and/or cyclists to congregate around the toucan crossing and close to the appeal property. However, having regard to the available space in the designated waiting area at the crossing, I am not convinced that such gatherings would extend as far as the proposed vehicle crossing or that this would restrict turning manoeuvres into or out of the driveway as the Council suggests. The scheme includes space for vehicles to turn within the site in order to exit in a forward gear and, due to the location of the vehicle crossing, the nearest guard railing is unlikely to hinder left turns when exiting. Therefore, I conclude that associated vehicle movements would not present any significant risk to pedestrians and/or cyclists waiting to cross or using the toucan crossing.
- I have not been provided with any specific guidance that prescribes a distance that should be achieved between vehicle crossings and signal-controlled pedestrian crossings. I have considered the extent of the guard railings and the degree of visibility in both directions along Ilkeston Road, noting that drivers exiting the proposed vehicle access would have a good view of the traffic signals and of pedestrians and cyclists and in turn would be clearly visible to the users of the toucan crossing. Furthermore, from my observations at the site visit and having regard to the submitted swept path diagram and visibility splays, I am not convinced that the use of the proposed access would result in drivers entering the lane of oncoming traffic as suggested by the Council.
- Additionally, whilst acknowledging that each case should be determined on its own specific circumstances, I have also considered the submitted examples of vehicle crossings in the locality which are within a similar distance to signal controlled crossings as is proposed in this appeal. Overall, I am satisfied that the proposed vehicle access would be sufficiently clear of the toucan crossing so as not to cause any highway, pedestrian or cyclist conflict.
- In relation to traffic speeds around signalised crossings, the appellant refers to an allowed appeal decision relating to a new vehicle access in Beckenham (Ref: APP/G5180/D/21/3277724). The Inspector noted, among other things, that the presence of the nearby pelican crossing had a traffic calming effect, by reducing speeds and increasing driver alertness. At a distance of around 5m from the pelican crossing, the Beckenham vehicle crossing could, in principle,

be considered comparable to the appeal before me. Overall, whilst it is not in itself determinative, I find that there may well be some similar benefits to highway safety here.

- There is no convincing evidence to indicate that the proximity of the proposed vehicular crossing to the adjacent toucan crossing would have an unacceptable effect on pedestrian, cyclist or highway safety. Consequently, I conclude that there would be no conflict with the highway safety requirements of Policy 17 of the Part 2 Local Plan (2019). The proposal would also accord with the National Planning Policy Framework, in that there would be a safe and suitable access to the appeal site for all users. The proposal would also accord with the design requirements of Policy 10 of the Broxtowe Aligned Core Strategy (2014), inasmuch as it requires all new development to be designed to create a safe environment.
- I have had regard to all other matters raised. None affect my conclusions on the relevant planning matters. Accordingly, for the reasons I have set out, the appeal should be allowed, subject to the conditions that follow.
- In order to preserve the character and appearance of the surrounding area and to ensure that the parking area is drained appropriately, a condition is imposed requiring details of surfacing materials and drainage to be submitted to the Council for approval. The scheme shall be constructed in accordance with the approved details. A condition requiring compliance with the submitted drawings is necessary for the avoidance of doubt and in the interest of proper planning.