

To: **Head of Planning**  
**Wealden District Council**  
**Council Offices**  
**Vicarage Lane**  
**Hailsham**



FAO: **Matt Taylor**

<b>APPLICATION NUMBER</b>	<b>HW/WD/16/1677/MAJ</b>
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**Applicant:** Mr Michael Lorimer Jordan

**Location:** ROCKINGTON NURSERY, BLACKNESS ROAD, CROWBOROUGH, TN6 2NB

**Development:** 34 NO. DWELLINGS INCLUDING PROVISION FOR ACCESS ONTO BLACKNESS ROAD.

<b>Road Name or Number</b>	U7169	<b>Consultation Date</b>	8 August 2016	<b>Use Class</b>	
<b>National Grid Reference</b>	552696 129704	<b>Contact Officer</b>	Kal Pegler 01273 482287		

This application is for outline permission seeking approval of the access only (other matters are reserved) and is supported with a transport statement and safety audit on the initial highway scheme proposed.

**The site and location:** Blackness Road [UC7169] in this location is a lane serving approx. 28 dwellings and Rockington Nursery. The lane operates as a shared surface as there are no footways currently and the carriageway width is varied throughout its length (3.4m – 4.7m approximate measurements). Observed low vehicle speeds are influenced by non-motorised road users (pedestrians and horse riders), the road alignment and reduced forward visibility. Police records indicate no reported crashes in the last 5 years along Blackness Road or directly affected junctions. Rockington Nursery is an established business use as a commercial nursery with a number of additional small businesses operating from the site, according to the submitted transport statement. The application proposal is to replace the business uses at the site with 34no. dwellings; 22 market and 12 affordable. This application was received at pre-application stage where highway details of the proposals were discussed. The submission reflects the outcome of those discussions.

The change of use from a commercial site to a residential site alters the demands of the highway. The site would become an origin as opposed to a destination and the local goods and services would be of more importance to a residential development than a commercial development. There are likely to be more pedestrians on routes to schools, workplaces, public transport and for leisure journeys. At pre-application stage it was acknowledged that the road supported the existing dwellings and commercial uses at Rockington Nursery and it was brought to the attention of the applicant that access to the site should be improved to become more suitable for the changes that would accompany a residential scheme. It is for this reason that accessibility and changes to the adopted highway were sought – to assist movement of road users where constraints were identified and provide route options for pedestrians.

The redevelopment of a brownfield site to a residential development would be acceptable in principle based on the high level view that the associated traffic movements relating to those land uses would be replaced with residential traffic. The larger vehicles associated with a commercial nursery would as a result, be reduced in number.

In consideration of the planning submission, the main issues for this proposal are as follows:

- Access to the site for road users
- Traffic impact expected from this site on the surrounding network
- Internal layout and access for service and emergency vehicles
- Parking provision
- Travel choices other than use of the private car
- Highway safety

**1) Suitable vehicle, pedestrian and cycle access, to include sufficient width, gradient and visibility splays.**

By starting at the application site access, the proposal intends to alter the existing shared access so that remains open for residential property 'Toumac'. The access proposed for the application site is shown to be a 5m wide access road with 4m radii and positioned centrally along the site frontage. A footway link is shown on both sides of the internal access road though I consider that a footway on the west side of the access road would suffice, to accord with the expected desire line in that direction. Driver sightlines from the proposed access point should accord with the speed limit of 30 mph and are shown as 43m x 2.4m which is acceptable.

Other details include Blackness Road carriageway widening to 4.8m, inclusion of a footway from the site up to the pedestrian link at Rockington Way. Desire lines are to the north and west to reach the town and schools and the footway link shown to the north would provide alternative pedestrian access in that direction and the minor widening of the carriageway as shown would allow sufficient space for vehicles to pass pedestrians, cyclists or horses whilst still maintaining low vehicle speeds. The existing footway link from Rockington Way to Blackness Road was raised as a concern as pedestrians would step straight onto the carriageway from the steps when approaching Blackness Road. As this route provides an alternative route that does not result in negotiating the school related traffic and parked cars on a walking route to school, it was considered that this connection should be enhanced with some form of buffer or feature in the carriageway to raise driver awareness of this transit point. The proposed highway scheme has been through a stage 1 safety audit and a number of issues were highlighted. These related to:

- ❖ Highway boundary/extent on the ground being different to highway extent and may reduce driver sightlines being proposed
- ❖ Recognised a need for a 450mm offset/buffer from boundary walls (to prevent damage only collisions)
- ❖ Pedestrian crossing point requiring highway vegetation to be cut back for visibility
- ❖ Access into the site having a trip hazard

The initial issue highlighted suggests that the highway extent as shown on plan is different on the ground. A topographic plan has been provided and the extent of highway has been challenged by local residents. The outcome of the investigation of the highway is that the boundary is not as the ESCC records suggest (based on a New Street Works Proposal which was not implemented). Title deeds have been checked and the highway extent as known is indicated on the submitted plan 4927/00/01D on 04/10/16, with the exception of land fronting 41 and 42 Rockington Way where highway land has been stopped up and the highway boundary is along the solid red line and not the dotted.

The 450mm buffer from boundary walls has been noted and reflected in the plan 4927/00/01D, in particular the historic walls of properties on the south side (Rockington) and the carriageway widening to 4.8m is proposed using highway land on the north side of Blackness Road.

The third issue can be overcome with some cutting back of vegetation and by introducing surface treatment at the transit point to draw attention to drivers approaching from the west.

The fourth issue can be overcome with dropped crossing ramps to design out the trip hazards.

The highway scheme proposes to widen the carriageway to 4.8m consistently from the junction to the site entrance point, and my view is that the extent of highway works should be targeted where improvements are most necessary. I consider that importance should be given to the junction Blackness Road/Luxford Road to facilitate improved traffic movement and where possible the section of Blackness Road between the junction and the rear boundary with Green Bank should benefit from this minor widening improvement. Between this point and eastern boundary with The Lounds (north side) can remain without enhancement (distance 60m approx.) and from the east boundary of The Lounds to the crossing section (distance 18m approx.) the carriageway should be widened to 4.8m to allow for a vehicle to pass whilst another one can wait in advance of the carriageway narrowing at the point of the pedestrian crossing area. The pinched section would assist in further slowing vehicle speeds where pedestrians may wish to cross. The carriageway up to the site entrance should be enhanced to 4.8m to allow turning provision into and out of the site. A swept path should be provided to demonstrate a refuse and emergency vehicle can access the site.

Visibility at the junction Blackness Road/Luxford Road is intended to be improved looking south through ensuring that vegetation is not overhanging the highway. The existing soft verge is shown to be kerbed with a tarmac top to assist in defining the highway boundary when the hedge is cut back, and to provide a refuge for pedestrians. Notice is required to the owner of the hedge for its cutting back under the Highway Act 1980 s154.

*(1)Where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp, [F1or overhangs a highway so as to endanger or obstruct the passage of horse-riders,]a competent authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is growing, require him within 14 days from the date of service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.*

The proposed highway improvement scheme is accepted in principle in its indicative form with opportunity to scale down widening in areas where there is no direct benefit; and there is importance placed on the need for this to be sympathetic to the character of the lane. The operation of the lane currently functions for all road users in a safe manner as a shared surface and it is important that this is not compromised. There is opportunity to improve sections of the road that require improvement for ease of accessibility and reduce delays caused by vehicles, particularly at the junction with Luxford Road South; and improve the pedestrian connection to Rockington Way. All highway works required will be subject to a s278 agreement with the highway authority (with further safety audits required as part of process). It would be prudent to request that a scheme is identified and technically approved by this authority prior to the reserved matters application being submitted.

## **2) Appropriate on-site vehicle and cycle parking**

This would be achievable and based on the internal layout detail. At this outline stage it is assumed that the eventual proposal would comply with the ESCC standards. This element of the proposal can be determined at reserved matters stage and be sufficient to prevent on-street overspill and provide sustainable travel options.

### **3) Appropriate on site vehicle turning for vehicles likely to visit the site**

This would be based on the internal layout detail. The eventual proposal layout will be required to comply with ESCC standards in that it should be close to adoptable. A swept path plan is requested for the site access at this outline stage.

### **4) The likely trip generation of the existing and proposed development**

The site is an established commercial business operating a number of separate operators. The vehicles using the site are varied in size and a traffic impact analysis document has been provided for reference. Looking solely at the site and land use it has a commercial land use and could be used by an alternative operator without the need for further planning permission, potentially resulting in higher trip rates than the existing occupier of the site; 115 daily trips as stated in the transport statement is modest level of traffic based on the size of the site (6,293 sqm) and for a variety of uses [retail, storage, distribution, office, sui generis plant nursery]. Details provided suggest that between 24 and 30 dwellings would fit the criteria of not exceeding the current averaged trip generation (115 trips daily). Additional 5-6 dwellings would be equivalent to approximately 20-24 trips daily or 3-4 additional trips in each of the peak hours (one additional car movement every 15-20 minutes in each peak hour). It should be noted that there would be a reduction in the number of LGVs and HGVs in the lane and negotiating the junction with Luxford Road that would have been accessing the business uses. It is considered 34 dwellings would be broadly similar in trips to the current authorised operation at the application site.

If it is considered that 147 trips over the course of a 12 hour period (0700-1900hrs) for the proposed development on the basis that each dwelling generates on average 4.3 trips daily (including variation of dwelling size), the traffic impact would emerge as 15-16 trips in each peak hour (08-0900; 17-1800hrs). When combined with the existing 28 houses on this road, there would be approximately 30 vehicles using Blackness Road and Luxford Road junction in each peak hour (1 every 2 minutes) if all traffic travels to and from this direction. This would in my view be accommodated on this section of highway.

I make reference to a recent appeal (APP/C1435/W/16/3142802) in Old Station Road, Wadhurst, a similar semi rural lane for a development of 31 dwellings on a greenfield site where the Planning Inspector did not consider that from a highway point of view there was detrimental impact. The circumstances are similar in that Old Station Road has no footways, vehicle speeds low, and there are junctions that are sub-standard when compared to modern day standards, but operate safely. For Rockington Nursery, the proposal is on a brownfield site where the vast majority of the proposed trips would be offset by the existing or potential existing land use related trips.

### **5) Travel Choices to reduce dependency on the private car.**

The site benefits from public transport links – within walking distance and as set out in CIHT walking guidance are bus stops available for a variety of different services, the most regular being the 228/9 service to Tunbridge Wells and Crowborough town centre where other services can be reached to Uckfield and Lewes. The rail services can be reached by walking or cycling, and though the walking route is not ideal, it is relevant to mention that the existing site use and existing occupiers of properties in the vicinity of the site that access the rail services already, but with limited infrastructure to reach them.

### **6) Highway Safety**

The proposal is for residential use and is likely to generate shorter, local journeys which may be made on foot or cycle as an alternative to the private car. These journeys would be made on the existing highway network which is intended to be enhanced in areas that have been highlighted through discussions with the local member, site visit and local representation. Sussex Police

crash records over the last 5 years establish that the network has operated safely for all users. The scheme for highway works has been subject to a stage 1 safety audit with matters that in my view could be overcome. It is apparent that the road network here, is, although not ideal or meeting current estate road standards, works in a safe manner as a shared surface. The reduction in commercial vehicles would result in amenity benefit and although the general road layout is narrow roads with limited forward visibility, it is due to these constraints that vehicle speeds are low and drivers are aware of the constrained nature of the highway network. It is not considered that redevelopment of this site to residential would increase highway risk.

In the event that the planning authority approves this proposal, I would wish to recommend the following conditions:

1. The new access shall be in the position shown on the submitted plan [number 4927/00/01D] and laid out and constructed in accordance with details to be submitted within a s278 agreement with the highway authority and the access shall be constructed to binder course prior to commencement and completed to the satisfaction of the highway authority prior to occupation of the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

2. No development shall take place until details of the layout of the new access to include details of street lighting, land dedicated as highway and surface water drainage have been submitted to and approved in writing by the Planning Authority and the development hereby permitted shall be occupied until the construction of the access has been completed in accordance details approved.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

3. The access shall not be used until the areas shown hatched green on the submitted/attached plan are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. Prior to demolition works commencing on site a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles, compound areas for plant, machinery, materials, turning area contractor parking and hours of operation.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

5. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

6. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the [approved plans or details which have been submitted to and approved in writing by the Planning Authority] and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

7. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

8. The development shall not be occupied until parking area[s] [has/have] been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

9. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards

10. The development shall not be occupied until cycle parking area[s] [has/have] been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

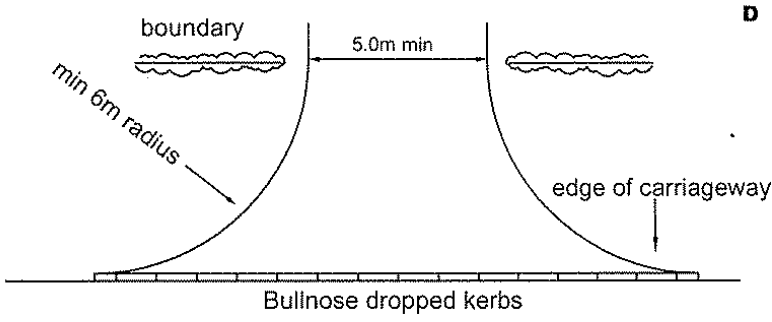
11. A highway scheme for Blackness Road shall be submitted for technical approval prior to the submission of Reserved Matters. This Authority's requirements associated with this development proposal will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council.

12. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards

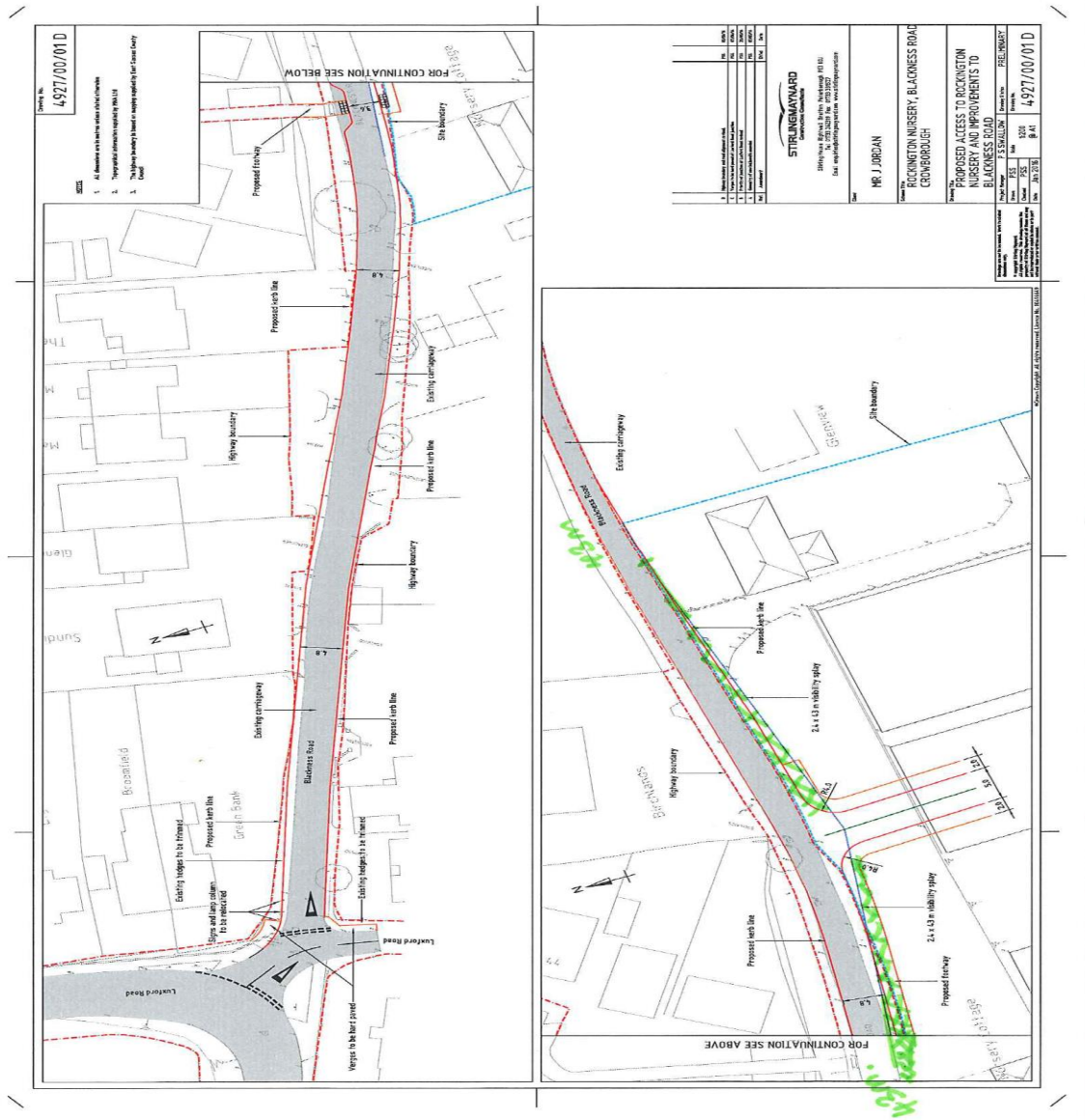
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Signed: Kal Pegler by email  
For Director of Communities, Economy and Transport  
On behalf of the Highway Authority

Date: 05/10/16



4m radii recommended.



**Notes to be read in conjunction with attached highway comments and conditions**

(a) In urban areas the treatment of the radii shall be accordance with the requirements of the Highway Construction Engineer.

(b) Any existing ditch shall be cleaned out to even fall and piped to a size to accept the maximum flow of water likely to arise (internal diameter 300mm or as agreed with the Highway Construction Engineer).

(c) Where an existing access is to be stopped up the applicant is required to raise the existing dropped kerb and make good the footway/verge and kerb.

(d) Any existing footway shall be made good with similar construction and surfacing.

(e) Where the edge of the carriageway is already defined by Continental Channel, dropped Continental Channel sections (if available) or concrete channel blocks shall be used instead of dropped kerbs and if necessary the transition between the constructions made in in-situ concrete to the satisfaction of the Highway Construction Engineer.

(f) Any gates are to be set back a minimum distance of 5 metres (11 metres for farm or industrial accesses) from the edge of the carriageway and are to open away from the highway.

(g) The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from the highway should be allowed to flow into the site. The provision (by the applicant) of positive drainage measures may be required to collect any flow of surface water.

(h) Any necessary alterations to the property or services of, any statutory authority or undertaker shall be carried out at the expense of the applicant and under the supervision of such authority or undertaker to their satisfaction.

(i) If the requirements outlined in these details and/or notes conflict with the requirements of the Fire Officer then the Fire Officer's requirements shall prevail.

j) Reference to Sub-Base (Type 1) in the access section diagram refers to graded granular sub base complying with Clause 803 Specification for highway works (SHW). (March 1998 updated with amendments including November 2005, May and November 2006 and May 2007) and subsequent amendments.

(k) You must ensure that the contractor has ten million pounds public liability insurance and one of their employees holds a current Supervisors New Roads and Street Works Act Certificate and at least one operative on site should hold an Operators Certificate. A list of contractors with the required certificates is available from the Transport Development Control team Please email us at [development.control.transport@eastsussex.gov.uk](mailto:development.control.transport@eastsussex.gov.uk) or call us 01273 335443. (If you decide to use one that is not on the list, you must ensure that copies of the certificates are supplied by the contractor to the Transport Development Control team).

(l) Your attention is drawn to the fact that your contractor will have to book road space under the Traffic Management Act 2004. Please ask them to contact the Network Co-ordination Team on 0845 60 80 193 who will need at least 21 days notice of the commencement of works.



(m) The County Council charges a fee for works on or adjacent to the highway. Please email us at [development.control.transport@eastsussex.gov.uk](mailto:development.control.transport@eastsussex.gov.uk) or call us 01273 335443. The Highway Inspectors require at least 15 days notice of your intention to commence works under a PWA in order that the necessary utility service checks may be completed before works commence. Three months notice is required for major schemes.

HT 407(2)