



Appeal Decision

Site visit made on 24 May 2021

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021.

Appeal Ref: APP/T0355/W/20/3265485

Oakley Green Nurseries, Oakley Green Road, Oakley Green, Windsor, SL4 4PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Dearman against the decision of The Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/00932, dated 16 April 2020, was refused by notice dated 5 November 2020.
 - The development proposed is construction of a new crossover and access to the existing nursery site to provide a separate entrance for deliveries in and out of the site.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development upon highway safety.

Reasons

3. The appeal site relates to a horticultural nursery located on the on the B3024 Oakley Green Road. The existing access off the B3024 leads to a hardstanding used for customer parking and deliveries. There are 4 polytunnels opposite the hardstanding. Behind them there is a further hardstanding and track providing storage and rear access to them. This area is accessed by a service track along the southern edge of the polytunnels between them and a hedgerow along the road frontage.
4. The proposed development is for a second access onto the B3024 approximately 85 metres to the west of the existing one. It would lead to the storage area and service track behind the polytunnels providing access for delivery vehicles.
5. The section of road along which the access is proposed has a 40 mile per hour speed limit. The appellant claims that the road should be treated as a local distributor road because there are residential properties and several businesses, including the appellant's, with direct access onto the road. The Council define the road as a primary and district distributor described as a busy main route with a strategic role linking the A330 Ascot Road to the west and the A308 Windsor Road to the north-east.

6. Although my visit was during covid lockdown and outside of peak hours, so traffic was limited, all of it was 'through traffic', rather than to properties within the vicinity of the appeal site. Houses along the road are set in large plots, as a result accesses to them are often some distance apart. The perception travelling along the road is of a succession of individual houses in the countryside rather than that of a village. This is particularly the case on the appeal site side of the road where there is less development. Therefore, given the amount of development along the road, traffic speeds and the role it has in providing a link between primary roads it is reasonable for the Council to define the road as a district rather than local distributor.
7. According to the Council the proposed access would be approximately 23 metres from an adjacent farm access. I note that the farm access was approximately 20 metres from an access to another property, although it was not clear what that property was used for. The proposed access would also be less than 15 metres from accesses to 2 residential properties on the opposite side of the road.
8. Whilst the proposed access would not necessarily generate additional traffic, its proximity to the neighbouring farm and residential accesses would lead to conflict between vehicles entering and leaving them, and delivery vehicles accessing the nursery. Visibility at the proposed access would also be obstructed by vehicles waiting to turn out of the farm entrance and neighbouring property. This would affect the flow of traffic and reduce highway safety to an unacceptable degree.
9. The Royal Borough of Windsor and Maidenhead Highway Design Guide & Parking Strategy (2004) (August 2010) (DGPS) seeks to control new accesses onto primary and district distributor roads to ensure the free flow of traffic. It notes that the number, position, and types of junctions can affect the efficiency and safety of those roads and sets a minimum junction spacing of 30 metres to an adjacent access and 15 metres where a proposed access is opposite an existing access. The proposed development does not comply with these minimum requirements.
10. Whilst the existing access is close to the entrance to an industrial estate and therefore there is already some degree of conflict between vehicles entering and leaving the site, in my view adding an entrance close to four other accesses would further reduce highway safety. Whilst I understand the appellant's wish to separate delivery vehicles from customer parking, no evidence has been provided to me that the existing service road leading to the rear storage area is unsuitable or could not be improved to achieve this. I appreciate that it requires vehicles to manoeuvre to turn into it, but there is no indication that the car park currently lacks capacity to enable this to happen or that re-arranging the site and delineating parking and turning areas, or re-scheduling deliveries, could not overcome these concerns. As such, I find no justification for an additional access that would outweigh the harm to highway safety.
11. The proposed development would therefore conflict with Saved policy T5 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP) which requires development to comply with the DGPS which seeks to maintain the safety and efficiency of the distributor road network, and paragraph 108(b) of the National Planning Policy

Framework (the Framework) which requires safe and suitable access for development.

Other Matters

12. The appellant contends that the Council's policies and guidance are out of date, with the latter being superseded by the Manual for Streets (MfS), in particular Manual for Streets 2 (MfS2). MfS2 paragraph 1.3.8 notes that whilst there is no evidence that direct frontage access is unsafe in urban areas where 40mph speed limits apply this is not true of rural areas where research identified a statistically significant relationship between collisions and traffic flow. I do not therefore consider the Council's approach seeking to limit access onto primary and district distributor roads, as set out in the DPGS, is inconsistent with the guidance in MfS.
13. The appellant has also referred to an appeal decision in which the Inspector found that a policy seeking to restrict accesses onto a 'level 1' route was not consistent with the Framework. Whilst I do not have the details of that appeal, and am therefore unable to assess any direct comparability with the current appeal, I note that the DPGS does not prevent new accesses onto primary and distributor roads. It states that the free flow of traffic will take precedence over the need for new accesses. Where they are unavoidable, they will be assessed to ensure good design standards are achieved. In addition to considering layout, which the Council had no objection to, an assessment should include consideration of visibility, adequacy of junction spacing and the effect on traffic flows. I find that this approach is reasonable and consistent with the Framework's aims in paragraphs 108 and 109 which seek to ensure suitable and safe access can be achieved and unacceptable harm to highway safety prevented.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR