
Appeal Decision

Site visit made on 24 October 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 November 2016

Appeal Ref: APP/E2340/W/16/3155958

Part Field No.5647, Ben Lane, Barnoldswick, Lancashire BB18 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Liam Green against the decision of Pendle Borough Council.
 - The application Ref 13/15/0546P, dated 9 November 2015, was refused by notice dated 23 February 2016.
 - The development proposed is for the erection of 4 dwellings with garages (Access, Layout and Scale).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 4 dwellings with garages (Access, Layout and Scale) on land opposite The Barn, Ben Lane, Barnoldswick, Lancashire BB18 6HR in accordance with the terms of the application, Ref 13/15/0546P, dated 9 November 2015, subject to the conditions set out in the Schedule below.

Application for costs

2. An application for costs was made by Mr Liam Green against Pendle Borough Council and by Pendle Borough Council against Mr Liam Green. These applications are the subject of separate Decisions.

Procedural Matters

3. The application is in outline, with some matters reserved. Access, Layout and Scale are indicated as the matters submitted for approval at this time. Although an indicative layout drawing has been submitted to help illustrate the layout of the houses, the same plan is intended to demonstrate the means of access, which is not reserved. I have considered the appeal on this basis.
4. Both the description of the appeal proposal and the site address are taken from the Council's decision notice.

Main Issue

5. The main issue in this appeal is the effects of the proposal on highway safety.

Reasons

6. The appeal site is an area of open land opposite The Barn and other housing on Ben Lane and some 70m to the east of the priority junction with the B6252 Skipton Road. The proposal would result in the erection of four dwellings with
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- garages fronting Ben Lane, which is a narrow and twisting minor road with a 20mph speed restriction. The road is unlined, unlit and has no continuous footway requiring pedestrians to walk within the carriageway. The public highway narrows considerably at points further to the east.
7. Policy LIV 1 of the Pendle Core Strategy Local Plan (LP) Part 1 states that pending adoption of Part 2 of the LP, sustainable sites outside but close to the settlement boundary will be supported. For the reasons given in the officer report, I would concur that the four dwellings would further encourage the early delivery of housing delivery in the Borough and would be situated within a sustainable location suitable in principle for housing development thereby meeting the aims of LP Policy SDP 1 and the Framework.
 8. From the evidence and what I observed at the site visit, Ben Lane is lightly trafficked with the officer report noting that this would equate to around 25 vehicle movements per day in each direction and with a peak flow of less than one vehicle every 2 minutes with two to three vehicles between 17:00 and 18:00 according to the appellant's survey. Surveys also show that the 85th percentile speeds are around 23mph to the west and 23.3mph to the east. One serious accident involving a pedestrian and a vehicle at the junction with Skipton Road has been recorded. However this is disputed to a degree by the evidence of a consultant acting for local residents who records that a serious accident involving two children pedestrian/cyclists occurred very recently on Skipton Road close to the junction with Ben Lane.
 9. From the limited information contained within the Council Minutes, the Council's concerns relate principally to the width of Ben Lane, the lack of a footway and concerns relating to the available visibility from the access point in both directions. A local primary school is located off Kirkstall Drive 200m to the south of the appeal site. Those walking to school along Ben Lane would have to negotiate a narrow and twisting carriageway devoid of footways.
 10. Manual for Streets (2007) (MfS) provides technical advice on stopping sight distances and visibility requirements. Using Table 7.1, with a 85th percentile speed of just over 23mph, MfS suggests that a stopping site distance in the order of 30m when adjusted for bonnet length, would be appropriate. The stopping sight distance assists in determining the length of visibility splays. Accordingly, in this instance the 'Y' distance should be in the region of 30m. The Local Highways Authority has mistakenly applied the standards required for 30mph roads.
 11. MfS advises that the 'X' distance of 2.4m back from the carriageway should be used in built-up situations. The submitted drawings indicate that visibility splays to MfS standards would be achievable. Furthermore, the appellant's drawings indicate that significantly greater sightlines would be achievable and that they would be within the appellant's control. The Local Highways Authority applies the MfS standards of 2.0m x 43m in both directions, which reflects the character of the lane although not necessarily the current speed limit along this section.
 12. There is little dispute that Ben Lane is lightly trafficked and that it has available capacity. However there is disagreement between the appellant and third parties in relation to the character and nature of Ben Lane and the ability of the proposal as submitted to provide satisfactory access arrangements, particularly without impacting on the mature tree situated within the highway verge

beyond the site to the west of the access and in terms of the available width of Ben Lane at the site entrance, particularly if a footway was to be provided along the site frontage.

13. I note that the Highway Authority does not object and considers that the sight lines depicted are acceptable. Whilst this is disputed, on the basis of the evidence before me I am also satisfied that visibility splays to meet MfS standards and what has been advised by the Local Highways Authority can be accommodated.
14. The provision of a footway along the site frontage has not been recommended by the Council. The limited extent of such a footway would be of only modest benefit to pedestrians and would not make a significant contribution to perceived deficiencies in the wider network. I am satisfied that despite the nature and character of Ben Lane to the east, the additional traffic movements that would be generated by the proposed development would not lead to a worsening of the position for pedestrians and would not have an unacceptable effect on highway safety conditions. Accordingly the proposal would comply with paragraph 32 of the National Planning Policy Framework.

Other matters

15. It is noted that local concerns have been expressed on flood risk issues. Indeed from the Committee Minutes, it appears that this was also of concern to members of the Planning Committee. However, it appears that subsequent to the Committee meetings when the application was considered, the appellant has suggested the use of sustainable urban drainage systems (SuDS). No further details are submitted. However, neither has any evidence been submitted that this remains an ongoing concern for the Council. In the absence of evidence that there is a problem, it would be appropriate to require the submission and approval of a drainage scheme to incorporate SuDS measures.

Conditions

16. The Council has suggested seven conditions. I have considered these against the advice on the use of conditions contained within the Planning Practice Guidance.
17. I impose the standard requirements for outline permission, as relevant to this case. A stipulation restricting development to the submitted plans, in the interests of certainty is also necessary. A condition is necessary to ensure that vehicles enter and leave the site in forward gear together with a requirement for car parking and the ability to manoeuvre there from in the interests of highway safety. In addition, a condition requiring the access to be hardsurfaced is also necessary in the interests of highway safety. A drainage scheme for the site to be submitted for approval together with its implementation is necessary in order to protect living conditions. Given the rural nature of the site facilities for wheel washing of construction vehicles is necessary in the interests of highway safety. However for the avoidance of doubt and in the interests of character and appearance, a landscaping scheme is positively required to be submitted, together with an implementation requirement for such scheme.

Conclusion

18. For the above reasons and having considered all other matters raised, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 2604.
- 4) No development shall take place until full details of both hard and soft landscape works, including a timetable for their implementation have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours, boundary treatments and hard surfacing materials. All hard and soft landscape works shall be carried out in accordance with the approved details and timetable for their implementation.
- 5) The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and a car parking and manoeuvring scheme shall be submitted to the local planning authority for written approval. Each dwelling shall not be occupied unless and until the car parking spaces and manoeuvring areas for that dwelling have been marked out and surfaced in accordance with the approved scheme. The car parking spaces and manoeuvring areas shall thereafter at all times remain unobstructed and available for parking and manoeuvring purposes.
- 6) Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in paviers, tarmacadam or other approved material.
- 7) A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.
- 8) For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.