

Appeal Decision

Site visit made on 9 May 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 26th May 2017

Appeal Ref: APP/E3525/W/17/3168152

Croft House, Croft Lane, Haverhill, Suffolk CB9 8EJ

- 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 R Oakley against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/16/2302/OUT, dated 11 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is 2 dwellings within the curtilage of Croft House.
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Decision

1. The appeal is allowed and outline planning permission is granted for 2 dwellings within the curtilage of Croft House at Croft House, Croft Lane, Haverhill, Suffolk CB9 8EJ in accordance with the terms of the application, Ref DC/16/2302/OUT, dated 11 October 2016, subject to the conditions on the attached schedule.

Main Issue

2. The appeal is outline with all matters reserved for future consideration. The Council have refused planning permission on highway safety grounds, although access is a reserved matter. Nevertheless, because of the site's location close to Croft Lane, a likely point of access, it is reasonable to look at this in detail to ensure that a safe access can be gained to the appeal site. The main issue is, therefore, the effect of the development on highway and pedestrian safety.

Reasons

3. The site lies within the built-up area of Haverhill which is a sustainable location, close the town centre with its shops, employment and transport links. The appellant has provided illustrative drawings of the layout and parking and elevational drawings detailing how the dwellings might look. The illustrative drawings demonstrate that a satisfactory development may be achieved at the site. Therefore, the principle of residential development at the appeal site is acceptable.
4. Croft Lane is accessed via Hamlet Road and is a single carriageway which is not wide enough to allow two vehicles to pass one another. The lane is recorded as Footpath 14 and is a public right of way. The lane rises as one enters from Hamlet Road and the appellant confirms that it currently serves 17 existing properties. Hamlet Road is restricted to 30mph and allows traffic to travel in both directions. The road has a pedestrian footpath on each side of the carriageway and there is a gap in the footpath to allow Croft Lane a level access onto Hamlet Road.

5. From my site visit it is apparent that when exiting the site via Croft Lane drivers would need to approach the junction with Hamlet Road at very low speeds. This is exacerbated by the incline of the lane as it meets Hamlet Road. Consequently, vehicles exiting onto Hamlet Road do so at such low speeds as not to represent a hazard to other drivers or pedestrians. In addition, given the relatively small increase in vehicle movements as a result of the development, it is unlikely to translate into large numbers of vehicles waiting on Hamlet Road to enter Croft Lane.
6. I have no evidence before me that the access at Croft Lane has been the subject of collisions and although the access is substandard, it nevertheless appears to successfully serve a number of existing properties. The small increase in vehicle movements resulting from 2 additional dwellings, would not therefore, be detrimental to highway safety.
7. I also noted the relationship between pedestrian users of the public right of way and the potential conflict with vehicles. Given the low speeds of vehicles using the lane, pedestrians would be able to move to a safe place while a vehicle passes or vice versa.
8. I therefore conclude that the intensified use of Croft Lane would not be detrimental to highway and pedestrian safety. Safe access could be provided to the development and it would not be in conflict with policy DM2(I) of the Joint Development Management Policies Document February 2015, which seeks to ensure, among other things, development proposals maintain or enhance the safety of the highway network.

Other matters

9. The planning system is concerned with land use in the public interest. The impact on property value is a private interest and is not therefore material to the determination of the appeal. Concerns have also been made regarding the drainage of the site and potential flooding. However, the site is within Flood Zone 1 with a very low probability of flooding. Matters relating to drainage and how the disposal of sewage shall be provided on the site to serve the development are secured by a condition.
10. With regard to the potential impact on the character and appearance of the area, the site lies close to other dwellings and is within an urban setting. The introduction of 2 dwellings at the site would not be out of place subject to appropriate layout, scale and appearance of the dwellings, which are all matters reserved for future consideration. The impact of the development on the living conditions of adjoining occupiers would also be considered at this stage.
11. The Council's Public Health and Housing Officer has highlighted that the indicative floorplans do not meet the Nationally Described Space Standards (2015) for a two bed, four person dwelling. However, layout is a reserved matter and the Council will review space standards at that stage.
12. Finally, it has also been raised that the development would fail to preserve or enhance the Haverhill Conservation Area. However, I note from the appeal questionnaire that the site is not within or adjacent to the Haverhill Conservation Area.

Conditions

13. The Council has suggested a number of conditions. In accordance with the advice contained within the Planning Practice Guidance (PPG), where appropriate, I have amended the wording of the suggested conditions or removed them.
14. I have attached a condition limiting the timing of the planning permission in accordance with the requirements to submit reserved matters. However, as all matters are reserved there is no requirement at this stage to include conditions relating to materials. Likewise, it is not necessary to ensure compliance with the submitted plans as full details and plans will be submitted at a later date as part of the reserved matters submission. Landscaping is also a reserved matter and as such a specific condition is not necessary at this stage.
15. The PPG advises that the removal of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. As the site relates to a garden area the Environment Team at the Council are satisfied that the risk from contaminated land is low. Details relating to parking provision will also be considered at reserved matters stage when the layout of the proposed development is known. Conditions relating to these matters are not justified or necessary.
16. The response from the County Council's archaeological officer has identified that the site has potential archaeological interest. Consequently, a condition is necessary to secure a programme of archaeological work. In addition, given the proximity of adjoining residential properties and public right of way it is necessary to secure a construction management plan and to restrict hours of construction. It is also reasonable that building slab levels and ground levels are agreed in order to achieve a satisfactory appearance. I have also included a condition for the submission of details of sewage drainage systems to be submitted and approved by the Council to ensure satisfactory drainage at the site.

Conclusion

17. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Demolition or construction works shall take place only between 0800 to 1800 on Mondays to Fridays, and between 0800 and 1330 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) any wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No demolition/development shall take place at the site until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;

- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 8) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.