The Planning Inspectorate

Appeal Decision

Site visit made on 29 March 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/G2815/W/18/3214041
176 High Street, Irthlingborough, NN9 5RD

- 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 Frank Langley of F&L Group against the decision of East Northamptonshire Council.
- The application Ref 18/00585/FUL, dated 19 March 2018, was refused by notice dated 31 July 2018.
- The development proposed is demolition of garages and erection of 6 No. dwellings with associated parking and amenity spaces.

Decision

1. The appeal is allowed and planning permission granted for the erection of 6 no. dwellings with associated parking and amenity spaces at 176 High Street, Irthlingborough, NN9 5RD in accordance with the terms of the application, Ref 18/00585/FUL, dated 19 March 2018, subject to the conditions set out in Annex A.

Procedural Matter

2. The original planning application was for 7 dwellings, however this was amended during the application process. The revised scheme reduces the total number of dwellings on the site from 7 to 6 as described in the banner heading above. This change is reflected in the plans and both parties agree it through their appeal documents, including the appeal forms. I consider no party would be prejudiced by my determining of the appeal on the basis of the amended application.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The proposal is for six dwellings, served by a private driveway, accessed from Victoria Street, slightly to the north-east of the existing site access.

5. In the interest of highway safety and ensuring a suitable access, the Northamptonshire Highway Development Management Strategy (adopted December 2013) (DMS) confirms that, under Policy DM15, *"…private drives serving more than five dwellings independently of their own direct highway frontage may create problems for residents, utilities, refuse collection and emergency access…Northamptonshire County Council allows no more than 5*

dwellings independent of their own direct highway frontage to be served via a shared private drive…". As the appeal scheme is for 6 houses sharing a private drive, it would be contrary to this policy, albeit by only 1 dwelling. Whilst this document does not form part of the development plan, it supports Policy 8 of the adopted North Northamptonshire Joint Core Strategy 2011-2031 (adopted July 2016) (CS) which expects development to provide *"…a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards…".*

6. In terms of visibility at the proposed access, although the Highways Authority response dated 13 July 2018 says the proposal is acceptable in this respect, the Council's appeal statement says there is limited visibility to the left and in this direction adequate visibility splays cannot be achieved. They also suggest that visibility could being reduced as a result of tall obstructions such as wheelie-bins and other domestic paraphernalia in the gardens of proposed houses fronting Victoria Street. Given this, in this respect, I have determined the appeal on the basis of the plans before and what I saw on site.

7. I saw that to the left when exiting the site there is a bend in the road, and a telegraph pole. Nevertheless, the latter is located away from the road edge, and not likely to be in the direct sightline of drivers. Whilst bins could be stored in front gardens, the plans show that there is space allocated for them to the rear of these plots. Given the modest sizes of the front gardens I consider it is more likely that the rear gardens would be used for this purpose. However, even if bins were to be stored in the front gardens, the plans indicate that they would not interfere with the visibility splay. As such I am satisfied that the proposed access would have adequate visibility.

8. The proposed private driveway would be 4.5m wide with a 1m service strip either side, which is slightly less than the 4.8m with a 1m service strip to either side the Council indicate is the minimum width that should be provided. However, I note that the Standing Advice[1] states that accesses for two to five dwellings *"…should have a minimum width of 4.5m for the first 10.0m from the highway boundary. This enables two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out."*

9. I accept that this advice is only for proposal for up to 5 dwellings. However, I am not persuaded that the number of traffic movements created by 6 rather than 5 dwellings would be significantly different. As such, I consider that the access would be wide enough to allow two cars to pass at the entrance to the site. The tracking plans also show sufficient space available for turning and manoeuvring within the site for cars and larger vehicles, including refuse and emergency vehicles.

10. Moreover, the plans show a 1m service strip provided to both sides which would be able to be utilised by cyclists and pedestrians. Therefore, notwithstanding that the vehicular space would be slightly below the Council's preferred width, adequate provision would be made for both cyclists and pedestrians, so the scheme would not be detrimental to the safety of these users.

[1] Northamptonshire County Council Standing Advice for Planning Authorities – Domestic Vehicle Accesses Serving 1 to 5 Dwellings and Advertisement Applications (June 2016)

11. The Council have suggested that the service strip could be used permanently for bin storage (rather than just during collection days) causing a hazard to pedestrians and cyclists. However, given the plans indicate bin storage within the rear garden of each dwelling I see no reason why they would be left out near the access point at all times.

12. Therefore, notwithstanding the advice from the Highways Authority, I am satisfied that the private driveway for six dwellings is acceptable in dimension.

13. The Council considers that some parking bays would be difficult to access due to locations close to boundaries. Nonetheless, the plans indicate tracking to demonstrate that cars would be able to manoeuvre and park at that site. In addition, whilst I note the concerns regarding the security of the parking spaces, they would be located in the centre of the development, and subject to suitable boundary treatments would be overlooked from the rear elevations and gardens of several of the proposed houses. Together with the movements of residents to and from their dwellings, this would provide sufficient surveillance in my opinion.

14. I note that concern has been raised about on-street parking on Victoria Street. At my site visit I was able to see that there are no parking restrictions along this road on the appeal site side. Whilst the parking provided includes 2 visitors spaces as well as 2 spaces per dwelling, even if there were to be some cars associated with the development parked along the road, I have not been provided with any substantive evidence to demonstrate that this would exacerbate any problems which may already exist. Moreover, as the proposal would reduce the number of access points on the site from two to one, it would potentially increase the amount of on-street parking available in the area.

15. In support of their case, the Council has drawn my attention to a recent appeal[2] in Rushden, where the Policy DM15 was considered when addressing the matter of highway safety. I do not know the full circumstances of this case, but note with respect to this policy the Inspector concluded that as the occupiers of an existing dwelling would require access over the appeal site it could lead to conflict for the occupiers, as highlighted by the policy. There is no evidence that this would be the case for the appeal scheme. Nor have I found that any of the other potential conflicts suggested by the policy would be likely to occur.

16. All in all, I am satisfied that the proposal would be provide a satisfactory means of access, acceptable visibility and manoeuvring. The access width and service strips are acceptable, and the site would demonstrate safe turning areas to enable vehicles to enter and exit in a forward gear. I am not persuaded that the increase in one dwelling from five to six is of significant scale to cause any of the perceived conflicts outlined in Policy DM15.

17. Therefore, I consider that the proposed development would not have a detrimental impact on highway safety. As such, there would be no conflict with Policy 8 of the CS outlined above. The proposal would also have regard to the National Planning Policy Framework (the Framework) which expects development to take into account all highways users, create places that are safe, secure and attractive and minimise the scope for conflicts.

[2] APP/G2815/W17/3188780

Other matters

18. It has been suggested that existing services such as doctors and dentists are already busy and do not have vacancies. However, I have not been given any detailed evidence which quantifies the extent of any local shortage, or the need for new facilities.

19. It has been suggested that proposal should provide additional parking for existing residents on Victoria Street. This appears to be in part as a result of the loss of the garages. However, the Council confirms that the garages that were at the site were disused and no longer available. In any case the imposition of such a requirement would be directly related to the development before me, and as such would fail the tests for conditions as set out in the Framework and Planning Practice Guidance.

20. The site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The Council has confirmed that the relevant financial payment has been made by the appellant representative of mitigation towards the resultant pressures on the SPA identified by Natural England. The Council states that a Habitats Regulation Assessment is therefore not required.

Conditions

21. I have imposed conditions as set out in the schedule below, having had regard to the proposal and the guidance set out in the Planning Practice Guidance.

22. The three year period in which the planning permission may be implemented (1) is a statutory requirement. It is also necessary in the interests of clarity to specify the plans approved and that the development shall be undertaken in accordance with these unless further modified by any condition set out below (2). In the interests of the character and appearance of the area I have imposed a condition to confirm the external materials (3).

23. The Council has included a condition for the various security measures and lighting details which I attach in the interests of the character and appearance of the area and in the interests of safety of residents. Within this I have included the requirements for external lighting as I consider this is duplicated by the Council and can be included within the condition as set out below (4).

24. I attach a condition to ensure that an adequate system of drainage of the site is provided (5) given the increase in hard surfacing and the change in levels between the appeal site and the High Street. This will also ensure that there is no excess flow of water of the site onto the public highway after construction.

25. The Council have suggested a number of conditions to control various aspects of the construction phase. Whilst I consider that such measures are necessary to protect the living conditions of nearby residents and for highway safety, I consider that some of these can be consolidated into a single condition (6) requiring the submission of construction management and details. This needs to be pre-commencement as it will control matters during the construction phase.

26. Also in the interests of protecting neighbours' living conditions I have included hours of demolition and construction (7) as suggested by the Council. Whilst that at the time of my site visit most clearance had taken place, I consider it

necessary to prevent burning of materials at the site also in the interests of neighbouring living conditions (8).

27. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.

Conclusion

28. For the reasons given above, and taking into account all other considerations, I conclude that the appeal should be allowed.

Rebecca Thomas

INSPECTOR

Annex A

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing No 17-126-01; Drawing No 17-126-02; Drawing No 17-126-03; Drawing No 17-126-04; and Drawing No DWG/2618/001.

3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

4) Prior to the commencement of development, details shall be submitted to, and approved in writing by, the local planning authority showing the following measures necessary to secure personal convenience, safety and security:
   a) a pedestrian gate to be installed to the south east perimeter of the parking area and this be made secure with a lockable gate;
   b) A suitable type of boundary treatment to allow for full surveillance opportunities such as lower height, or hit and miss fencing facing the parking area;
   c) Secure cycle storage for all dwellings;
   d) all external lighting, including that for communal areas, to show beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and which shall not be of a flashing or intermittent nature;
   e) Plots fronting Victoria Street to have a clear physical barrier to form a defensible space to the front building line (note: a 900mm high hoop top metal rail is recommended); and
   f) Removal of the two planted islands and replacement with hardstanding.

The approved scheme shall be implemented concurrently with the development and thereafter retained.

5) Prior to the commencement of development a detailed drainage plan for the application site, to include details of foul and surface water collection and disposal methods and any water saving measures employed on site, shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

6) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:

   i. on-site parking of vehicles of site operatives and visitors;

   ii. on-site loading and unloading of plant and materials;

   iii. measures to control the emission of dust and dirt during construction and;

   iv. measures to prevent the deposit of mud and other debris on adjacent roads during construction.

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7) Demolition or construction works (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place only between 0800 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or Bank Holidays.

8) No burning of materials shall take place on the land.