



Appeal Decision

Site visit made on 8 June 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/B3030/W/21/3267519

The Cottage, Lincoln Road, Newark on Trent NG24 2DB

- 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 Stokes & Mr Humphreys against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00553/OUT, dated 31 March 2020, was refused by notice dated 25 November 2020.
 - The development proposed is a residential development consisting of 5 new dwellings including the demolition of the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development was described on the original planning application form as a "residential development consisting of 9 new dwellings". The scheme was subsequently amended so that it was for five dwellings, and a revised description agreed between the main parties. This revised description was used on the decision notice and appeal form, and I have used it in the banner heading above as it more accurately describes the proposed development.
3. The application was submitted in outline, with only access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. I have consequently treated the submitted drawings as being for illustrative purposes only in respect of the reserved matters they show.
4. The appellants' appeal statement included references to, and drawings of, alternative access arrangements; these were referred to in the statement as Options A, B and C. There was also mention of an Option D, although no drawing of this was provided. I have not determined the appeal based on the alternative options, but only on the basis of the access arrangements shown in the submitted drawings which the Council considered; the "Illustrative Masterplan" UKSD-SA-08-0003 A03, and the "Site Access Design" WIE SA 03 0001 A01.

Main Issue

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

Reasons

6. The appeal site is a narrow site of around 0.25 hectares situated on the north side of the B6166 Lincoln Road, about 2km from the centre of Newark and close to the north eastern edge of the town's built-up area. The site contains a two-storey dwelling "The Cottage", which has been vacant since early 2018, and is currently overgrown and somewhat neglected. The immediate surroundings are primarily residential, although a small park or playing field adjoins the appeal site to the south. A short way north east of the appeal site Lincoln Road becomes rather more commercial in character, with two drive-through restaurants, a pub and budget hotel on the north side accessed via Harvest Drive, and a wide range of business and trade premises accessed via Brunel Drive on the south side.
7. Lincoln Road links the centre of Newark to the A1 and A46 trunk roads, with which it connects at a roundabout some 200m or so north east of the appeal site. For most of the way between the town centre and the appeal site it is a single carriageway with one traffic lane in each direction, and for considerable lengths has a painted hatched median with turning areas marked for the various side roads. The appeal site is accessed via a private driveway, at a point on Lincoln Road where there are three lanes of traffic (two for north-east bound traffic, one for vehicles heading south-west. Immediately north-east of the appeal site Lincoln Road becomes a dual carriageway with two traffic lanes in each direction, and an area in the central reservation provides space for north-east bound vehicles to turn right into, and right out of, Stanhope Avenue. Around 100m north-east of the appeal site is a signal-controlled junction providing access to Harvest Drive and Brunel Drive, with the A1/A46 roundabout a further 100m or so along the road. Between the town centre and just before the A1/A46 roundabout the speed limit is 30mph; the national speed limit applies beyond that point.
8. There are footways on both sides of Lincoln Road in the vicinity of the appeal site, separated from the roadway by a grass verge of variable width. There is also a segregated cycleway on the same side of the road as the appeal site, which comes to an end at the junction with Harvest Drive.
9. The proposed development is the demolition of the existing building on the appeal site, and the erection of 5 dwellings. The submitted proposed masterplan suggests that there would be a 4 bedroom house towards the front of the site, approximately aligned with Nos 37-43 Linseed Avenue to the north east, and four bungalows (2x 3-bedroom, 1x 2-bedroom, and 1x 4-bedroom) behind extending into the site in a line. The dwellings would each have 2 car parking spaces, served by a single shared driveway. A turning head would also be provided within the site. While I reiterate that I have treated the submitted drawings as indicative only in these regards, they nonetheless provide context for assessing the access proposals.
10. There is some disagreement between the main parties about the number of vehicle movements which would result from the development. The appellants assumed that trips per day would increase from 4 per day (with the existing dwelling in use) to 20. It seems to me though that this figure is probably too low, given the large number of delivery vehicles and suchlike which tend to visit homes these days and which, in view of the proposed access arrangement

would be likely to enter the site rather than being parked and loaded or unloaded on Lincoln Road itself.

11. For the Council, the Highway Authority¹ ("the HA") indicated that either the average or 85th percentile figures from TRICS should be used, resulting in an increase from between 5 and 9 trips per day to between 26 and 45. In my view the higher figure derived from the TRICS 85th percentile seems likely to be an overstatement for a small development, mainly of bungalows, in a suburban location with at least some everyday services reasonably easily accessible by walking, cycling or public transport.
12. I recognise that, in spite of both parties' best efforts, attempting to make predictions of this type cannot be an entirely accurate science, but on the basis of all the evidence before me the TRICS average, with around 26 trips per day being generated (an increase of around 21 trips per day from the position with the single existing, if currently empty, dwelling) appears to be a reasonable and sensible estimate of vehicle movements arising from the proposed development. However, even if the actual figure were to be somewhat higher than this, I note that the HA does not suggest that there would be a severe impact in terms of the capacity of the highway network serving the appeal site. Instead, its concerns (and the reason for which planning permission was refused) relate principally to the safety risk arising from manoeuvring vehicles associated with the proposed turning arrangements.
13. Access to the site would be taken from the existing access point from Lincoln road, which would be widened to 5m. The layout of the driveway would allow for visibility splays of 2.4m x 65m, and a splayed dropped crossing would maintain the existing pedestrian and cyclist priority. A "pocket" where a vehicle turning right into the site from Lincoln Road could wait would be created by amending the existing central refuge and adding road markings for a right turning vehicle.
14. I note the appellants' comment that the site and access layout would allow visibility levels typically required for vehicle speeds of 60mph, and therefore exceed those required for a road with a speed limit of 30mph as in the vicinity of the site. No evidence of 85th percentile speeds outside the appeal site is before me, and I accept that the combination of the speed limit and the close proximity of the Brunel Drive/Harvest Drive signal-controlled junction constrains the speed of many vehicles. However, while I was of course not able actually to measure traffic speeds at the time of my site visit, in my judgement many vehicles passing the site were travelling at speeds some way in excess of 30mph. This appeared particularly to be the case where drivers heading south west towards the town centre had "put their foot down" to get through the Brunel Drive/Harvest Drive traffic signals at times when they perhaps should not have.
15. I agree with the appellants that the proposed visibility splays would allow good intervisibility between vehicles leaving the appeal site and vehicles heading north east on Lincoln Road, as well as cyclists and pedestrians on the same side of the road. While the proposed arrangement may cause some minor inconvenience to pedestrians and cyclists, I am satisfied that left turn manoeuvres both into and out of the appeal site would be able to be conducted reasonably safely.

¹ Nottinghamshire County Council

16. However, in my view the lane into the proposed right turn “pocket” which would be provided for vehicles turning into the site would be too short to allow a vehicle turning from Lincoln Road to decelerate safely and smoothly, especially if driven by someone (such as a delivery driver) who may be less familiar with the access arrangement than residents would be. Furthermore, the lane would be very narrow and while the appellants have provided a swept path diagram showing that the lane could accommodate a standard car, there is so little spare space that any larger vehicle, or indeed any standard car which was being driven less than impeccably, would be likely to overhang the southbound lane on Lincoln Road. Having regard to the fact that other drivers heading south would have dealt with the Brunel Drive/Harvest Drive signals, vehicles possibly turning right into or out of Stanhope Avenue, and the narrowing of the southbound carriageway from two lanes to one immediately before arriving at the right turn pocket, I consider that there would be an unacceptable risk of accidents, so I am not persuaded that the proposed access arrangement would be conducive to the safe operation of the highway.
17. Any driver turning right out of the appeal site would be likely to have a good view of oncoming vehicles heading south on Lincoln Road. However, having regard to the various hazards which southbound drivers would face in quick succession before reaching the appeal site, as well as the speed at which at least some of southbound vehicles are likely to be travelling, I consider that there would also be likely to be an unacceptable risk of collision between vehicles turning right out of the appeal site and those heading towards Newark town centre on Lincoln Road.
18. Having made it safely into the right turn pocket, a driver turning right into the appeal site from Lincoln Road would be likely to have a good view of oncoming traffic, as well as of pedestrians and cyclists passing by on the north side of Lincoln Road. In this respect therefore, I am satisfied that the proposed access would be acceptable. However, this does not negate or outweigh the other risk which I have found.
19. The appellants have drawn my attention to another right turn “pocket” at the junction of Lincoln Road and Middleton Road a short way south west of the site. I saw that junction at the time of my site visit, but it is at a point where Lincoln Road has only one traffic lane in each direction, and unlike in the case of the appeal site it is not close to either the end of a central reservation or a traffic signal-controlled junction. While there may be superficial similarities, I am not persuaded that it represents a direct parallel to the situation in this appeal, and it does not add weight in support of the proposal. The same considerations apply to other examples to which the appellants’ statement referred, although I was not able to see these others during my site visit.
20. I therefore conclude that the proposed access arrangement would significantly increase the risk of road traffic accidents, and so would have an unacceptable impact on highway safety. The proposed development therefore conflicts with Spatial Policy 7 of the 2019 Newark and Sherwood Amended Core Strategy and Policy DM5 of the 2013 Allocations and Development Management DPD, which together seek to ensure that new developments have safe access and do not adversely effect highway safety. The proposal also fails to comply with the provisions of the National Planning Policy Framework which seek to prevent unacceptable impacts on highway safety.

Other Matters

21. I note that the Council considered that the principle of residential development on the site would be acceptable. Although some nearby residents expressed concern about the impacts of the proposal on their living conditions (particularly in respect of privacy and overlooking) the Council was content that these issues could satisfactorily be addressed at the reserved matters stage had the proposal otherwise been acceptable. None of the evidence before me leads me to disagree with that assessment.
22. "The Cottage" dates from the early 19th century and although of relatively simple form and limited architectural interest it is considered by the Council to be a non-designated heritage asset, primarily because of its associations with the local Gilstrap family and its apparent role in the creation and support of Newark's first free library. The Council accepts that the building would, as a consequence of its current dilapidated state, require extensive repairs to its walls and roofs in order to be reused, and that the cost of this would be likely to be prohibitive for any realistic use. In this light, the Council is of the view that the loss of the building would be acceptable. None of the evidence before me or what I saw on site leads me to a different view, although because of the building's local significance, had the proposal been otherwise acceptable I consider that it would have been appropriate to impose a condition requiring a programme of historic building recording to be carried out ahead of the commencement of development.

Conclusion

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide five new modern homes, representing a net increase of four. Because of the proposal's small scale, and because the Council has an adequate supply of deliverable sites, the provision of five new dwellings is a factor which attracts modest weight. The scheme would bring a vacant site back into use, and would also lead to a time-limited economic benefit during construction which may give rise to extra local employment, as well as some additional occupier spending in the local community, although again given the size of the scheme any economic benefits arising would also be small.
24. Conversely, the proposal would have an unacceptable impact on highway safety. This is a matter which attracts significant weight and outweighs the modest benefits associated with the scheme. The proposal would therefore conflict with the development plan, and there are no other considerations that outweigh this conflict.
25. For the reasons set out above, the appeal is therefore dismissed.

M Cryan

Inspector