



Appeal Decision

Site Visit made on 16 November 2021

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/P3420/W/21/3275016

106 Park Road, Silverdale, Newcastle-under-Lyme ST5 6LP

- 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 Mrs Sarah Fradley against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 20/01103/FUL, dated 20 December 2020, was refused by notice dated 30 March 2021.
 - The development proposed is the erection of 3 detached, 2 bedroom bungalows, with associated parking on land at 106 Park Road, Silverdale. Plots 1 and 2 are to be aimed at first time buyers or the elderly, whilst plot 3 would be used solely for the applicant's disabled parents and as such would have disabled provision.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 detached, 2 bedroom bungalows, with associated parking on land at 106 Park Road, Silverdale, Newcastle-under-Lyme ST5 6LP in accordance with the terms of application Ref 20/01103/FUL, dated 20 December 2020, subject to the conditions in a schedule attached to this decision.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. In my decision I have removed reference to the proposed occupation of the buildings as this does not constitute 'development' for which planning permission is required. It does not change the development for which planning permission was sought.
3. Following the determination of the application by the Council, the appellant has submitted additional detailed plans showing the extent of visibility splays at each of the proposed vehicular access points. As these do not change the development for which planning permission was sought, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take those amended plans into account. I shall therefore determine the appeal on the basis of the plans submitted to the Council and the additional visibility splay plans submitted as part of the appeal.
4. I note the concerns of a resident in relation to the timing of the application alongside Covid-19 restrictions which prevented discussions with neighbours. However, as consultees and third parties have had the opportunities to submit observations, both at the planning application stage and in the run up to this appeal, and written representations have been received, I am satisfied that no party will be prejudiced by my determination of the appeal.

Main Issue

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

Reasons

6. The proposal for 3 bungalow dwellings seeks to utilise a site close to a point where Park Road continues into Racecourse at a tight bend. A dead-end rural continuation arm of Park Road forms a junction on the south-eastern side of the bend where the existing driveway to 106 Park Road emerges and a pedestrian access to a public play area exists. In the vicinity of the site, the 30mph roads have 2 lanes and are bordered by pavements. The roads serve predominantly residential areas; Silverdale Primary School is accessed from Racecourse some distance to the north.
7. The proposal would result in the removal of existing fencing along the back edge of the pavement to provide vehicular and pedestrian access to 2 frontage parking spaces serving each residential plot. A long length of continuous dropped kerb across much of the width of the site's frontage would be required to facilitate vehicular access from the highway.
8. The small plots would have insufficient space to enable vehicles to turn within the individual sites. This would require drivers to carry out reversing manoeuvres within the highway near to the bend and junction.
9. The appellant has provided drawings which seek to demonstrate that visibility splays of 2.0x65m along Park Road are achievable for each driveway such that vehicles leaving the plots in a forward gear would have adequate visibility along the road. The plans include only limited information as to how the splays correspond to existing features on the ground.
10. However, at my site visit I saw that emergence visibility to the west along Park Road was good and over a well-maintained roadside verge. This would require the removal of part of an existing timber panel fence between the site and an access into Haydock Court, a small residential cul-de-sac at the western side of the site. This could be secured through planning condition to achieve adequate visibility to the west. It would also provide a small benefit to exit visibility for residents of Haydock Court.
11. Similarly, high panel fencing which flanks the existing access to No106 at the roadside could be removed or reduced in height to facilitate visibility to the east along the quiet rural arm of Park Road. This would provide adequate visibility to the east for the proposed development and have the benefit of improving visibility for drivers leaving No106.
12. The forward visibility along the straight alignment of both parts of Park Road would ensure good visibility for and to vehicles turning into or out of the site. Drivers approaching the site would have ample opportunity to adjust road speed to avoid elevated highway risk.
13. According to the plans, views to traffic approaching along Racecourse would be a minimum of 28m from the proposed driveways. At the time of my site visit, the actual road speed of vehicles approaching the tight bend was well below the road speed limit. The width of the road, presence of some on-street parking and angle of the bend ensured that vehicles were negotiating the corner at relatively low speeds.

14. For drivers approaching the corner along Racecourse, the open triangle area of maintained grass and angled hedge on the inside of the bend would facilitate views along the frontage of the site. With the slowing of vehicles approaching the corner, this would provide adequate forewarning of manoeuvring vehicles associated with the use of the development. The arrangement would not be dissimilar to that for the properties at 51-55 (odds) Racecourse which also lie close to the bend and junction.
15. These properties have forecourt parking and rely on reversing manoeuvres within the highway. According to the Council, there have not been any recorded road traffic accidents over the last 5 years in this vicinity.
16. I note the concerns of third parties in relation to the proximity to the playground access. The proposed open arrangement of the frontages and reduced height of the side boundary fences would ensure adequate visibility to pavement users. For vehicles emerging from the existing driveway of No106, this would improve visibility. Furthermore, the proposed length of dropped kerb would discourage parking in a locality close to the junction and bend.
17. The proximity of the site to the school will no doubt result in busy spikes in traffic. However, those periods will be limited. As observed at the time of my site visit, albeit only a snapshot in time, the road was otherwise relatively quietly trafficked. Accordingly, drivers waiting to manoeuvre would be unlikely to be delayed to a point where frustration and greater risk-taking may arise.
18. For those reasons, I find that the proposal would not cause elevated highway safety concerns. It would thereby be consistent with the Planning Policy Framework as it seeks development to deliver safe and suitable access for all users.

Other Matters

19. Concerns have been raised by a third party in respect of the use of the site by wildlife, drainage problems and the effects of odour from a nearby landfill site. However, there is no substantive evidence to support those claims. I am therefore unable to attribute significant weight to those arguments.
20. I note the frustrations expressed by the appellant in relation to the time taken for the Highway Authority to provide comments in leading up to this appeal. However, this is not a matter for this appeal which I have determined on its own merits.

Conditions

21. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
22. To preserve the character and appearance of the area details of the external finishes to the buildings and landscaping of the sites are necessary. To protect highway safety, delivery of the parking provision and visibility plays are reasonable and necessary.

23. An electric vehicle charging point for each plot is reasonable in the interests of encouraging less polluting modes of travel and improving air quality. A restriction on noisy working activities during the construction phase of the development is necessary to protect nearby living conditions.

Conclusion

24. For the reasons given I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref. 20/01103/FUL

- 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: UK Planning Maps for 106 Park Road, Silverdale, Newcastle, ST5 6PL, 1:1250 Location Plan; 100-01 Existing & Proposed Plans; 100-02 Proposed Visibility Plays Plot 3; 100-03 Proposed Visibility Plays Plot 2; 100-04 Proposed Visibility Plays Plot 1; and, labelled aerial view map (Google Maps 28/01/2021).
- 3) Above slab level construction of the dwelling houses hereby approved shall not be commenced until full and precise details of all proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 4) Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:
0800 – 1800 Monday to Friday (inclusive)
0800 – 1300 Saturday
Construction shall not be undertaken on a Sunday or a public holiday.
- 5) The dwelling houses hereby approved shall not be occupied until the access arrangements and parking have been provided in accordance with the approved plans which shall thereafter be retained for the life of the development.
- 6) Prior to first occupation of each dwelling at least 1 parking space must be provided for that dwelling with a fully operational dedicated electric vehicle charging point and thereafter maintained unless otherwise agreed by the Local Planning Authority. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections Mode 2 (on a dedicated circuit), or equivalent.
- 7) Prior to the first occupation of each unit, a landscaping scheme which shall include details of replacement tree planting shall be submitted to and agreed in writing by the Local Planning Authority for the relevant plot. The landscaping scheme shall be carried out in accordance with the approved details and agreed implementation programme.

END.