



Appeal Decision

Site visit made on 24 August 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/J4423/W/22/3298319

Site of South Yorkshire Police, Rotherham Road, Sheffield S20 8GL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jeremy White against Sheffield City Council.
 - The application Ref 21/04912/FUL is dated 18 November 2021.
 - The application sought planning permission for the 'application to relocate the turning head (Application under Section 73 to vary condition No. 2 (approved plans) and to vary condition No.s 3 (hard and soft landscape scheme), 6 (scheme of sound insulation works) and 7 (validation testing) as imposed by planning permission No. 15/03924/FUL – Demolition of existing building and erection of three dwellinghouses and garages) without complying with conditions attached to planning permission Ref 19/02364/FUL, dated 11 October 2019.
 - The conditions in dispute are No's 2, 15 and 16 which state that:
 - 2. The development must be carried out in complete accordance with the following approved documents: Plans and Elevations - Rev H as approved by application 19/01859/NMA, Proposed site plan A3 - 11 Rev D, Landscape Masterplan - 951-RRH-01 Rev D.
 - 15. Within 6 weeks of the date of this approval full details of the arrangements which have been entered into which will secure the highways improvement works (which expression shall include pedestrian safety measures) listed below shall have been submitted to and approved in writing by the Local Planning Authority. Highway Improvements: Provision of turning head with protective railings and realignment of associated pavement on west side of Rotherham Road and reinstatement of pavement to the front of the dwellings on the east side of Rotherham Road as indicated on the approved plan. Prior to the highway improvement works being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority. The improvement works shall be implemented within 3 months of the date of the final approval of the highway agreement unless an alternative timescale is approved in writing by the Local Planning Authority in order to avoid the works taking place in school term time.
 - 16. Within 4 weeks of the completion of the highway improvement works, a Post Completion Review of the turning head in operation shall be undertaken at times to be agreed with and in the presence of the Highway Authority and submitted to an approved in writing by the Local Planning Authority. Any recommendations arising from the Post Completion Review shall be implemented within 4 weeks of the date of final approval.
 - The reasons given for the conditions are:
 - 2. In order to define the permission.
 - 15. To enable provision of a vehicle turning head on the above mentioned highway to compensate for that lost as part of the development and in the interests of pedestrian safety.
 - 16. In the interests of the safety of road users.
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Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issue

2. The appeal site comprises of a small residential development of 3 houses which was initially granted planning permission in January 2016 (LPA Ref: 15/03924/FUL) and included the retention of a turning head. The development was not constructed in accordance with the approved plans, with the turning head incorporated within the curtilage of one of the dwellings. A subsequent planning permission granted in October 2019 (LPA Ref: 19/02364/FUL) varied a number of conditions, including a change which sought to relocate the turning head to the opposite side of the road. This turning head has not been constructed and this appeal scheme seeks to remove the requirement to make provision for this.
3. Although the Council did not determine the application subject of this appeal, it's Officer's Report sets out the need to provide a turning area in order to ensure the safe movement of traffic. As such, the main issue is whether the disputed conditions are necessary in the interest of highway safety, having regard to the provision of the turning head.

Reasons

4. The appeal site comprises of three recently constructed dwellings situated along Rotherham Road¹. This road is a cul-de-sac, a no through route to vehicular traffic. It provides access to some areas which are used for parking, including areas of land which have been referenced as an 'informal' parking area that are said to form part of the highway. A number of other properties as well as a nursery and primary school are located on this stretch of road.
5. The appellant states that the 2019 planning permission confirms that a turning head is technically acceptable, but that it does not substantiate the need for it. The Highways Technical Note (October 2021) explains that a vehicle could turn in the highway given its width of around 8m at the northern end of the vehicular carriageway, thereby negating the need for the turning head.
6. I have been provided with a plan which demonstrates that a car is able to turn near the entrance that leads to both the car parking areas to the north of the appeal site. The ability to undertake this turning manoeuvre is however dependent on no cars being parked on the western side of this road. It is evident from the evidence before me, including from the appellant, that parking takes place along this section of road at school drop off and collection times. Although vehicles using either of the car parking areas can enter and leave in forward gear, there may not be any turning area available for parents dropping or collecting their children, if the spaces within these parking areas are in use by staff who are already likely to be in school.
7. Whilst vehicles may currently turn in the road, given the evidence before me about the use of the road for vehicular parking at certain times of the day, such manoeuvres would be difficult and are not to be encouraged as they would bring turning vehicles into conflict with vehicles that are travelling along the road. A turning head, as required by the disputed conditions would enable

¹ Also referenced as Rotherham Road North

vehicles to easily turn in the highway. Although the turning head would be opposite a driveway, the likelihood of conflict with users of that driveway would be low given it serves a single dwelling and that the occupants of that dwelling would be able to see when the turning head is being used. I also do not consider that there would be undue conflict between vehicles using the turning head and vehicles travelling along this section of road. Turning manoeuvres using the wider area around the turning head, rather than the alternative of turning at the end of the vehicular section of the road as suggested by the appellant, would be relatively easier and quicker, minimising the time any passing vehicles would have to wait.

8. Whilst parking could sometimes take place within the turning area that the disputed conditions would secure, and reference is made to parking that used to take place in the previous turning area at the time the site was used by the Police, this should not prevent a facility, as required by the disputed conditions, that would provide an appropriate turning area for most of the time.
9. Reference has been made to guidance, including Manual for Streets (2007) that states that a turning area should relate to its environment and turning areas are needed at the ends of cul-de-sacs. Although not at the very end, the turning area subject of this appeal would be closer to the end rather than the mid-point of the vehicular section of the road. There is nothing before me that demonstrates why a short turning head would not relate to its environment.
10. I conclude that not providing a turning head gives rise to vehicle conflict and has an unacceptable risk to the safety of highway users. It is therefore contrary to saved Policies BE9 and BE10 of the Sheffield Unitary Development Plan (UDP), which seek, amongst other matters, safe, efficient, and environmentally acceptable site layout for all vehicles. It is also contrary to paragraph 111 of the National Planning Policy Framework, which seeks, amongst other matters, to prevent development if there would be an unacceptable impact on highway safety.
11. Although saved UDP Policy T22 is referenced by the Council, it is not relevant to this issue as it relates to private car parking in new development rather than wider highway safety matters such as turning and manoeuvring of vehicles. Reference has also been made to the South Yorkshire Residential Design Guide, but I have not been provided with details of this document.

Other Matters

12. Comments have been made by the Governing Body at Halfway Nursery and Infant School and referenced by the appellant that indicate the turning head would not alleviate vehicle / pedestrian conflict in the vicinity of the school and the site. It would however provide a turning facility for vehicles along this stretch of road. I note concerns around existing traffic conditions and inadequate parking at certain times of the day. The limited size of the turning head would however have a limited effect on on-street parking and this does not alter or outweigh my concerns about the proposals' effect on highway safety.
13. The appellant has undertaken informal consultation with parents of children at the school. There are also various third-party representations, some of which support the proposal, citing concerns on the conflict between vehicles using the turning head that the disputed conditions would secure and children. However,

the turning head would require the realignment of the footway so it would not directly adjoin the vehicular carriageway and additional safety barriers would be installed. This turning head was also assessed by the Council's Road Safety Auditor and deemed to be acceptable. I have no reason to disagree with that assessment.

14. The appellant contends that the Council has shown little willingness to consider alternatives or act in a proactive manner. Whilst the Council did not determine the planning application, their Officer's Report explains their concerns. The Council has also noted that the relocation of the turning head was approved by them after the turning head that previously existed was not retained as approved in January 2016 permission. In any event, I have dealt with this appeal on its own planning merits.

Conclusion

15. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations including the provisions of the Framework, I conclude that the appeal should be dismissed and planning permission refused.

F Rafiq

INSPECTOR