



Appeal Decision

Site visit made on 20 February 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/P3420/W/23/3331281

Land adjacent to 48 Harriseahead Lane, Harriseahead, Stoke-on-Trent ST7 4RB

- 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 Mrs Vera Hickman against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 23/00169/OUT, dated 2 March 2023, was refused by notice dated 8 June 2023.
 - The development proposed is a single dwelling house on land adjacent to 48 Harriseahead Lane.
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Decision

1. The appeal is allowed and planning permission is granted for a single dwelling house on land adjacent to 48 Harriseahead Lane, Harriseahead, Stoke-on-Trent ST7 4RB in accordance with the terms of the application, Ref 23/00169/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address on the application form was different from that on the decision notice, appeal form and location plan. I have sought clarification from the appellant of the correct address, which I have used in the banner heading above.
3. The appeal site lies within the Green Belt. There is no dispute between the parties that the proposal represents limited infilling within a village, and the proposed development is therefore not inappropriate, as it would fall within one of the exceptions to inappropriate development detailed in paragraph 154 of the National Planning Policy Framework (the Framework). Based on the evidence before me, including my own observations, I find no reason to conclude otherwise.
4. The planning application was submitted in outline. The appellant has requested that the reserved matters should only include matters of appearance, landscaping, layout and scale. However, the application was submitted as outline with all matters of detail reserved for subsequent approval, including access. In the interests of natural justice, I have assessed the appeal on that basis. I have, nonetheless, had regard to the accompanying illustrative plans which indicate a potential point of access.

Main Issue

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

Reasons

6. The appeal site forms part of the side garden to No.48 Harriseahead Lane (No.48), a semi-detached dwelling which is part of a ribbon of residential properties located just outside Harriseahead. The dwellings generally run along one side of the road. Opposite the appeal site lies open countryside behind a hedgerow.
7. Harriseahead Lane is an unclassified road. It is street lit and has a 30mph speed limit. The carriageway has no segregated footway. The road is fairly straight, although just beyond the appeal site, at Number 33 Harriseahead Lane (No 33), the road turns sharply. The road is generally wide enough for two way traffic. The appellant has submitted a speed survey which demonstrates that the 85th percentile speeds on Harriseahead Lane were 31.3mph eastbound and 28.5mph westbound, and which the Council agree would be commensurate with the 30mph speed limit of the road.
8. The Manual for Streets (MfS) guidance indicates that the standard 'x' distance for visibility splays is 2.4m. This can be reduced to 2m for lightly trafficked streets. The Highways Authority indicate that given the 30mph speed limit of the road, compliant visibility splays onto Harriseahead Lane would be 2m by 43m to the west and 2m by 40m eastbound of any new or intensified access. It has not been demonstrated that these visibility splays could be achieved. The Highways Authority consider that the visibility which could be achieved would be inadequate, and would only be commensurate with 85th percentile vehicle speeds of 10-17mph.
9. However, I note that the Manual for Streets 2 (MfS2) states that unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a significant problem. As such, the objective standards in MfS are not determinative.
10. I observed, during my site visit, that residential properties within the immediate vicinity of the appeal site have vehicular accesses onto Harriseahead Lane and that a number of these are unlikely to meet the MfS visibility splay standards. These include properties at the bend by No 33 where visibility is likely to be more problematic and accessing onto the road is liable to pose a greater risk to highway safety than that of the appeal site. Furthermore, the existing access point for No 48 is substandard in highway safety terms. I have not been presented with any substantive evidence to demonstrate that these substandard accesses have resulted in traffic incidents that have endangered the safety of users of Harriseahead Lane. Indeed, the HA have confirmed that no Personal Injury Collisions (PICs) have been recorded within 43m of the site in the previous five years.
11. The visibility looking left from the proposed access point towards the bend at No 33 would be over land under the control of the appellant. The illustrative plans show the removal of the existing 1.1m high concrete walls and extension of the lower stone wall. The access would enjoy reasonably good visibility in this direction.
12. Visibility looking right when accessing the proposed development would be more restricted. Although the illustrative plans indicate that the concrete wall would be removed and the height of the existing hedge removed, so as to comply with recommended standards of 600mm, the visibility splay would

nonetheless extend over the frontages of Nos 50, 52 and 54 Harriseahead Lane (Nos 50-54) over which the appellant would have no control.

13. Whilst visiting the site, I observed that the visibility in this direction was reasonable, due to the open plan frontages of Nos 50-54. However, I acknowledge that this was a snapshot in time, and that the frontages are used for the parking of vehicles belonging to occupiers of the properties. These would, at times, restrict the visibility from the access point in this direction.
14. However, given the road's character and the speed limit, with drivers likely to be cautious when approaching from this direction due to the oncoming bend, I consider that the visibility would be satisfactory. Furthermore, due to the frontages of Nos 50-54 being used for off street parking and the occupiers also requiring visibility, I consider it unlikely that there would be much likelihood of the occupiers of these properties erecting structures which would impede visibility, despite the appellant's lack of control over the frontages.
15. The MfS2 states that parking in visibility splays (albeit in built up areas) is quite common, yet it doesn't appear to create significant problems in practice. Drivers exiting the proposed development would be likely to edge out onto Harriseahead Lane cautiously to the point where better views of oncoming vehicles are available. As the proposed dwelling would not be isolated, but would be located in a street of existing dwellings, it is likely that drivers using the road would be aware of the possibility of other drivers seeking to exit their parking areas and join the highway, and drive accordingly.
16. There would be an increased volume of traffic emerging from the appeal site. However, as the proposal is for only one dwelling, I do not consider that this would lead to an unacceptable increase in traffic movements to vehicles emerging onto Harriseahead Lane such as to impact highway safety.
17. The precise access arrangements would form part of a reserved matters application, but from the evidence before me and from my observations when visiting the site, I consider that suitable access arrangements could be achieved. I am not persuaded that access arrangements or the failure to meet the Manual for Streets visibility splay guidance would result in highway danger such that it would warrant withholding permission for the appeal proposal.
18. I consider that the proposal would not conflict with the highway safety aims of Policy T16 of the Newcastle Under Lyme Local Plan (2003) and Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (2009) nor with the Framework which states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Other Matters

19. I note that a third party has raised concerns regarding the impact of the proposed development on privacy. However, layout, appearance and scale are reserved for future approval and will be considered at the reserved matters stage.

Conditions

20. The appellant has suggested that certain conditions could be attached regarding specific requirements relating to access, such as the removal of gates and surfacing materials. However, whilst I consider that adequate access can be achieved in principle, access remains a reserved matter for subsequent approval. It may be the case that a different form of access could be achieved and there is no requirement for me to attach prescriptive access conditions at this stage.
21. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended a number of the conditions in the interest of clarity. The appellant has confirmed their agreement to proposed conditions where they are pre-commencement.
22. I have attached conditions relating to the submission of reserved matters and the associated time limits as standard (conditions 1-2). Pre commencement condition 3 and condition 4 regarding site investigations to identify and enable any remedial and mitigatory measures necessary to be undertaken are included to ensure the safety and stability of the development. A pre-commencement condition in relation to a Construction Management Plan, and a condition specifying hours of work are necessary in the interests of highway safety and to manage the effects of construction on neighbouring residents (conditions 5 and 6).
23. It is not necessary to include a suggested condition regarding the provision of electric vehicle charging points as this is now mandatory under the Building Regulations.

Conclusion

24. For the reasons given above, I conclude that the development would comply with the development plan as a whole. As a result, the appeal is allowed.

L C Hughes

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) An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters.
- 3) No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance and submitted to the Local Planning Authority for approval. The works shall thereafter be carried out in full accordance with the approved details.

- 4) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
- 5) The development hereby permitted shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i. a site compound with associated temporary buildings;
 - ii. site access and routing of vehicles;
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. loading and unloading of plant and materials;
 - v. storage of plant and materials used in constructing the development;
 - vi. measures to prevent the discharge of deleterious material and surface water onto the highway;

The approved Statement shall be adhered to throughout the construction period.

- 6) Demolition or construction activities, including deliveries, ground works and earth movements, shall take place only between
 - 08:00 - 18:00 Monday to Friday
 - 08:00 - 13:00 Saturday

Demolition or construction activities, including deliveries, ground works and earth movements shall not take place at any time on a Sunday or on Bank or Public Holidays.

END OF CONDITIONS