



Appeal Decision

Site visit made on 10 October 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/A3010/W/24/3344904

Land to the Rear of Nos. 73 to 81 Scrooby Road, Bircotes DN11 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant technical details consent.
 - The appeal is made by Mr Sam Price against the decision of Bassetlaw District Council.
 - The application reference is 24/00182/TDCMIN.
 - The development proposed is technical details consent for residential development of four dwellings pursuant to the Permission in Principle 22/00805/PIP allowed on appeal under APP/A3010/W/22/3304294.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Sam Price against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The permission in principle (PiP) has established that the location, land use, and amount of development is suitable in principle. The technical details consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been approved at the permission in principle stage. I have determined the appeal on that basis.
4. The Council's decision notice refers to the 2011 adopted Core Strategy & Development Management Policies Development Plan Document (the DPD). This has been superseded by the Bassetlaw Local Plan 2020-2038 which was adopted in May 2024 (the Local Plan). The Council's officer report referred to the Local Plan as emerging at the time. While there are some differences between the policies in the DPD and the Local Plan, they are not materially different insofar as they are relevant to the main issues. Furthermore, the Council referred to the Local Plan in its appeal statement, which the appellant has seen. I have referred to the Local Plan in my assessment of the proposal.

Main Issues

5. The main issues are:
 - the effects of the proposal on highway safety; and
 - whether the proposal would make appropriate provision for waste storage.

Reasons

Highway Safety

6. The Inspector for the PiP proposal was only able to consider whether the location, land use, and amount of development was acceptable in principle. They stated that specific details relating to the access, such as technical drawings, visibility splays and pedestrian sight lines, would be considered at the technical details consent stage and that the proposal at this stage (my emphasis) would not be contrary to the relevant development plan policy. Consequently, while the Inspector considered that there was nothing before them to indicate definitively that a safe and suitable access could not be secured at the appeal site in principle, it is clear that consideration of the detail of the access suitability would be at the technical details consent stage.
7. The Council highlights that very little additional information on the proposed access beyond that submitted for the PiP application has been submitted to support this technical details consent stage. No technical assessment has been undertaken to confirm its suitability to serve the proposal, such as details of visibility splays, pedestrian sight lines or vehicle swept path analysis.
8. The proposed access road is too narrow to allow two vehicles to pass each other for much of its length. Although the submitted plans show a waiting area, this is not within the application boundary and there is nothing in evidence to demonstrate that it would be on land within the appellant's control. As such, I cannot be certain that this area would be retained as a waiting area. The appellant also identifies that the existing car park entrance provides a further opportunity for vehicles to pass. The submitted evidence indicates that this car park is privately owned and there is no clear evidence on the appellant's right of access to it. Consequently, while signage would be installed, there is doubt about the deliverability of the measures proposed to give vehicles entering the site priority so that they do not need to wait on the highway.
9. While the additional vehicle movements generated by the proposal would likely be relatively small, an absence of passing places would give rise to the potential for vehicles that meet on the access road having to undertake reversing manoeuvres, including onto the highway. This could necessitate vehicles on the highway having to stop, thus affecting the free flow of traffic, which could present a risk to highway safety, particularly given the proximity of the zebra crossing that runs between the Harworth Primary Care Centre and pharmacy. These concerns remain notwithstanding the advice in the document highlighted by the appellant about when passing places are required.
10. Vehicles entering and leaving would need to cross a pavement to access the highway. From what I observed at my site visit, it would be highly unlikely that a driver exiting the access road in a forward direction would have a full view of the pavement until after the bonnet of the vehicle has left the access road and manoeuvred onto it, presenting a risk to pedestrians, especially small children. No evidence has been submitted by the appellant to demonstrate otherwise. Visibility would be even more difficult if reversing out of the access road onto the highway. In my judgement, this situation is a possibility given the width of the access road and the issues around the availability of the proposed waiting areas. This presents a significant concern even if it would occur only on a low frequency.

11. I appreciate that the access road junction with the highway is already used by vehicles associated with Primrose Bungalow and the private car park. However, these are historic uses, and it is necessary for me to determine the appeal against up-to-date planning policy including the National Planning Policy Framework (the Framework) which states that proposals should not have an unacceptable impact on highway safety. Based on the evidence before me, the characteristics of the junction and the highway in the immediate vicinity are such that the proposal would represent a significant risk to highway safety for road users and pedestrians and to the free flow of traffic, given the lack of visibility and the nature of the manoeuvring that would be required to avoid conflict between road users and pedestrians.
12. Taking the above factors into account, I conclude that insufficient evidence has been provided to demonstrate that access arrangements could be put in place that would not have an unacceptable impact on highway safety. The proposal would therefore conflict with the highway safety requirements of Policy ST33 of the Local Plan, Policy 8 of the 2015 Harworth and Bircotes Neighbourhood Development Plan 2015-2028, and paragraphs 114 and 115 of the Framework.

Waste Storage

13. The submitted plans show two turning heads which the appellant claims are sufficient to allow a refuse collection vehicle (RCV) to turn. However, no swept path analysis has been provided to clearly demonstrate this. Even if this is the case, the consultation response of the Council's waste and refuse team set out in the Council's appeal statement raises concerns about the width of the proposed access road for RCVs, stating that future residents of the development would be required to bring out/collect their waste bins from a designated and suitable collection point which would probably be on the main street. This would mean future residents would need to manoeuvre waste bins for a considerable distance.
14. A bin collection point is also identified on the site's eastern side. The appellant indicates that access to this location could be gained from the lane to the east of the site, which they have a right of access to, although it is not included in the application boundary. This lane provides rear access to the yards/storage areas of some of the properties fronting on to Scrooby Road. The appellant points out that waste is collected at the rear of these properties from this lane. The lane is reasonably wide but narrows nearer to the site. It has some hard surfacing but there are unmade sections including near to the site where I observed a grassed area between the application boundary and the route of the lane. In my view, there is a lack of clarity within the submitted evidence as to whether the Council's refuse collection service would access the bin collection point from this lane.
15. A waste collection authority has responsibility to collect household waste, and so it is important to ensure that collection arrangements in new developments are feasible. That has not been demonstrated here either in terms of access for RCVs or for what would be reasonable for future residents notwithstanding that specific distances are not defined in a policy. Given the lack of technical evidence to demonstrate that a RCV could access the site, the appellant's contention that the proposal would improve the existing waste collection arrangements by providing a turning facility for RCVs currently using the lane to the east is a moot point.

16. Based on the submitted evidence, I cannot conclude that the proposal would make appropriate provision for waste storage. This is contrary to the Framework objectives for achieving well-designed places that function well and that promote a high standard of amenity for existing and future users, and adds to the objections to the scheme.

Other Matters

17. The proposal would support the government's objective of significantly boosting the supply of homes, on a vacant site within a reasonable walking distance of a range of services and facilities. These matters weigh positively for the proposal. However, I do not afford such benefits very significant weight given the quantum of houses proposed.
18. The current use of the site is described on the application form as a vacant site with no known last use. The appellant contends that a fallback would be to use the site intensively for agriculture or to make use of permitted development rights for temporary uses. While the proposal may generate fewer vehicle movements than these other uses, little evidence of these uses being anything more than merely a theoretical prospect is before me. Consequently, this is a consideration to which I afford limited weight.
19. During my site visit I did not observe any signs of anti-social behaviour although I appreciate this was just a snapshot in time. Nonetheless, indications of anti-social behaviour at the site have not been clearly evidenced. The site is somewhat untidy in its appearance, but not so significantly that it detracts from its surroundings. I give these matters very limited weight.
20. I am unable to conclude that it would be possible to erect the four proposed dwellings on the site without an unacceptable impact on highway safety. There are also concerns about the living conditions standards that future occupiers could reasonably expect to enjoy with regard to waste storage. Consequently, even if I were to accept the appellant's position that the presumption in favour of sustainable development at paragraph 11 of the Framework is relevant, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

21. There are matters that weigh in favour of the proposal. However, insufficient evidence has been provided to demonstrate that the proposal would not have an unacceptable impact on highway safety. This is a matter of overriding concern. The concerns around waste storage also weigh against the proposal. To this extent there would be conflict with the development plan when considered as a whole as well as the Framework. Therefore, the appeal should be dismissed.

F Wilkinson

INSPECTOR