The Planning Inspectorate

Appeal Decision

Site visit made on 20 November 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th December 2017

Appeal Ref: APP/A2525/W/17/3182341
Land east of Chestnut Terrace, Sutton Bridge, Spalding, PE12 9SX.

- 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 Peter Crawley against the decision of South Holland District Council.
- The application Ref H18-1167-16, dated 11 November 2016, was refused by notice dated 7 March 2017.
- The development proposed is the erection of 6 detached dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 detached dwellings at land east of Chestnut Terrace, Sutton Bridge, Spalding, PE12 9SX in accordance with the terms of the application Ref H18-1167-16, dated 11 November 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The appellant has confirmed that the application was submitted in outline with access and layout to be determined at this stage. I have dealt with the appeal on that basis.

3. I have taken the description of development from the Council's Decision Notice as this is more succinct than the version provided on the Application Form.

Main Issue

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

Reasons

5. Policy SG15 of the "*South Holland Local Plan 2006*" (the LP) states; '*proposals for development shall provide safe and convenient access to and within the site for motor vehicles, cyclists, pedestrians, the less able-bodied and people with disabilities to accommodate the potential increase in movement generated by the proposal'*.

6. Chestnut Terrace is an unadopted, residential cul-de-sac which forms a priority junction with Bridge Road. It is approximately 250m long and serves roughly 50 dwellings. It is lit along its length and according to the appellant it is 11m wide with a continuous pedestrian footway along its eastern flank.

7. As I saw when I conducted my site visit, the road is divided into 2 distinct sections. The longer southern section which accounts for roughly two-thirds of the road is hard surfaced across its full width and benefits from pedestrian footways along both flanks. For all intents and purposes, this section of the road appears and functions just like any other residential street. Given the preponderance of terrace properties, on-street parking is fairly prevalent but given the generous width of the road it does not appear to cause any impediment to the safe and free flow of traffic.

8. The northern third of Chestnut Terrace is only part hard surfaced. According to the appellant's measurements which are not disputed, the road at this point is 12.4m wide with 4.4m laid to tarmac. The unsurfaced section serves 6 properties and is used mainly for car parking. Despite that, I had no problem driving to the end of Chestnut Terrace despite the presence of parked cars to the front of Nos 36-48. The proposed development of 6 houses would be served via an extension of Chestnut Terrace. The plan shows a 5m wide access road which would run adjacent to No 48 and then into the development.

9. The Council's Decision to refuse the application was made contrary to the advice of its own professional officers. Lincolnshire County Council as the Highway Authority made no objection to the proposal at the application stage. The Council's objection to the proposal seems to rest almost entirely on the views of its Planning Committee. However as the Minutes by the Council supplied are limited to a record of the date of the meeting and the reason for refusal, I have no way of knowing exactly how Members reached the view they did.

10. The Council's Statement argues that a 5m access '*would not be appropriate to accommodate the increase of vehicles traffic on account of future residents of the development*'. It is not clear why such a width would be inadequate. No details of any local standards that would be breached have been submitted nor has The Council explained what harm would arise. The statement is also erroneous in that the access road would be a new piece of infrastructure serving the development. It does not currently exist and therefore there would be '*no increase*' of traffic using it. A 5m access road is wider than the generally accepted standard of 4.8m[1]. There would thus be adequate room to accommodate simultaneous two-way flow on those limited occasions when two cars travelling in opposite directions where to meet. To my mind, a 5m access road would thus be more than adequate to serve a development of this size.

11. I am giving very limited weight to the Council's view that the development would add to congestion problems along Chestnut Terrace. Notwithstanding that such problems are completely unsubstantiated by objective evidence, the amount of traffic generated by 6 dwellings would not be significant. Given the number of dwellings already served by Chestnut Terrace, the additional traffic would be imperceptible against existing traffic flows. Accordingly, even if I were to agree with the Council and local residents that there are existing problems, the development would not exacerbate these. No data is before me to suggest a history of accidents or delays either on Chestnut Terrace or its junction with Bridge Road. Consequently, the Council's claim that '*road users would be seriously undermined'* by the development is unfounded and illogical.

[1] See Fig 7.1 *Manual for Streets*

12. I accept that some elements of Chestnut Terrace are not up to modern standards. However, neither that nor the fact that it is unadopted means it is unsafe. Future occupants of the development would not need to cross private driveways and even if that were the case; access, maintenance and land ownership issues are all private matters which would need to be resolved between the various parties at the appropriate time. They are not therefore material planning considerations to which I can ascribe any degree of weight.

13. Although the bin collection area shown on the indicative plan would be remote from some of the plots, the distance would not be excessive to the extent that the living conditions of future residents would be unacceptably harmed. Such issues are not decisive and could in any event be addressed by the suggested planning condition. Based on the foregoing and given that the Council's submissions are almost completely bereft of objective appraisal and supporting evidence, I conclude that the development would not harm highway safety. There would thus be no conflict with Policy SG15 of the LP.

Other Matters

14. Local residents have expressed a wide range of concerns including but not limited to the following; noise and disturbance, pressure on local infrastructure, overlooking and inadequate drainage. However, I note that these matters were considered by the Council at the application stage. Whilst I can understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.

15. The "*Planning Practice Guidance*" states that Inspectors may use their powers to make an award of costs where they have found unreasonable behaviour, including in cases where no application has been made by another party[2]. Given the circumstances of this case I have given serious thought to exercising these powers in this instance. In particular, the failure to adduce any substantial evidence to support a decision taken contrary to the advice of its own officers and Statutory Consultees means the Council's decision was injudicious. Nevertheless, I have exercised my discretion not to initiate an application for costs on this particular occasion. The Council should however take note of these comments to avoid any prospect of such an award being made in the future.

Conditions

16. In terms of the conditions, those suggested by the Council covering time limits and the submission and approval of the reserved matters, are necessary in the interests of proper planning. A restriction on the combined floorspace is necessary to ensure the development complies with the Council's developer contributions policy. I have also imposed conditions relating to drainage and the submitted FRA to ensure the development does not add to flooding problems in the area. Separate conditions relating to landscaping and boundary treatments are unnecessary as these matters are covered under the reserved matters.

[2] Paragraph reference ID: 16-036-20140306 [see also 16-029-20140306].

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

1) Details of the appearance, landscaping 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) 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.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The maximum combined gross floor space shall not exceed 1000m^2.

5) The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (For land east of Chestnut Terrace, Sutton Bridge by Maxey Grounds & Co LLP) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

   - The development will be two storeys;
   - Finished floor levels will be set no lower than 4.5m above Ordinance Datum (AOD), 1.0m above existing ground level
   - Flood resilience and resistance measures will be incorporated into the proposed development as stated in the FRA;
   - Demountable defences will be installed to all ground floor door openings, to 600mm above finished floor levels.
   - The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing, by the local planning authority.

6) No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second per hectare;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

7) Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

8) Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented before the occupation of the first property and shall thereafter be retained.

--- END OF CONDITIONS ---