

APPEAL BY MR AL PROPERTY AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A CHANGE OF USE FROM CAR PARK TO INDUSTRIAL STORAGE AT CAR PARK OPPOSITE TALKE WORKING MENS CLUB, COALPIT HILL, TALKE

<u>Application Number</u>	18/00066/FUL
<u>LPA's Decision</u>	Refusal, in accordance with officer recommendation, by Planning Committee 24th April 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	8th April 2019

The Appeal Decision

The Inspector identified the main issues to be (i) the effect of the appeal proposal on sustainable modes of transport with particular regard to the bus stop location and (ii) whether the absence of information with regard to the operation and site layout of the appeal proposal would have significant highway safety implications for users of the highway including pedestrians.

In dismissing the appeal the Inspector made the following comments:-

Sustainable modes of transport

- The intention is to use the site as an external industrial storage yard in connection with the adjoining London Hoist Limited site. The nature of the proposed use would mean that Heavy Goods Vehicles (HGVs) would require access to the appeal site.
- The widening of the existing access on Coalpit Hill is required to provide adequate visibility splays. However, the existing bus stop would then have to be relocated as it currently sits almost in the middle of the proposed widened access.
- The bus service is a regular service to Hanley, Kidsgrove and Newcastle and the bus stop is in an optimum location with a pavement and leads to the wider residential development particularly the housing to the rear of the appeal site.
- The suggested alternative location on Swan Bank is not acceptable to the bus operator who has indicated that there is no suitable alternative location and removing the bus stop may affect the viability of the service.
- The loss of the bus stop in this location would severely restrict the mobility of bus users particularly the elderly and less mobile. The potential loss of the bus service altogether would have more serious consequences in terms of accessing facilities for shopping and would have social mobility implications.
- The proposal would be contrary to Policy SP2 of the Newcastle-Under-Lyme and Stoke-On-Trent Core Spatial Strategy 2006-2026 (the Core Strategy) which refers, amongst other matters, to priority being given to developing sites which are well located in connection to existing neighbourhoods and infrastructure.
- It would also be contrary to Paragraph 110 of the Framework which states, amongst other things, that development should give priority first to pedestrian movements both within the scheme and neighbouring areas and secondly to facilitate access to high quality public transport with layouts that maximise the catchment area for bus services.

Highway Safety

- It is proposed that HGVs turn right into the site and exit left.
- Proposed operations would involve 12 metre rigid HGV vehicles and 16.5 metre HGV articulated vehicles accessing the site. Gates would be sited 12 metres from the highway. The length of vehicles means that if the gates are closed there could be vehicles obstructing the highway if the vehicle has turned into the site entrance while

the gates are shut. It is not considered that the location of the gates and the setback can be adequately dealt with by condition particularly in this location on a hill and a bend.

- No details have been provided of specific areas for loading, unloading and storage of materials. Whilst the submitted drawings show swept paths for the vehicles to turn in forward gear, the absence of marked areas for storage and unloading may mean that proposed turning areas will not be kept clear which could result in vehicles reversing in and out which would be particularly dangerous in this location.
- The appeal proposal includes ten car parking spaces. Whilst the appeal site would be run in conjunction with the existing London Hoist limited and there would be some parking there, it is not clear how that would work. The sites are on different levels and there are no details of the parking capacity on the other site, how the adjoining site operates or how the sites would operate together when they are on different levels. Insufficient parking space on the appeal site may lead to vehicles parking on the front of the site, which could lead to additional highway safety issues particularly with HGV vehicles entering and leaving the site. There is therefore limited information as to why such a significant parking space reduction would be appropriate here.
- The appellant has stated that the whole of the site can be used for storage however the site is not particularly large and is constrained on at least two sides by residential development. The appellant's noise report refers to vehicle and associated activities taking place approximately 10m from property boundaries and this represents a further constraint on the internal layout and supports the need for detailed information.
- It is therefore concluded that in the absence of information with regard to the operation of the site and details of the site layout, the appellant has failed to demonstrate that the appeal proposal would not result in significant highway safety implications for users of the highway.
- The proposal would therefore be contrary to Policy T16 of the Local Plan which requires amongst other things, that parking provision of significantly less than the maximum will not be permitted if this would create a traffic problem. It would also be contrary to the principles of the Framework particularly paragraph 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Recommendation

That the appeal decision be noted.