

This application seeks approval for a new access at a recently constructed property located on land adjacent to 'The Nook'.

The dwelling is located within the rural area of the Borough, as identified by the Local Development Proposal Framework Map.

The application has been called into the planning committee at the request of Cllr Gary White and Simon White due to concerns relating to highway safety.

The 8 week determination of this application expires on the 24th March 2022, however an extension of time has been agreed until 01/04/2022.

RECOMMENDATION

Refuse, for the following reason:

The submitted application fails to demonstrate that suitable visibility splays, measuring 2.4m by 43m in both directions, can be provided from the centre of the proposed vehicular access on land either within the control of the applicant or within the highway and as such the application fails to demonstrate that the access is safe and suitable and is contrary to the requirements of paragraph 110 of the National Planning Policy Framework.

Reason for Recommendation

Although this is a balanced case, the proposed access arrangement fails to demonstrate suitable visibility splays on to Crewe Road in accordance with current National Guidance (Manual for Streets). The proposal would therefore result in an adverse impact to highway safety and is contrary to the requirements of paragraph 110 of the National Planning Policy Framework.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the plan

It is considered that the proposal is unsustainable and does not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the concerns raised.

Key Issues

This application seeks permission for a new access arrangement at a recently constructed property located on Crewe Road. The proposal does not raise any concerns relating to visual impact or residential amenity, and as such the key issues to be considered in the determination of the application are;

- Is the proposed access and parking provision acceptable in highway safety terms?
- Impact on trees
- Reducing Inequalities

Is the layout and parking provision acceptable in highway safety terms?

The National Planning Policy Framework states, at paragraph 110, that a safe and suitable access to the site should be achievable for all people and, on paragraph 111, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development on the road network are severe.

The application site contains a recently constructed two storey detached dwelling which was granted under planning application 21/00800/FUL. The property currently makes use of an existing access arrangement which allows vehicles to enter and leave the site via a narrow shared access road located to the site south of the dwelling. Due to the position of high level brick wall that runs along the Meadows School boundary, the shared access road has a poor level of visibility where it connects to Crewe Road, however it must be recognised that this access road has been in use for other neighbouring residential properties for a number of years.

This application seeks permission for a new access at the northern boundary of the application of the property which would link directly onto Crewe Road. The agent of the application had provided supporting information, including photos taken from the proposed and existing access roads, in an attempt to demonstrate that the new access arrangement would be a safer alternative to the existing access. The Highway Authority has however raised objections to the proposed access arrangement onto Crewe Road on the basis that it would not provide car users with visibility of 2.4m x 43m in both directions taken from the centre of the proposed new vehicular access which would be contrary to the requirements of National Guidance (Manual for Streets).

It could be argued that the proposed new access onto Crewe Road would provide slightly better visibility for drivers than the existing shared access arrangement. Nevertheless, it is considered, on balance, that the proposed access set out in this application would result in an adverse impact to highway safety and that the approved access arrangement is the preference.

Impact on trees

Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

The Council's Landscape Development Team have requested that a condition is applied to any permission requiring that a landscaping scheme be submitted to the LPA for consideration, the scheme should include details of a replacement roadside tree for the tree felled in 2016 (in accordance with the conditions in application ref 6/00789/TWA5) which would need to be planted within the next available growing season. Subject to the above condition being added to any permission, it is considered that the landscape matters related to the site could be satisfactorily mitigated.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N17 Landscape Character – General Considerations
Policy T16 Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy Framework](#) (2021)

[Planning Practice Guidance](#) (March 2014, as updated)

[Supplementary Planning Guidance/Documents](#)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

20/00223/OUT - New dwelling in rear garden (Amended plans received 26.05.2020) – permitted

20/00969/REM - Access, appearance, landscaping, layout and scale relating to 1 no. proposed dwelling. (details relating to the access to the existing dwelling (C6) have already been approved (20/00223/CN06) – permitted

21/00800/FUL - New dwelling – permitted

Views of Consultees

The **Environmental Health Division** raises no objections to the proposal.

The **Highway Authority** raise objections to the proposed access arrangement from Crewe Road on the basis that it does not provide the required visibility splays.

The **Landscape Development Team** raises no objections to the proposal but request that the landscaping scheme includes a replacement roadside tree for the tree felled in 2016 (in accordance with the conditions in application ref 16/00789/TWA5) to be planted within the next available growing season.

Madeley Parish Council has no comments on the application.

United Utilities have requested evidence is provided to show that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Representations

None.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Noise Report

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00061/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th March 2022