

This application seeks full planning permission 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 a Councillor due to concerns relating to highway safety.

The 8 week determination of this application expired on the 3rd November 2022 however an extension of time to the statutory determination period has been agreed to the 9th December 2022.

RECOMMENDATION

Refuse, for the following reason:

The submitted application fails to demonstrate that suitable visibility splays 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 therefore contrary to the requirements of paragraphs 110 & 111 of the National Planning Policy Framework.

Reason for Recommendation

The proposed access arrangement fails to demonstrate suitable visibility splays on to Crewe Road which would result in an adverse impact to highway safety. It is therefore contrary to the guidance and requirements 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 full planning permission for a new access arrangement at a recently constructed property located on Crewe Road. The proposal is a resubmission of application 22/00061/FUL which was refused by the Planning Committee in March. 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

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, at 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.

Policy TRA1 of the Madeley Neighbourhood Plan states that development must not cause any severe adverse impact on capacity or road safety. This is especially critical for existing transport pressure points, which include the Junction of the A525 and A531 in Madeley Heath (known locally as Monument Junction).

The application site contains a recently constructed two storey detached dwelling which was granted planning permission 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 a 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 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 site which would link directly onto Crewe Road. The applicant's agent has now provided supporting information, including a transport report and photographs taken from the proposed and existing access, in an attempt to demonstrate that the new access arrangement would be a safer alternative to the existing access. The Highway Authority has reviewed these supporting details but have confirmed that they maintain their previous objections that the proposed access arrangement onto Crewe Road would not provide an acceptable 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 a better visibility for drivers than the existing shared access arrangement. Nevertheless, the advice of the Highway Authority is that while reducing vehicular movements at the existing access off Crewe Road may seem as improving highway safety, it is not considered that the creation of a substandard access would result in a betterment overall. Therefore, it is considered that the proposed access is not safe and suitable and would result in an adverse impact on highway safety, contrary to paragraphs 110 & 111 of the National Planning Policy Framework.

Impact on trees

Saved Policy N12 of the NLP 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 Section 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

[Madeley Neighbourhood Development Plan 2018 – 2037](#)

Policy DES1: Design
Policy TRA1: Critical Road Junctions

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

22/00061/FUL – New Access – refused

[Views of Consultees](#)

The **Highway Authority** object to the proposal on the basis that the submitted application fails to provide suitable visibility splays from the proposed access onto Crewe Road and therefore cannot demonstrate a safe and suitable access in serving the new dwelling.

Madeley Parish Council raise no objections to the application.

The **Landscape Development Section** suggest that a landscaping condition be applied to soften the visual impact of the development. The landscaping scheme should include 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.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a Transport 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/22/00743/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

22nd November 2022