



Appeal Decision

Site visit made on 26 January 2016

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 20 April 2016

Appeal Ref: APP/A0665/W/15/3136519

Land off Peter Street, Northwich, Cheshire, CW9 5NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Strategic Team Group and Adactus Housing against the decision of Cheshire West & Chester Council.
 - The application Ref 14/04872/FUL, dated 14 November 2014, was refused by notice dated 10 September 2015.
 - The proposal is an affordable residential development consisting of 16 no. houses, 2 no. bungalows and 21 no. apartments with associated private gardens and driveways.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the applicant is given as the Strategic Team Group and Adactus in the original planning application form, but the appellant's details are specified as Mr Martin Hulme in the submitted appeal form. A letter has been submitted to confirm that Mr Hulme is now acting as agent on behalf of the Strategic Team Group and Adactus. I have therefore used the details from original application in the banner heading above.

Main Issue

3. The main issue is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. The appeal relates to an untidy partly overgrown piece of land that it located to the head of the Peter Street cul-de-sac. The surrounding area is predominantly residential, consisting of terraced housing with little off-street car parking provision. Although the appeal site has been secured since the determination of the planning application it was used for overspill car parking.
 5. It is common ground between the two main parties that Peter Street is approximately 90 metres in length with a carriageway width of approximately 7.4 metres. It is also uncontested that as on-street parking takes place on both sides of the highway it is not wide enough for two cars to pass each other without giving way. Having seen this on my site visit I have no reason to disagree.
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6. The Council acknowledge that the proposal would not have a significant impact on the capacity of the overall local road network. However they are concerned that the proposed number of residential properties would generate significantly more traffic movements than those which currently take place. In the absence of suitable passing places they argue that drivers would have to reverse along Peter Street, thereby increasing the risk of conflict and collisions with other vehicle and road users.
7. Both main parties agree that the appeal site is located in a relatively sustainable location, within walking distance of Northwich town centre, and that it is well served by public transport. I also appreciate that secure cycle storage would be provided. However I consider that it is reasonably likely that a large number of the proposed dwellings' occupiers would rely on the car for private transport, as would a significant proportion of visitors.
8. Using the TRICS data model the appellants have submitted details of the likely traffic generation associated with the proposed development. The appellants state that the proposal would generate around 30 two-way trips, which would match the Department for Transport's "Guidance on Transport Assessment" (DTGTA) threshold for development that would require a Transport Assessment (TA). It has also been put to me that Appendix B of the DTGTA confirms that developments of fewer than 50 residential units would not need a TA. However the DTGTA has been replaced by the *Planning Practice Guidance* (PPG), which does not specify a minimum level when a TA or TS is required or define what constitutes 'significant amounts of traffic.'
9. It is also argued by the appellants that the submitted parking beat survey (beat survey) demonstrates that there are sufficient gaps along Peter Street to allow cars to pass safely along the street. They contend that this demonstrates that there is a clear commuter profile with the majority of residents leaving at peak times in the morning and returning at peak times in the evening. According to the beat survey the north-east and south east sides of Elm Street had a maximum parking occupation of 6 spaces for one hour. There were also 3 spaces available overnight to the southern side of Peter Street and 2 along the northern side. It is concluded that overall, the area has an unoccupied street frontage of 16 spaces at the start of the day, and if the 6 cars that were parked on the appeal site during the time of the survey were displaced, that would still leave 10 spaces on the street.
10. However the beat survey shows that only 5 of the 16 unoccupied spaces are available on Peter Street at the start of the day. Moreover, the survey data was only taken between the hours of 06.00 and 22.00 over the short duration of one day. Although I am informed that this took place during the week I have not been provided with any details of what day in the week, or the date that this information was gathered. Conversely, local residents' submitted photographs show that more than 6 cars were parked on the appeal site on a number of different times and dates. I am also not aware of any further survey work that has taken place since the access to the appeal site was restricted.
11. At the time of my mid-day Tuesday site visit I saw that whilst there were a number of cars parked along both sides of the Peter Street highway there was some space for additional parking. However this may have been a snapshot in time and I am mindful of the representations that have been received from

local residents, the Council and consultees which suggest that there is a significant demand for on-street parking in the area and that it is heavily parked. I also understand that this situation would be likely to be intensified in the evenings and at weekends (as shown in local residents' photographs), when residents are more likely to be at home, and understandably seek to park at or near their place of residence. As such I am unable to conclude that the data within the survey is representative of the general level of car parking that currently takes place on the appeal site, Peter Street or Elm Street.

12. The consequences of vehicles not being able to pass are that they would have to back up either into the appeal site or out onto Elm Street and oncoming traffic. Although a turning head would be provided within the appeal site, and traffic speeds would be low, I share the Council Highway Engineer's concerns that in such a situation, with the additional traffic (associated with 39 new properties) the risk of collision with other road users and pedestrians would be substantially increased.
13. I also note that waiting restrictions have been suggested to control the level of parking to allow vehicles to pass. However the Council do not consider that a Traffic Regulation Order (TRO) could be guaranteed, and on the basis of the information before me I cannot be certain that this would be necessary or that there would be a realistic prospect of this taking place. Furthermore, the Council's suggested planning condition for a traffic management plan would only be in relation to the limited and short term impacts of construction traffic. It could therefore not be relied upon, to satisfy the potential problems that I have identified above.
14. As such I do not consider the appellants' beat survey to be comprehensive or robust. Insufficient evidence has therefore been advanced to demonstrate that a safe and suitable access to the proposal could be provided. On this basis, I am unable to conclude with any degree of confidence that that the amount of traffic associated with the proposed development would not have a significantly harmful effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. As such I consider that it would conflict with the aims of Policy STRAT10 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies 2016 (LP). Amongst other matters, this requires new development to demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing, or proposed highway network.

Other matters

15. I have attached substantial weight to the presumption in favour of sustainable development which is a golden thread running through the Framework. However there is nothing substantive before me to suggest that the Council does not have an up-to-date development plan or that its policies are not consistent with the objectives of the Framework. In any case, the subject of "achieving sustainable development" in the Framework has 3 dimensions, which are economic, social and environmental roles that are expected to be delivered equally.
16. The proposal would be in a relatively accessible location and would provide a scheme for affordable housing. Nonetheless, the Framework requires proposals to provide safe and suitable access to the site for all and for development to only be prevented or refused on transport grounds where the residual cumulative impacts are severe. In the absence of any conclusive

evidence to the contrary it is not considered that the proposal satisfactorily addresses these requirements. It therefore cannot be considered to be sustainable development because it would not comply with the social role of sustainability.

17. In reaching my decision I have had regard to an appeal decision in Clitheroe (Ref: APP/T2350/A/12/2181354). However the appeal letter states that a transport assessment and two traffic surveys were submitted due to doubts over the reliability to substantiate the appellant's case. As such its circumstances are not directly comparable to those which apply in this appeal. I have, in any case, determined the appeal on its own merits and the basis of the evidence before me.
18. Notwithstanding the recommendation of the original planning application report, for the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR

Richborough Estates