



Appeal Decision

Site Visit made on 23 November 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/U2370/W/21/3277985

Craiglands, Hillylaid Road, Thornton Cleveleys FY5 4EB

- 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 James Carter Homes against the decision of Wyre Borough Council.
 - The application Ref 20/00092/OUTMAJ, dated 29 January 2020, was refused by notice dated 29 April 2021.
 - The development proposed is described as 'Demolition of existing single dwelling house and erection of apartment scheme comprising of 29 one bedroom and 4 two bedroom apartments for the over 55's. Ancillary accommodation to include Social room, internal scooter store and garden store. Scheme to accommodate parking for 20 parking spaces and 2 accessible parking spaces on site'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by James Carter Homes against Wyre Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline, with access, scale, appearance and layout to be considered at this stage. I have therefore dealt with the appeal on this basis.
4. The name of the applicant is given as James Carter Homes on the application form, but the appellant's details are specified as Mr Sean O Toole of Fylde Joinery on the appeal form. However, the appellant has confirmed in writing that James Carter Homes is the appellant. I have therefore used this name in the banner heading above.
5. An unsigned and undated S106 planning obligation has been submitted by the appellant in respect of financial contributions towards affordable housing, healthcare and public open space. I return to this matter below.

Main Issues

6. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on highway safety; and

- Whether the proposal would make adequate provision for affordable housing, healthcare and public open space.

Reasons

Character and Appearance

7. The appeal relates to a large detached dwelling that sits within spacious grounds. The surrounding area is predominantly residential, comprising dwellings and apartment buildings of various size, scale and style. Despite this variety, the appeal site is largely contained by mature trees and vegetation along its northern and eastern boundaries, with a hedgerow running along its frontage. A small number of trees in the south east corner of the site are protected by a Tree Preservation Order. There is also a wide footpath that abuts the eastern boundary of the site and provides a degree of separation and a visual break from the built development on Gravner's Field.
8. I appreciate that design is subjective, and that the proposed building would occupy a larger footprint and be of a greater scale than the existing dwelling that it would replace and the neighbouring properties along Hillylaid Road. However, unlike these properties, the proposed building would be set back a considerable distance from this highway and would be seen against the backdrop of the tall mature trees to the north of the site. Its varying roof forms and heights, along with the two storey scale of the western end of the proposed building would also help reduce its massing. These factors, in combination with the visual gap provided by the footpath to the east would ensure that the proposed development would sit comfortably within the site and the street scene. The proposal's modern contemporary design would also not appear conspicuous in the context of the diverse range of nearby properties, which include the bungalows on the opposite side of Hillylaid Road.
9. In light of all of the factors above, the scale, massing and design of the proposed development would not appear oversized or overdeveloped within its context. I therefore find that the proposed development would not have a harmful effect on the character and appearance of the area. As such, it would not conflict with Policies SP2 and CDMP3 of The Wyre Local Plan (2011 – 2031) (adopted February 2019) (Local Plan) which seek, amongst other matters, to achieve high quality designed local environments that respect or enhance the character and appearance of the area. In addition, it would also accord with the design objectives of Section 12 of the National Planning Policy Framework (the Framework).

Highway Safety

10. The Council considers the proposed 22 car parking spaces to be inadequate and is concerned about the level of on-street parking that may occur on Hillylaid Road with the potential to obstruct passing traffic given the narrowness of the highway at that point.
11. Appendix B of the Local Plan provides the Council's parking standards and states that 1 vehicle space per single bed house and 2 parking spaces per 2-3 bedroom housing is required. However, it is uncontested between the main parties that this is a maximum standard. Furthermore, Local Plan Policy CDMP6, requires, amongst other things, that appropriate provision is made for parking in accordance with the Council's standards set out in Appendix B unless

it is demonstrated to the satisfaction of the Local Planning Authority in consultation with the Local Highways Authority that different provision is justified, taking into account local circumstances.

12. Lancashire County Council (LCC) in their role as the highway authority has raised no formal objections to the proposed access road, visibility splays, or the level of off street car parking provision for the proposal. LCC was satisfied that given that the proposal would be for people aged 55 and over, it would not have a severe impact on highway capacity or congestion in the immediate vicinity of the site. Furthermore, the majority of the proposed apartments would have only one bedroom each and car ownership rates are likely to be lower for residents within the over 55 age group.
13. LCC has measured the Hillylaid Road carriageway width to be approximately 6.5 metres, with an approximate 1.4 metre wide footpath fronting the site. On the opposite side of the road, LCC measure there to be a 2.4 metre wide verge with a 1.9 metre wide footpath behind it. These measurements are consistent with my site observations and allow for the safe manoeuvring and passing of vehicles.
14. During my mid-morning site visit, I also saw that other than for a few builders' vans, there was no on street car parking, and therefore space to accommodate a number of vehicles along Hillylaid Road. Furthermore, there is a 20mph speed restriction along the stretch of the highway that fronts the site. Whilst the presence of some on-street parking may require a degree of patience as vehicles, including buses, may have to give way to oncoming traffic, this would ensure that drivers are vigilant and that vehicle speeds are kept low in the immediate vicinity. On my site visit, I also saw that vehicles were able to pass the parked vans without any significant problem. I appreciate that this is only a snapshot in time, and that the situation may change in the evening and at weekends. However, it gives an indication of the level of available on-street parking and likely obstruction during this time of the day.
15. Additionally, LCC's suggested planning condition for the provision of a 2 metre wide footway along the full frontage of the site would provide mitigation for any potential pedestrian safety issues. In light of the above, I have no substantive reason to disagree with any of LCC's views in respect of pedestrian and highway safety.
16. The Council has provided conflicting information about the proximity of the site to local shops and facilities. Nonetheless, it is undisputed between the main parties that there are bus stops and an hourly bus service operating along Hillylaid Road and within a very short walk of the site that provides access to these services. Given the accessibility of services and facilities from the site, and the emphasis in the Framework on encouraging the use of sustainable modes of transport, that limit future car use, I am unable to find that the proposed car parking spaces would be inadequate, or that any modest increase in on-street parking as a result of the proposal, in this residential area, would appreciably compromise highway safety.
17. Late in the appeal process, I have also been made aware of additional information on bus provision and a traffic assessment by an interested party. Given my overall decision and for the avoidance of doubt, I have not addressed this additional information. Any subsequent planning application may need to take this additional information into account.

18. I conclude therefore that the proposed development would have an acceptable effect on highway safety. As such, no conflict would arise with Local Plan Policies SP2 and CDMP6 in this respect. Amongst other things, these seek to achieve safe and high quality designed local environments and to ensure appropriate levels of parking provision taking into account local circumstances. Road safety and the safe, efficient and convenient movement of all highway users are also required to not be prejudiced.
19. Furthermore, paragraph 111 of the Framework indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. For the reasons given above, I have not found this to be the case in this instance.

Affordable Housing, Healthcare and Open Space

20. The submitted S106 Agreement sets out financial contributions towards off-site affordable housing, the enhancement of public open space, and the refurbishment and reconfiguration of a medical centre.
21. The Council's planning committee report indicates that it is reasonable and necessary to seek a financial contribution towards improvements to Wyre Estuary County Park as a result of the additional dwellings that would be created, and in line with the requirements of Local Plan Policy HP9. However, I have not been provided with any detailed evidence to indicate the 'Total Green Infrastructure Requirement' including an up-to-date assessment of green infrastructure requirements and provision, and the need for improvements to this park. Accordingly, I cannot be certain that the contributions sought for off-site public open space would be necessary to make the development acceptable, be directly related to the development and fairly related in scale and kind. I have therefore taken no account of this in reaching my decision.
22. Nonetheless, the main parties have agreed a financial contribution towards off-site affordable housing provision, based on 30% of the number of proposed units. I am satisfied that this would ensure the development contributes to affordable housing needs within the borough, as set out in Local Plan Policy HP3. As such, I am content that it is necessary and directly related to the development and that it is therefore compliant with the tests within paragraph 57 of the Framework. I have also had regard to the NHS Fylde & Wyre Clinical Commissioning Group's consultation response and consider the financial contribution towards the refurbishment and reconfiguration of Thornton Medical Centre to meet the tests of the Framework.
23. However, in the absence of an executed S106 Agreement or Undertaking there is not an appropriate mechanism in place to secure these contributions. I consequently find that the proposal would not make adequate provision for affordable housing and healthcare. As such, it would conflict with Local Plan Policies HP3 and SP8, which seek, amongst other matters, to provide on and off-site affordable housing and to promote the health and well-being of local communities.

Conclusion

24. Despite my findings on the character and appearance of the area and highway safety, I consider the harm that would be caused by the proposed development

in respect of the lack of adequate provision for affordable housing and healthcare to be overriding concerns.

25. For the reasons given above, there are no material considerations that warrant taking a decision otherwise than in accordance with the development plan when taken as a whole. Therefore, the appeal should be dismissed.

Mark Caine

INSPECTOR