

Committee Report**Date:10.01.2024**

| | |
|-------------------------------|---|
| Item Number | 01 |
| Application Number | 23/00627/FUL |
| Proposal | Construction of new driveway and vehicular access with dropped kerb onto Smithy Lane |
| Location | 1 Sarahs Fold Stalmine-with-staynall Poulton-Le-Fylde Lancashire FY6 0LZ |
| Applicant | Mr Mark Evans |
| Correspondence Address | c/o Mr Lee Fenton Carrfield Ingol Lane Hambleton FY6 9BJ |
| Recommendation | Refuse |

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Mandy Ramsden**

Site Notice Date: 09/08/2023

Press Notice Date: N/A

1.0 INTRODUCTION

- 1.1 This planning application is presented before planning committee at the request of Cllr Robinson citing that the creation of a new driveway in front of the applicant's house will improve visibility from the main cul-de-sac junction and it will prevent cars parking on the pavement. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The site which forms the subject of this application is located on the western side of Sarah's Fold, and the southern side of Smithy Lane, Stalmine. The site is occupied by a two-storey detached dwelling, the front of which faces Smithy Lane, with driveway and garage to the rear of the property off Sarah's Fold. The surrounding area is residential in character.
- 2.2 The grassed frontage of the property is enclosed by a 1.8m high wall with 1.4m high gate posts allowing for pedestrian access. Between the boundary wall and the carriageway is a deep footpath area which narrows to the west side of the site. This footway is approx. 4.6m deep at the junction with Sarah's Fold narrowing to approx. 1.3m, with an average depth of 3.8m to front of the property. There are no parking restriction along this section of highway.

3.0 THE PROPOSAL

- 3.1 The application proposal is the formation of a hard standing over the majority of the front garden area to provide additional parking provision. To facilitate access to this area it is proposed to provide a 7m wide drop kerb, remove a 4.7m section of the existing boundary wall to provide a 5.57m wide opening, and erect sliding access gate between the brick piers.

4.0 RELEVANT PLANNING HISTORY

- 4.1 20/00878/LAWP - Certificate of lawfulness for the construction of a driveway to frontage of property including partial removal of front boundary wall to create access - Not Lawful - Due to condition 3 attached to planning permission 99/00212/FUL (see below)
- 4.2 08/00975/FUL - Rear Conservatory (amendment to 07/00759/FUL) - Permitted
- 4.3 07/00759/FUL - Rear Conservatory - Permitted
- 4.4 99/00212/FUL - 5 Dwelling (2 Houses and 3 Bungalows) - Permitted - Condition 3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition is that part of the site between the frontage walls and the nearside carriageway edge of Smithy Lane shall be constructed as shown on the submitted plan and thereafter maintained as footway/verge.

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
- CDMP1 Environmental Protection
 - CDMP3 Design
 - CDMP6 Accessibility and Transport
- 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

- 5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 5th September 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.
- 5.2.2 The following sections / policies set out within the NPPF are of most relevance:
- Section 9 - Promoting sustainable transport
 - Section 12 - Achieving well-designed places

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Extending Your Home Supplementary Planning Document

- Design Note 1 General Design Principles

6.0 CONSULTATION RESPONSES

6.1 STALMINE PARISH COUNCIL

- 6.1.1 No objections.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

- 6.2.1 Object - The proposal will have a detrimental impact on highway safety in the immediate vicinity of the site and should be refused on highway safety grounds.

7.0 REPRESENTATIONS

- 7.1 One letter of support. States that due to the time since planning permission was granted, that the number of cars per household has increased and that inadequate off-street parking is available. Consequently there is an increase in pavement parking making it difficult for pavement users and reducing visibility for neighbouring driveways.

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 7/11 - Agent request to delay application being reported to committee until Jan 24 due to applicant being away.
8/11 - Time extension agreed.

9.0 ISSUES

- 9.1 The main issues to be considered in the determination of this application are:
- Principle of the Development
 - Visual Impact, Design and Impact on the Landscape

- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking
- Impacts upon Flooding and Drainage
- Impacts upon Ecology/Trees

9.2 Principle of development

9.2.1 The application relates to an existing dwelling fronting Smithy Lane with pedestrian access, with vehicle access garage and parking space located within the cul-de-sac of Sarah's Fold which is to the east and rear of the property. The proposed new access would allow for frontage parking with vehicle access directly off Smithy Lane. The site is located within the settlement of Stalmine and relates to an existing dwelling where the proposal would be acceptable in principle subject to other material considerations discussed further below.

9.3 Visual Impact on the street scene

9.3.1 The proposed access would be used for domestic purposes, enabling vehicles to access the dwelling from Smithy Lane. The access would cross a deep area of footpath which widens to the east and narrows to the west due to a forward projecting building. The former front garden area would be paved over and two trees removed leaving a small area where it is proposed to plant two replacement trees. It is considered that the proposed new dropped kerb would have minimal visual impact on the street scene. The removal of a section of garden wall and the provision of a large area of hardstanding in place of the existing lawned area is regrettable, however as the property is within the settlement and there are other dwellings on this section of the street with driveways to the frontage, it would not result in an unacceptable visual intrusion and would therefore not conflict with the aims of Policy CDMP3 of the Wyre Local Plan (2011-2031).

9.4 Impact on the residential Amenity

9.4.1 The proposed vehicle access would have little impact on the residential amenity of neighbouring property in respect of light to neighbours. The use of the property frontage as car parking would not raise any overlooking concerns. There may be some additional activity over its current use, however, it is not considered that its use for parking would result in any unacceptable noise/disturbance as it is not uncommon to have parking close to residential properties. Overall it is considered that the proposal would not be detrimental to residential amenity, compliant with Policy CDMP3 of the Wyre Local Plan.

9.5 Impact on Highway / Parking

9.5.1 The Lancashire County Council Highway Engineer advises Wyre Council on matters relating to the safety and appropriateness of proposed vehicle crossings within the Borough. In this instance the advice is that the proposed vehicle crossing cannot achieve the required visibility splays as shown on the submitted plan. The visibility splays required for a 20mph speed limit areas are 2.4m by 25m in both directions and whilst this is indicated on the submitted plan this cannot be realistically achieved. Additionally, the provision of a vehicle access at this point would result in the displacement of the existing on street parking at this point, with the likely result that parking would

take place on either side of the proposed access, blocking visibility splays on both sides. The highway authority have further advised that it would not consider introducing parking restrictions to enable the splays to remain clear.

- 9.5.2 The applicant has identified a previous planning consent at Carr End Lane where the Highway Engineer has in the past accepted substandard visibility splays. However, this related to alterations to an existing access where on street parking was limited and the alterations led to an overall highway improvement over that which existed. Whereas the current proposal is for a new vehicle access which would be served by substandard visibility splays with no scope for improvement, and where the property already benefits from private parking at the rear on Sarah's Fold, in addition to on-street parking at the front on Smithy Lane. Section 9 Paragraph 111 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact to highway safety. In this case, the proposal has been assessed to represent an unacceptable risk to highway safety due to the lack of acceptable visibility splays and would therefore be contrary Policies CDMP1 and CDMP6 of the Wyre Local Plan (2011-2031).

9.6 Flood Risk and Drainage

- 9.6.1 The application site is in Flood Zone 1, and is not identified as being at risk from other sources of flooding. There are therefore no flood risk concerns with the proposal. A sequential/exception test is not required because the site is not in an area at risk of flooding.

Policy CDMP2 of the Adopted Local Plan requires where possible all development to achieve greenfield runoff rates and to comply with a hierarchy for the management of surface water. The submitted application form has not indicated how surface water will be disposed of, however, the proposed surface for the parking area would be permeable tarmac and the remaining area of grass with the two trees which will be permeable. Therefore the proposal would be acceptable in terms of drainage and would not conflict with Policy CDMP2.

9.7 Ecology/Trees

- 9.7.1 The proposal would involve the removal of two trees which are of ornamental value but do provide a contribution towards wildlife. The plans show new planting, therefore there would not be significant harm as a result of the replacing of trees.

- 9.7.2 The site is within a SSSI impact zone, but for this development within the settlement boundary there are no concerns about protected habitats or need to consult Natural England. It is considered that the proposal would not conflict with the aims of Policy CDMP1 on these terms. Should permission be granted, a condition could be added for the replacement planting scheme, and for no tree/hedgerow works to take place during bird nesting season.

9.8 Other Issues

- 9.8.1 No other material, planning related issues have been identified.

10.0 CONCLUSION

- 10.1 Whilst the proposal would be acceptable in principle given its location within the settlement boundary, and would not result in any detrimental harm to visual or neighbouring amenity, an objection has been raised by the Highway Engineer on highways safety issues in particular that the proposal cannot achieve the required visibility splays as shown on the submitted plan. Consequently the proposal would be unacceptable in terms of highway safety, contrary to Policies CDMP1 and CDMP6 of the adopted Wyre Local Plan (2011-2031) along with the provisions of the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

- 12.1 REFUSE

Recommendation: Refuse

1. The proposed vehicle crossing cannot provide a safe means of access to the site as the visibility splays shown on the submitted plan (Dwg No: LF/ME/3019) cannot be achieved at the required 2.4m x 25m and therefore the proposed vehicular access would result in poor visibility for drivers of vehicles leaving the property. This would be hazardous to other road users, and therefore the vehicles that would utilise the proposed access would pose an unacceptable risk to road safety on this section of Smithy Lane. The proposal is therefore contrary to Policies CDMP1 and CDMP6 of the adopted Wyre Borough Local Plan (2011-2031) along with the provisions of the NPPF