



Appeal Decision

Site visit made on 12 April 2019

by **E Symmons BSc (Hons), MSc**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2019

Appeal Ref: APP/H0738/W/19/3220309

Smiths Arms Public House, Carlton Village, Carlton TS21 1EA

- 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 Punch Partnerships (PML) Ltd against the decision of Stockton-on-Tees Borough Council.
 - The application ref 18/0639/FUL, dated 23 March 2018, was refused by notice dated 21 December 2018.
 - The development proposed is for retention of the existing Public House, reconfiguration of the existing car parking spaces, the creation of a patio area and beer garden plus 2 x 4-bedroom detached houses to the rear of the Public House.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Punch Partnerships (PML) Ltd against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since refusal of this application the Stockton-on-Tees Core Strategy Development Plan Document¹ (Core Strategy) has been superseded by the Stockton-on-Tees Borough Council Local Plan² (Local Plan). Policy HO3 has been replaced and as such it will be given no weight within this appeal. Policy SD8 of the Local Plan is cited within the decision notice and the appellant has commented upon this within their statement. As such, I do not consider that the appellant has been disadvantaged by the adoption of the Local Plan.
4. Since submission of this appeal the National Planning Policy Framework³ (The Framework) has been revised. As the changes are minor, and do not relate to paragraphs cited in this appeal, I have had regard to the revised Framework in my decision and I am satisfied this has not prejudiced either party.

Main Issue

5. The main issue is the effect of the development on highway safety.

¹ Adopted 24 March 2010.

² Adopted 30 January 2019.

³ February 2019.

Reasons

6. The Smiths Arms Public House sits at the end of a residential terrace and is accessed directly off the highway. There is a small car park to the front and a larger enclosed parking area to the rear accessed via a side road. The proposed development would be accessed through the rear car park. The site currently consists of a beer garden with picnic benches set within grass and bounded by adjacent residential gardens. During my visit I observed that the side access road is enclosed by buildings on either side and on approach from the front car park, visibility partially constrained. This is due to the car parking area on the right hand side of the road entrance which forms a chicane.
7. Highway Officers were consulted on the proposals and their initial comments, which concerned turning space for future occupiers and service vehicles, were resolved to their satisfaction. Although the highway officer's initial responses did not raise objection to the proposal, a later response referring to plan reference 17.2586.100 REV P7, raised two issues. Firstly, the suitability of a proposed pedestrian route with respect to its one metre width. Secondly, concern that addition of the pedestrian route would narrow, and so affect the capacity of the side road reducing it to one way traffic. A further response from the Highway Officer raised objection regarding conflict between manoeuvring and/or parking vehicles and the vehicular access to the dwellings. The final Highway Officer comments related to plan reference 17.2586.100 REV P8 (REV 8) expressing concern that pedestrians would not use the dedicated pedestrian route, but instead use the development's vehicular access.

Capacity of the side access road

8. The Council contends that due to provision of a pedestrian route the side road width would be reduced and limited to one-way traffic. The appellant has provided evidence to support the view that two-way traffic would be possible, referring to guidance available in the Manual for Streets⁴ (MfS). This guidance, within Figure 7.1 of the MfS, shows that passage of two cars is possible with a carriageway width of 4.1 metres. Therefore, the width of this route, although at the lower limit of that recommended, does not conflict with guidance contained in the MfS and Policy SD8 of the Local Plan which amongst other matters seeks development to provide safe and satisfactory access arrangements.

Pedestrian route issues

9. Provision of a dedicated pedestrian route has been incorporated within this proposal. The design has had several iterations and culminated in plan REV 8. This would give physical separation between cars and pedestrians with the exception of the section along the side road. Segregation would be achieved by taking the pedestrian route round the perimeter of the parking areas.
10. The route would not follow a direct line to the front street and the Council has raised concern that future occupiers would take a desire line via the dwelling's vehicular access and cut through the car park. The appellant contends that pedestrians and cars must coexist in most car parks, but suggested provision of a sliding gate activated by both a fob and the weight of a vehicle to prevent this. Evidence to support this suggestion has not been provided and the submitted plans do not show a sliding gate but show two 1.8m high close

⁴ 29 March 2007.

boarded timber gates. I consider that although a part-segregated route would be present, there would be a possibility that pedestrians would not use this and there would be some potential for conflict between vehicles and pedestrians within the rear car park. Although this may be common in any car park, it is less usual within a residential setting.

11. MfS recommends a minimum footpath width of two metres however, the pedestrian route would be one metre wide. The Council and interested parties have raised concern regarding its suitability should two pushchairs wish to pass, and I concur with this view. The reduced width would be particularly problematic on the non-segregated section of the route where vehicles may need to manoeuvre to allow access for oncoming vehicles, particularly if larger vehicles were involved. Even if this was infrequent it would be unsafe for pedestrians and particularly so for more vulnerable road users.
12. Despite the possible limited residential footfall calculated by the appellant at 8-12 trips daily, this would be the only pedestrian access to the dwellings. Pedestrians would be in direct conflict with vehicles within the enclosed side road area which would not constitute safe access. In the absence of any assessment of, and justification for the footpath width, I consider that the footpath would not cater for the needs of a diverse range of potential site users and is therefore inadequate.
13. The appellant has provided layout plans for three examples of developments within the grounds of public houses where no dedicated pedestrian route has been provided. I do not consider that the circumstances within these examples are equivalent to those at the appeal site. In the Preston example there is no side access route to the development and the area to the front of the dwellings appears more open than in this case with a one way traffic flow. Similarly, the Chichester example has a single dwelling to one side of the access road, albeit accessed through a small parking area for seven cars, with the pedestrian access to the street relatively unconstrained and straightforward. In the Bingham example, the dwellings are situated in front of the public house, and again, there is a relatively straightforward and short route to the street. I have no knowledge of the background to these applications, or their policy context. Additionally, this development must be considered on its own merits and I can afford these examples little weight.
14. Therefore, on balance, due to the width, part-segregation and the possibility of pedestrians using a desire line to cross the car park I consider that the proposal would not provide safe access and affect highway safety. It would therefore conflict with Policy SD8 of the Local Plan.

Shared use of rear car park by patrons and residents

15. Vehicular access for future dwellings would be shared with public house patrons using the rear car park. This would raise two concerns. Firstly, public house patron's cars could block the entrance to the dwellings and secondly, there could be conflict between manoeuvring service vehicles and cars. Plan REV 8 introduced a hatched no parking area in front of the dwellings' access which could potentially address the first issue.
16. Regarding the second issue, the applicant states that it is not unusual for dwellings and commercial properties to share an access. They have presented data, which the Council has not contested, to show that capacity at this site

can accommodate this mixed development vehicular use due to the relatively low estimated number of journeys associated with the public house. I acknowledge that this may be the case and consider that sufficient evidence has been provided to support the view that conflict between resident and public house vehicles would be at an acceptable level.

17. In conclusion, this is a constrained site with potential conflict between pedestrians and vehicles using the side access road. This, combined with the generally narrow width of the pedestrian route, fails to deliver safe and satisfactory access for future occupiers of the proposed dwellings. This would harm highway safety and conflict with Policy SD8 of the Local Plan.

Other Matters

18. The appellant draws my attention to the previous Core Strategy which states that small sites can add to the diversity of accommodation offered and I do not doubt that this may be the case. The Local Plan is supported by the Strategic Housing Land Availability Assessment 2017 (SHLAA) report. This has previously been tested in a public examination and was found to be sound, with adequate the evidence to support the chosen options. Issues within this case are not primarily concerned with the SHLAA. Nonetheless, I do give moderate weight to the fact that this development would deliver variation to the local housing type. This benefit, however, not outweigh the harm to highway safety.
19. Refuse storage and collection facilities would be acceptable and due to the proposed orientation of the dwellings, and the separation distances involved, there would be no substantial harm to the living conditions of occupiers of neighbouring properties. Concerns regarding retention of the neighbouring tree, some unresolved soft landscaping details and the issue of potential archaeological interest could be resolved through suitable conditions. These details therefore do not weigh against the proposal.

Conclusion

20. In conclusion, the benefits of the scheme with regard to housing delivery would not outweigh the harm identified with respect to highway safety which would conflict with the Local Plan.
21. For the reasons detailed above and having regard to other matters raised, I dismiss this appeal.

E Symmons

INSPECTOR