
Appeal Decision

Site visit made on 17 January 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 27th January 2017

Appeal Ref: APP/D0840/W/16/3159264

Land south east of Trevillis Park, Liskeard, Cornwall PL14 4EG

- 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 Acquiro SW Ltd against the decision of Cornwall Council.
 - The application Ref PA16/00910, dated 28 January 2016, was refused by notice dated 15 August 2016.
 - The development proposed is the erection of 14 dwellings (4 affordable and 10 market) (outline application with all matters reserved except access).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Acquiro SW Ltd against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant forwarded a signed copy of the S106 agreement dated 17 January on the day after the site visit, which overcomes the Council's second refusal reason. However, because I am dismissing the appeal it is unnecessary for me to consider it in any detail.
4. Since the application was refused the Council has adopted its new Local Plan, the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). The policy references in its refusal reasons have therefore been superseded by reference to policies in the new Plan as indicated below.

Main Issue

5. The main issue is the safety and convenience of existing residents on the local roads that would give access to the site.

Reasons

6. The appeal site is a field on the south east side of Trevillis Park and a small area of unused land next to the end dwelling in Joan Moffat Close (JMC), the development of 13 affordable dwellings completed fairly recently. The scheme seeks to provide 28.5% of the units as affordable dwellings and the illustrative layout plan shows these located on this latter piece of land in the form of 2 two-bedroom houses and 2 one-bedroom flats. The 10 market dwellings are shown as located on the field, which slopes towards the south east.
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7. Access to the site would be off a spur opposite the end turning head on JMC. The land rises fairly steeply into the site and the spur road itself would be steep and rather convoluted as a result. Due to this proposed steep slope down to JMC and the preserved hedge above it I consider that the drivers of cars leaving the new estate road in the main part of the site would have poor visibility of vehicles travelling north from the southerly part of JMC. Whilst traffic from only 6 dwellings on JMC would pass this junction to my mind this is indicative of a poorly planned scheme.
8. I have far greater concerns about the wider access arrangements. JMC is accessed directly off what was originally a parking court on the south eastern corner of Trevillis Park, a suburban post-war residential development of bungalows and two-storey houses with generally narrow and at times steeply sloping roads.
9. The entrance to JMC off this former parking court is too narrow for two cars to pass each other. This necessarily creates some unavoidable traffic calming in that one vehicle has to stop and give way to an opposite oncoming vehicle, thus ensuring that vehicle speeds are not high in this area. But that does not mean that this arrangement is safe because vehicles may have to back up, in situations where rear visibility is impeded by parked vehicles.
10. The traffic from the existing 13 houses on JMC may be able to be accommodated without any adverse highway safety implications. But that does not mean that more than doubling the number of dwellings, and thus vehicle movements, through this narrow access point can be.
11. During my visit I witnessed a number of occasions where cars were forced to back up. This was at the access to JMC (Photo 5 of the Residents Association's (RA) objection) and also at Photos 3 and 4 higher up this spur of Trevillis Park, at the points where parked cars effectively narrow the road to a single carriageway width. I noticed that on some of these occasions the drivers reversed at considerable speed, possibly annoyed that they were forced to do so.
12. I also was able to confirm that there were a number of cars parked near the higher junction (Photo 2) and noted that the section of road between Photos 2 and 3 was too narrow for two cars to comfortably pass each other, even without parked cars.
13. JMC is an affordable housing scheme, which I would expect to accommodate many families with children and I note that one of the photos supplied by the RA shows children on cycles at the entrance to JMC. Whilst I acknowledge the appellant's point that JMC is a highway and traffic movements must take priority I consider that it is likely that children will continue to ride bikes and play out on the street, especially given that JMC is at present a relatively quiet cul-de-sac.
14. Neither the Council nor the Highway Authority dispute the traffic generation figures arising from the new development set out in the appellant's Transport Statement. However, these are derived from extrapolating the movements from the original JMC scheme, which may derive a figure less than the trips generated by a scheme that includes 10 market houses because car ownership rates are often higher on market than affordable schemes.

15. Even if this is not the case and the traffic generation forecast figures are accurate the proposal still involves more than doubling the existing number of dwellings and therefore more than doubling traffic levels to and from JMC. On residential roads with adequate street widths for parking whilst still allowing cars to pass each other a scheme of this size would be acceptable.
16. But that is not the case here. Road widths are narrow, the roads in this part of the estate giving access to the site are steep with poor visibility at the junctions, and these drawbacks are considerably exacerbated by parked cars. Such parking is likely to be greater outside the working day, and traffic movements may well be greater at the start and end of the working day. I observed that drivers had often to give way and reversed fast in a way which would be dangerous if any children were riding their bikes at the same time. This happened in the mid-afternoon when I conducted my site visit and there were no children out on the street at that time, probably because they had not yet returned from school.
17. There is a footway running both sides of the road from the block paved narrow entrance into JMC but in order to access it pedestrians must cross the parking court, a shared surface with no footways. It is this area that is particularly dangerous for pedestrians, who have to avoid vehicles backing up due to the narrow access into JMC at this point. In this context paragraph 6.3.17 of Manual for Streets 1 raised by the Council is particularly significant since it notes that pedestrians can be intimidated by traffic and notes the importance of pedestrians feeling safe in encouraging walking.
18. The Inspector who allowed the original 10 dwellings at JMC scheme in 2010¹ considered that only Appeal B was acceptable because it provided 9 additional visitor spaces on the west side of the new road, which were necessary because of the likelihood of displacement of parking from the garage court area at the entrance to the site.
19. These spaces have been provided and few of them were occupied by parked vehicles during my visit. Nonetheless, a car was parked outside the last garage before the entrance to JMC for the whole duration of my visit and this narrowed even further the width of the access into it. There were also a number of other cars that parked in or turned around in the parking court and obstructed traffic going into or exiting JMC in the process. Whilst it is possible that this was done deliberately by neighbouring objectors in order that I would witness it I consider this to be unlikely since this was not an accompanied site visit. It is also the case that nothing stops the owner/occupiers of any of the garages here from parking in front of them and partially obstructing the entrance into JMC in a similar fashion.
20. From this I can only conclude that the 9 additional parking spaces created on JMC have not entirely overcome the access problems into it, as I witnessed during my visit. Cars already have to back up during a period in the day when the roads were not very busy. I consider it likely that such problems are likely to be worse at the end of the school day and start and end of the working day, even under current conditions.

¹ APP/D0840/A/10/2121260 (Appeal A) & 2121257 (Appeal B)

21. The proposed development would more than double traffic movements into JMC. Consequently there would be more such manoeuvres by vehicles and given the annoyance to drivers resulting from this I would anticipate more fast reversing, which would be more dangerous for other car drivers, cyclists and pedestrians, especially children.
22. The previous Inspector allowed 10 affordable dwellings in the scheme that provided the additional 9 overflow on-street parking spaces (Appeal A) but he refused the alternative scheme that did not (Appeal B). Since then an additional 3 dwellings were added. It is now proposed to add another 14 dwellings including 10 market houses to an existing substandard access via a proposed substandard spur road link with poor visibility.
23. I acknowledge that the Highway Authority has not raised any objection in terms of highway safety but I was careful to check during my visit whether there is any substance in the objections raised by the RA and other residents. For the above reasons I have found that there is and that the development would significantly prejudice highway safety and inconvenience existing residents on the local roads that would give access to the site. Furthermore, and as I witnessed, this inconvenience is also likely to give rise to community tension resulting directly from traffic conflicts arising from such poor access arrangements.
24. CLP Policy 27 states that major development should be designed to promote sustainable modes of transport and provide safe and suitable access for all people. For the above reasons the proposal would fail to do so. Major development is not defined in this policy but for purposes of development management schemes of 10 dwellings or more are defined as major and so this Policy applies. Policy 12 states that the Council is committed to achieving high quality safe, sustainable and inclusive design in all developments across Cornwall and in terms of Movement (paragraph 1c) states that proposals should create a network of safe well connected routes which are easy to read and navigate. For the above reasons the proposal would fail to do this and so would be contrary to this Policy also. The development would be contrary to the development plan as a whole.
25. I note in this context that the linking footpath from the development to the public right of way adjacent to the stables to the west of the site has been deleted from the scheme in the revised illustrative layout plan.
26. Paragraph 35 of the National Planning Policy Framework states that plans should exploit opportunities for the use of sustainable transport modes including by giving priority to pedestrian and cycle movements. The proposal would not do so and in fact would reduce safety for pedestrians and cyclists and would therefore fail to comply with the NPPF.
27. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR