



## Appeal Decision

Site visit made on 5 September 2017

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

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

Decision date: 2<sup>nd</sup> November 2017

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**Appeal Ref: APP/D0840/W/17/3171249**

**Land between Amanda Way and Pensilva Industrial Estate, St Ive Road, Pensilva, Cornwall PL14 5RA**

- 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 Ocean Housing Ltd. against the decision of Cornwall Council.
  - The application Ref PA16/00182, dated 8 January 2016, was refused by notice dated 13 September 2016.
  - The development proposed is residential development including 46 new dwellings, access improvements, public open space and a new pedestrian link.
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### Decision

1. The appeal is dismissed.

### Costs

2. An application for an award of costs was made by Ocean Housing Ltd against Cornwall Council. This is the subject of a separate decision.

### Main Issue

3. The main issue is the effect of the proposal on the safety of users of the proposed footpath.

### Reasons

4. The site lies to the south-east of an established residential area of Pensilva. The proposal would provide a new estate accessed from St Ive Road, which currently lacks a footway along the site frontage or on the opposite side of the road. It is proposed to provide a new vehicular access roughly in the middle of the site frontage, but pedestrian access would be via a footpath from the new development which would emerge onto St Ive Road near to the north-western-most boundary, closest to the properties on Amanda Way.
5. It is proposed to provide a new footway on the opposite side of the road from the site, to link to the existing footway which currently ends some 120m to the north-west. The new footway would be 1.2m wide, with the road being narrowed to 5.3m width, and new traffic management measures would be provided, including the relocation of the 30 mph speed limit further to the south-east, priority flow arrangements and the use of speed tables.
6. The appellants do not own or control land on either side of the road to the west of the appeal site, and therefore any highway measures can only be carried out on the adopted highway. Although initially prompting an objection from the

Highway Authority on safety grounds, the scheme underwent various amendments before arriving at the scheme now before me, which the Highway Authority deemed to be satisfactory, following advice from an independent safety auditor.

7. *Manual for Streets* (MfS) provides technical guidance on highway design. It indicates that “generally” the minimum unobstructed width in lightly used streets (such as those with a purely residential function) should be 2m. The use of the word “generally” indicates that there are circumstances where exceptions might be made. However, I do not consider St Ive Road to be a “lightly used” street; it is a C Class road, being the main road connecting Pensilva to the A390 road, which in turn provides the most direct means of travelling from the village to larger settlements such as Liskeard, Tavistock and Plymouth. On my visit I saw that it was well used by cars, and I also noted its use by commercial vehicles, agricultural vehicles and buses.
8. At 1.2m, the footway width would be significantly below the minimum recommended width for lightly used residential streets; for a well-used road, it follows that the minimum width should be above 2m. At 1.2m, the footway would be of insufficient width to allow 2 pedestrians or a wheelchair user and an ambulant person to walk side by side, and only just wide enough to allow a pedestrian and a child to pass along, with no margin for safety. This weighs heavily against the proposal.
9. The Government’s publication *Inclusive Mobility* is referred to in MfS as providing additional detail on minimum footway widths. It illustrates the footway widths for various user groups, which shows that a width of 1.2m could physically accommodate the majority of pedestrian scenarios including a visually impaired person being guided. However, at paragraph 3.1 it says that a clear width of 2000mm allows two wheelchairs to pass one another comfortably. It goes on to say that this should be regarded as the minimum under normal circumstances, and that where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another, and even then only for short distances. The failure to comply with even this exceptional minimum recommended width adds to my view that the proposed footway would not be adequate.
10. Moreover, the field hedge along the back edge of the footway would require regular cutting back to ensure that it would not obstruct the footway. The independent safety auditor appointed by the Highway Authority raised this as a concern in the first instance, notwithstanding that he subsequently deemed the amended proposal to be satisfactory. Even though the Highway Authority could take remedial action to ensure that the hedge is cut back, this could be difficult to do on a continual basis during the growing season. Whilst this does not constitute a reason for refusal on its own, it adds to my concerns in a case where the footway width is already so constrained.
11. It is proposed that the road would have a width of 5.3m, which would allow a car and lorry to pass but with very little clearance. Thus there is the prospect that wing mirrors could overhang the footpath. Regardless of the likelihood of such an occurrence, the lack of space on the footpath, and the closeness of passing traffic would be likely to make the footway feel unsafe, and discourage

its use. This would run counter to aims to encourage walking as a means of travel, and to provide good accessibility to services and facilities.

12. The length of the section footway which would be well below what I consider to be a safe width would not be so small as to be of no consequence. It would take some time to walk along, especially when used by pedestrians with small children, or by wheelchair users. The use of speed tables and the priority flow arrangement means that traffic speeds would be likely to be fairly low, but this does not overcome my concerns about the safety of the footway.
13. The appellants argue that the number of pedestrians using the footway would be low. Whilst I accept that travel to work is likely to be predominantly by car, occupiers would be likely to want to walk to other destinations on foot. The primary school, recreation ground, village shop, community centre, pub, church, covered bus-stops and doctor's surgery are all located in the village centre, within easy walking distance of the appeal site, necessitating the use of the proposed footway.
14. Of the 46 dwellings proposed, 36 would have three bedrooms or more, and thus it is likely that there would be a significant number of families with children living on the development, many of whom would be likely to use these local facilities. Six one bedroom maisonettes are also proposed as part of the affordable housing element of the scheme, which may well be attractive to elderly people. Thus, I expect that the footpath would be well used, including by some of the most vulnerable pedestrians, for whom safety is especially important.
15. Whilst I have had regard to the professional views of the Highway Authority, and those of the independent auditor, in the light of the evidence before me and from what I saw on my visit, I conclude that the proposed footpath would not be safe, and would conflict with Policy 27 of the Cornwall Local Plan, which requires development to provide safe and secure access.

### **Balancing exercise and conclusion**

16. The harm that I have found needs to be balanced against the benefits of the proposal, foremost of which is the provision of 61% affordable housing. The proposal would also comply with the aims of the National Planning Policy Framework (the Framework) to boost significantly the supply of housing more generally. There would also be economic benefits arising from the construction and occupation of the dwellings, and the development would help sustain village facilities. However, the creation of safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and the consideration of the needs of people with disabilities are important parts of the Framework's aim to promote sustainable transport.
17. In my view, the highway safety shortcomings are so severe that they outweigh all other considerations. I therefore conclude, for the reasons given above, that the appeal should be dismissed.

*JP Roberts*

INSPECTOR