



Appeal Decision

Site visit made on 7 March 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/J1915/W/22/3299384

Land at Chalks Farm, South of West Road, Sawbridgeworth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Barratt David Wilson North Thames against the decision of East Hertfordshire District Council.
 - The application Ref X/21/0331/CND, dated 29 June 2021, sought approval of details pursuant to condition No 24 of a planning permission Ref 3/18/1523/FUL, granted on 16 January 2020.
 - The application was refused by notice dated 26 January 2022.
 - The development proposed is development of 200 homes with associated access, landscaping, parking, private amenity space, public open space and allotments.
 - The details for which approval is sought are: Prior to first occupation of the development details of the pedestrian/cyclist bridge crossings over the watercourse (Sawbridgeworth Brook) running along the eastern boundary of the site, as shown on the approved plans, shall be submitted to and approved by the Local Planning Authority. The crossing points shall thereafter be constructed in accordance with the approved details.
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Decision

1. The appeal is dismissed and details submitted pursuant to condition No 24 attached to planning permission Ref 3/18/1523/FUL dated 16 January 2020 are refused.

Preliminary Matters

2. The appeal site is a large housing estate development which was under construction at time of my site visit. Sawbridgeworth Brook forms the site's eastern boundary, separating it from the main built area of Sawbridgeworth. The appeal relates to an application to discharge a planning condition requiring submission of details for pedestrian/cycle bridge crossings over the brook, hereafter referred to as the 'southern bridge' and 'northern bridge'. As shown on the plans, the southern bridge is intended to cater for pedestrians and cyclists, whilst the northern bridge would serve pedestrians only.
3. The Decision Notice which granted planning permission for the development site states the purpose of the planning condition is to promote sustainable transport options for occupants of the development of the site. As indicated in its statement, the Council's refusal of the details relating to the condition reflected its concerns in respect of pedestrian and cyclist safety. I am satisfied that all parties have had opportunity to have regard to such issues, and no party would be prejudiced by my consideration of matters of safety in my decision.

Main Issue

4. The main issue in this appeal is whether the details proposed would promote sustainable transport options for occupants of the development site and secure an adequate standard of safety for users of the bridges.

Reasons

5. The southern bridge would provide the shortest route from the appeal site to shops and services located in the town centre and is intended to be used by both pedestrians and cyclists.
6. The southern bridge would be 2m wide. The bridge is therefore significantly narrower than the standard set by the Department for Transport's Local Transport Note 1/20 (LTN 1/20) which requires that, to cater for pedestrians and cyclists and to accommodate the parapets, the bridge would need to be 4.0m wide with a parapet height of at least 1.4m. Whilst the development was granted permission prior to its publication, LTN 1/20 indicates it should be applied to all changes associated with highway improvements including new or improved cycle facilities. LTN 1/20 does not form part of the development plan but provides useful guidance on the suitability of cycle facilities.
7. The appellant's technical note suggests that cyclists entering the southern bridge from the site would access the footpath almost immediately after the bridge, thereby being required to dismount whilst on the bridge. On route towards the site, cyclists would be required to dismount at the end of Coney Gree. The technical note therefore assumes that cyclists would, for safety reasons, be dismounted when crossing the bridge in either direction. Whilst the proposed southern bridge would not satisfy LTN 1/20's minimum standards, the appellant's technical note suggests that the width of the proposed southern bridge will sufficiently cater for a dismounted cyclist and pedestrian to pass each other.
8. However, the proposed southern bridge would directly connect the development site's shared use paths to the carriageway at Coney Gree, both of which are suitable for cycle traffic. It is not essential that cyclists use the narrow footpath, since the town centre can be reached along the carriageway of residential streets. By requiring cyclists to dismount to use the southern bridge indicates that the bridge would obstruct the movement of cyclists and would not be suitable for cyclists and pedestrians to use at the same time, thereby leading to conflict between the different users. This would make the route less desirable for cyclists and pedestrians and would not therefore improve the sustainable transport options for the site.
9. Furthermore, whether cyclists opt to dismount or not when crossing the bridge is outside the appellant's control. The appellant's technical note indicates that, following implementation of the Travel Plan, the estimated frequency of cycle and pedestrian trips across the southern bridge would be low. However, there remains a potential for conflict between users of the bridge, particularly at busier times such as between 0800 and 0900 hours. This actual or perceived safety risk may deter cyclists or pedestrians from using the bridge crossing, thereby discouraging occupants of the site from utilising sustainable travel options.

10. The proposed 1m wide northern bridge would not meet the minimum standard set out in the Highways Authority's design guidance, titled Roads in Hertfordshire. As a consequence, the proposed northern bridge would not be suitable for all users, such as those with pushchairs and persons with disabilities. Since the northern bridge would not provide a convenient route suitable for all pedestrian users, I conclude it would not adequately promote sustainable transport options or secure an adequate standard of safety for users.
11. For the reasons set out above, the details submitted do not address the requirements of the condition and the proposal would not promote sustainable transport options for occupants of the development of the site and would not secure an adequate standard of safety for users of the bridges. The proposal would therefore conflict with Policy TRA1 of the East Herts District Plan 2018 which requires major schemes to allow for the early implementation of sustainable travel infrastructure to enable green travel patterns to become established from the outset. In addition, the proposal would not satisfy Paragraph 111 of the National Planning Policy Framework which indicates that developments should be refused where there would be an unacceptable impact on highway safety.

Other Matters

12. I understand the case officer's report was not available to the appellant at the time of preparing the appeal statement which may have led to a lack of clarity regarding the deficits of the scheme. However, as I have found above, the appellant's submitted evidence does not demonstrate that the proposed bridges satisfy the requirements of the planning condition.

Conclusion

13. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR