



Appeal Decision

Site visit made on 5 September 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/H1840/W/23/3314468

Jarvis Street, Eckington, WR10 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
 - The appeal is made by Lockley Homes & Eckington Parish Council against the decision of Wychavon District Council.
 - The application Ref W/22/00467/FUL, dated 18 February 2022, was refused by notice dated 16 November 2022.
 - The development proposed is described as “detailed planning permission for the erection of 6 new dwellings with new access arrangements and associated works, a new school staff car park, plus change of use from agricultural to school land and related works.”
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Lockley Homes and Eckington Parish Council against Wychavon District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The planning application is described hybrid application and informs that full planning permission is sought for the erection of six dwellings and that outline planning permission is sought for the provision of a playing field, sports pitch and school car park. For this second element of the proposed development all matters are reserved except for access. I have, therefore, determined the appeal on this basis.
4. There is a planning obligation before me, the Council has confirmed that it is necessary and reasonable, responding to the nature, type and scale of the proposed development. There is nothing compelling before me to disagree. I have therefore taken it into account.

Main Issues

5. The main issues are;
 - The effect of the proposed development on highway safety; and
 - Whether the proposed development makes adequate provision for facilities through developer contributions.

Reasons

Highway Safety

6. The appeal site is located off Jarvis Street (which leads in to Ninesquares, a cul-de-sac) and is currently occupied in part by some agricultural buildings and the remainder is laid to grass. The site is adjacent to existing residential development on Jarvis Street and Ninesquares and to the south of a primary school, all leading to pedestrian and vehicle movements in and around the locality. The proposal would make use of an existing access to the agricultural buildings, and upgrade this to provide access for the proposed development.
7. At the time of my site visit a car and van passed the proposed access site. Additionally, cars were parked on Jarvis Street. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours when traffic is at its heaviest i.e., in the mornings and evenings when most people commute and at school pick up and drop off. I have noted the comments made regarding the existing highway congestion/parking problems related to the primary school.
8. There are no pavements on Jarvis Street as such pedestrians must walk in the carriageway. The submission by the appellant confirms that on-street parking is prevalent on Jarvis Street. This on street parking can block views from the access to the junction between Jarvis Street and Cotheridge Lane/School Lane. As the intervisibility between the site access and this junction can be blocked it is likely that, from time to time, vehicles will encounter other vehicles, cyclists or pedestrians on this stretch of road. A pedestrian or cyclist confronted by an oncoming vehicle may feel obliged to press themselves into the walls and hedges that line the road, and a driver may be tempted to squeeze past. This would be a hazardous manoeuvre, particularly where it involved a pedestrian.
9. A vehicle meeting another vehicle would inevitably result in one of them having to reverse to allow the other to pass. It is unlikely that drivers will contemplate reversing back onto Cotheridge Lane/School Lane, due to a number of roads converging at that point. The northbound driver would therefore be faced with manoeuvring passed parked vehicles and round a bend into the appeal site. There are other potential passing places, however, these appear to involve encroachment onto private driveways, so they cannot be relied upon to be permanently available. Whilst these reversing manoeuvres would not be particularly dangerous to the drivers, they would increase the hazard for any pedestrians or cyclists using the carriageway.
10. Manual for Streets 2 (MfS2) says streets without conventional footways may be appropriate where traffic speeds are low, and the area operates on 'shared space' principles such as in town or village centres. Paragraph 7.2.8 of Manual for Street (MfS) identifies that the key aims of shared surface schemes include encouraging low vehicle speeds; making it easier for people to move around; and creating an environment in which pedestrians do not feel intimidated by motor traffic. The characteristics of Jarvis Street encourage low traffic speeds, and the width of the street would be acceptable. However, cars regularly park on Jarvis Street which significantly reduce it width, and whilst cars may be able to pass, the restricted width of the carriageway would mean pedestrians and cyclists would not always be able to move freely along the road, and would,

from time to time, come into conflict with vehicles. As a result, Jarvis Street would not operate successfully as a shared surface.

11. Occupants of the development would therefore be discouraged from making sustainable transport options to access local services, or onward public transport, due to the inherent inconvenience and dangers of walking or cycling along Jarvis Street, albeit for a short stretch. The development does not provide any alternative routes, so does not comply with the advice at paragraph 112 of the National Planning Policy Framework (the Framework) to give priority first to pedestrian and cycle movements.
12. The proposed layout details an access road which leads to the proposed car park with a cul-de-sac of six dwellings. Two of the proposed dwellings would be accessed from the road that leads to the proposed car park. Two parking spaces would be provided for these dwellings, however due to their layout vehicles would need to reverse in or out of these spaces on to the shared access, therefore increasing the potential for conflict with other users.
13. On the basis of the evidence, I am not satisfied that the proposed access arrangements would not increase the risk of pedestrian and vehicle collisions in the area to the detriment of highway safety.
14. I have had regard to the appellants submission along with the Parish Council and interested parties relating to the benefits of the school car park. Whilst concerns have been raised regarding existing parking and drop off/pick up problems, the appellants evidence identifies that within the immediate vicinity of the appeal site and wider village no collisions have been identified. I acknowledge that the proposed car park could remove some congestion or on street parking, but this benefit would not outweigh the harm I have identified.
15. The appeal site is allocated for housing and car parking, however there is nothing within the allocation that requires both aspects of the appeal proposal to be accessed from Jarvis Street. I also note that the allocation intends for the car park to be utilised for community parking and overflow from the village hall which could increase movements. There has also been reference to a potential access from Hacketts Lane, but I do not have full details of such a proposal for me to consider this. In any event, that is not the proposal that s before me.
16. For the reasons given above, in the absence of the substantive evidence to the contrary I find the scheme would be harmful to highway and pedestrian safety. The proposal therefore conflicts with Policy SWDP21 of the South Worcestershire Development Plan (2016) (DP) which, amongst other things, seeks to ensure that vehicular traffic is able to access the highway safely. The proposal would also fail to accord with paragraph 111 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Developer Contributions

17. A S106 agreement has been submitted which includes provisions relating to affordable housing, open space and transport matters.
18. DP policies SWDP 7, SWDP 15 and SWDP39, Eckington Neighbourhood Plan (NP) Policy H1 and the guidance contained within the Developer Contributions and Affordable Housing Supplementary Planning Guidance (SPG) provide details of the contributions necessary for residential developments. These cover

affordable housing, transport and infrastructure provision, open space and manageable housing.

19. The signed S106 agreement details manageable housing and on-site open space provision. Additionally, it also secures financial contributions towards affordable housing, community and school transport and off-site pitch, leisure and open space provision. In these circumstances, and in light of the policies that support such contributions, I consider that this obligation would be fairly and reasonably related to the development proposed. In so doing it complies with the development plan requirements.

Conclusion

20. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR