

Appeal Decision

Site visit made on 11 October 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/Q3305/W/16/3154018

Land adjacent to retail unit, 1 Fortescue Street, Norton St Philip, Somerset BA2 7PE

- 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 Mr James Croucher (Lochailort Investments Ltd) against the decision of Mendip District Council.
 - The application Ref 1/0585/2014/FUL, dated 8 April 2016, was refused by notice dated 7 July 2016.
 - The development proposed is described as 'Provision of unloading layby in association with adjacent existing retail unit'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr James Croucher (Lochailort Investments Ltd) against Mendip District Council. This application is the subject of a separate decision.

Main issue

3. The main issue in the appeal is:
 - (i) the effect of the proposal on highway safety, with particular regard to visibility.

Reasons

4. The proposal is to create an unloading layby on part of the footpath adjacent to the B3110, which is a 30mph speed limit road with traffic calming measures. The unloading layby would be used to service the existing convenience store located at the junction of the B3110 and Fortescue Street. The layby as proposed is on the inside of a bend in the highway and would not fully accommodate the width of a vehicle, so vehicles using it would still in effect narrow the highway at that point. The current servicing arrangements for the retail store are through the existing service access in the car park at the rear of the store, which is accessed from Fortescue Street. At the time of my site visit the store was being refitted for its new occupier.

Highway safety

5. I have carefully considered the appellant's representations in relation to the unloading layby, including their suggested fall-back position. The appellant's
-

have argued that the provision of an unloading layby would improve visibility for vehicles and pedestrians when compared to the possibility of goods vehicles parking on the B3110 to unload. However, whilst there would be some improvement in forward visibility for vehicles travelling into Norton St Philip on the B3110, delivery vehicles utilising the proposed layby would still materially reduce visibility in relation to vehicles exiting from Fortescue Street and pedestrians utilising the drop kerb crossing to the south east of the Fortescue Street junction. Furthermore, given the existing servicing arrangements at the rear of the store, the parking and unloading of vehicles on the B3110 is not the only available option and therefore the weight I afford to the fall-back position is reduced significantly. In addition I have considered the imposition of a condition to secure the relocation of the pedestrian crossing point, however, even if a suitable location could be established this would not overcome the harm that I have found in relation to vehicular traffic.

6. This conclusion is not altered by the operational and environmental considerations advanced by the appellant; as there is no substantive evidence that adequately demonstrates why the existing unloading arrangements from the dedicated service area at the rear of the store cannot continue to be used in conjunction with the stores regional distribution model. Consequently, the proposed unloading layby would result in the material reduction in visibility particularly from the junction of Fortescue Street with the B3110, which would be likely to result in severe harm to the safety of all road users.
7. Having reached the conclusions above the proposal would therefore conflict with Policy DP9 of the Mendip District Local Plan Part 1: Strategy and Policies. This policy amongst other things seeks to ensure that development makes safe and satisfactory provision for servicing.

Other considerations

8. The proposed unloading layby is located within the Norton St Philip Conservation Area. The proposed layby would not result in significant alteration to the public realm. Consequently, the proposal would preserve the character and appearance, and therefore the significance, of the Norton St Philip Conservation Area.

Conclusion

9. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR