

Appeal Decision

Site visit made on 7 November 2016

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

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

Decision date: 29 December 2016

Appeal Ref: APP/Y3940/W/16/3156029

Tesco Stores Ltd, Southampton Road, Salisbury SP1 2NY

- 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 Tesco Stores Ltd against the decision of Wiltshire Council.
 - The application Ref 14/11461/FUL, dated 26 November 2014, was refused by notice dated 28 April 2016.
 - The development proposed is a new vehicular egress from the Tesco store car park onto New Petersfinger Road.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicular egress from the Tesco store car park onto New Petersfinger Road at Tesco Stores Ltd, Southampton Road, Salisbury SP1 2NY in accordance with the terms of the application, Ref 14/11461/FUL, dated 26 November 2014, subject to the conditions set out in the Annex to this decision.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on highway safety, and
 - ii) The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Highway safety

3. The proposal is to add a new exit to the car park of the large Tesco shop in the Bourne Centre, to alleviate queues which build up at times at the Bourne Way roundabout junction with the A36. The existence of such queues is not disputed, and the appellants say that the proposal aims to address negative customer feedback.
 4. The Council is concerned that cars leaving via the proposed access would seek to turn left out of the exit and to travel to the north of the city on Milford Mill Road, utilising narrow roads which are unsuitable to accommodate further traffic. Having seen these roads on my visit, I agree that the blind corner at the railway bridge just north of the appeal site, the narrow width of Milford Mill Road, and the restricted widths and awkward alignment of some of the routes beyond, make it undesirable to encourage additional traffic to use that route.
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5. The exit has been designed to encourage cars to turn right only. The geometry of the turning would prevent all but the smallest cars from turning left, and signs would be erected informing drivers that there would be no left turn. I consider that this would be likely to deter most drivers from turning left out of the site.
6. However, it would be relatively easy for drivers to turn right and then seek to turn in the access to the Park and Ride (P&R) site just to the south of the proposed exit. This could be done by driving into the southernmost entrance and turning in the wide bell-mouth. The appellants suggest that turning in the bellmouth could be prevented, if necessary, by the provision of an island within it, separating inbound and outbound traffic. Although no plans have been provided showing such an island, from what I saw on my visit, I consider that there is sufficient width in the bellmouth to provide a narrow island which would obstruct turning manoeuvres, and would require drivers to travel further into the site to turn round, adding to the time and inconvenience of doing so. I consider that this would have a twofold benefit, in preventing drivers from turning in the bellmouth and making it more difficult to have to turn elsewhere within the P&R site.
7. At present, those drivers visiting the supermarket who might wish to use Milford Mill Road can do so if they choose when leaving the supermarket via the Bourne Way and A36 Southampton Road roundabout junction. Otherwise, drivers wishing to travel to the north of the city, would turn right from the Bourne Way/A36 junction and then travel to the north of the city using roads better suited to accommodate the traffic.
8. I consider that the involved and possibly inconvenient or even hazardous manoeuvres that would be required for motorists using the proposed access to head north would deter many from doing so. However, if drivers perceive that there would be significant time savings by turning in the P&R rather than using the A36, which is heavily congested at times, then I consider it likely that drivers could be tempted to adopt that option.
9. One of the factors which might encourage drivers to do this is the length of the queue at the New Petersfinger Road/A36 junction, which is likely to be affected by slow moving traffic using the A36, restricting the numbers of vehicles which can proceed on a green light. I consider that there is no reliable means of estimating how many drivers might decide to find ways to circumvent the appellant's best intentions to ensure that drivers do not travel northwards along Milford Mill Road. Bearing in mind that the car park can accommodate over 600 vehicles, and that the appellants predict that 183 vehicles an hour (peak) would use the egress, I consider that there is a genuine risk that significant numbers of drivers might do so. If the egress is a more efficient route to bypass the existing bottleneck, there is also the prospect that visitors to other retail units in the Bourne Centre may also use the egress.
10. The Highway Authority has referred me to the appeal decision¹ allowing a proposed hotel and restaurant to be sited near the junction of New Petersfinger Road and the A36. It was a condition of that permission that the development could not be occupied until such time as a traffic-light controlled one-way system was installed at the blind corner by the railway bridge and other highway improvements in the vicinity. I have not been provided with any

¹ Ref: APP/Y3940/W/15/3138442

details of the hotel/restaurant proposal, other than as referred to in the appeal decision. It is clear that the "drive -thru" restaurant is aimed at passing trade on the A36, and I consider that most hotel guests would also be likely to travel to and from it via the A36. Thus only a minority of the traffic associated with the proposal would be likely to use Milford Mill Road. Even so, the Inspector considered it necessary to require mitigation measures at the railway bridge as a condition of granting permission.

11. The appellants have not commented on the suggestion that traffic signals and related highway works should be provided. I consider that it would have considerable merit in mitigating the harmful effects of the proposal, in that not only would it make negotiating the blind corner safe, but it would also introduce an element of delay in using that route, and this might help to discourage the use of the Milford Mill Road route. In view of the significant adverse impact of drivers using this route, I consider that such measures are also necessary here.
12. The Council has also raised concern about the prospect of queues forming on the New Petersfinger Road/A36 junction. Highways England has no objection on the basis of the effect on the operation of the A36, but I accept that queues forming on New Petersfinger Road is a different matter. I acknowledge that the prospect of delays arising from queues at the junction would be of particular importance to the operation of the nearby P&R. However, the Council does not dispute the appellants' modelled prediction of a peak flow of 183 vehicles per hour, and at an average of 3 vehicles per minute, I consider that the likelihood of lengthy queues is not great. Moreover, if lengthy queues were to develop, there would be no advantage to using the proposed exit, in which case drivers would continue to use the Bourne Way exit.
13. I acknowledge that drivers leaving the proposed exit would have to look over their shoulders at an awkward angle to see southbound traffic, and there would be some potential for delays as a result of the road narrowing. However, traffic speeds would be unlikely to be high, and the road narrowing would be an obvious feature in the carriageway, and thus the potential for rear-end shunts would not be high. Nor do I consider that there would be any material harm arising to pedestrians or cyclists from the access.
14. Taking all these factors into account, I consider that subject to the mitigatory measures I have referred to above, the residual harm to highway safety would not result in material harm, or conflict with Wiltshire Core Strategy (CS) Core Policies 61 and 62 which respectively deal with transport and new development, and development impacts on the transport network. I find Core Policies 60, 63 and 64, which respectively deal with sustainable transport, transport strategies and demand management to have less relevance, as it is not part of the Council's case that the proposal would lead to an increase in unsustainable patterns of travel.

Character and appearance

15. The proposal would result in the loss of a segment of a continuous, deep and well-established belt of planting on the edge of the car park. This belt echoes the planting on the other side of the road, and, particularly when the trees are in leaf, helps to screen the car park from the adjacent footpath, cycle route and road. The landscaping also forms a positive function in integrating the hard

urban form of the car park into the countryside to the north of the appeal site, and CS Core Policy 51, which deals with landscape, and seeks at least to conserve the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.

16. Whilst there is some scope to carry out additional planting, it would not fully mitigate the loss that would result. I therefore find that some small harm to character and appearance would result and the proposal would conflict with CS Policies 51, 52 and 57, the latter two policies dealing with green infrastructure and design and place-shaping. I find that Core Policy 50, which deals with biodiversity, has less relevance to the issue in dispute.

Other matters

17. The reduction of vehicle queuing time in itself has positive benefits. I consider that their alleviation would have social benefits for shoppers by reducing the time spent queuing and enabling the car park to operate more efficiently, which contributes to shoppers' convenience. The proposal would also provide environmental advantages by reducing exhaust emissions from queuing vehicles. I attach modest weight to these benefits.

Conclusion

18. I have found that, subject to the imposition of conditions, the proposal would not result in material harm to highway safety. Whilst there would be some small harm to character and appearance, I find that the social and environmental benefits that would accrue from the proposal outweigh that harm. I therefore conclude that the proposal would represent sustainable development and that the appeal should be allowed.

Conditions

19. The Council has suggested a number of conditions which I have considered in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to provide certainty. Additional landscaping is required to mitigate the impact of that which would be lost, in the interests of appearance. A condition relating to visibility splays are needed for highway safety reasons.
20. Although the appellants suggest that the egress could be operated on a trial basis and that the bellmouth island should only be provided if necessary, I consider that it is important to dissuade drivers from turning at the outset, and that it should be secured before the egress is brought into use, and I shall impose a condition accordingly.
21. I have referred above to the importance of providing traffic signals at the railway bridge to the north of the site. The Highway Authority suggests that the cost of providing them would be disproportionate to the scale of the works proposed. However, I am satisfied that the provision of the signals is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

JP Roberts

INSPECTOR

ANNEX

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. No. 1402-17/SP10/REV B (26/08/15): Proposed egress onto New Petersfinger Road & swept path analysis of a large car and Dwg. No. 1402-17/EL05/REV A (10/12/14): Site Location plan, and the egress shall not be brought into use until all the works including signage shown on the approved plans have been completed.
- 3) The egress hereby approved shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the right (south) and 43 metres to the left (north) from the centre of the access in accordance with the approved plans. The approved splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.
- 4) Prior to the egress being brought into use, a scheme for the provision of permanent shuttle working traffic signals at the Petersfinger Road/Milford Mill Road railway bridge, together with facilities for pedestrian and cycle passage through the bridge, a scheme for the road widening on the southbound approach to the Petersfinger Road/Milford Mill Road railway bridge and scheme of traffic calming on Milford Mill Road to the north west of the railway bridge shall have been submitted to and approved in writing by the local planning authority. The egress hereby approved shall not be brought into use until the approved schemes have been implemented.
- 5) Prior to the egress being brought into use, a scheme for the provision of a traffic island in the bellmouth of the entrance to the Park and Ride site on New Petersfinger Road sufficient to deter vehicles from turning within the bellmouth shall be submitted to and approved in writing by the local planning authority. The egress hereby approved shall not be brought into use until the approved scheme has been implemented.
- 6) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, the details of which shall include :-
 - the location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. signs, lighting etc.);

- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.);
 - trees of a size and species and in a location to be agreed in writing with the local planning authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.
- 7) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development or when it is first brought into use, whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the egress being brought into use or in accordance with a programme to be agreed in writing with the local planning authority.