
Appeal Decision

Site visit made on 22 May 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 1st June 2017

Appeal Ref: APP/P0240/W/17/3167837

The Sugar Loaf, 25 High Street, Meppershall SG17 5LX

- 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 Hawthorn Leisure Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02868/FULL, dated 1 July 2016, was refused by notice dated 19 December 2016.
 - The development proposed is alterations and extension in regard to change of use of public house (Use Class A4) to convenience store (Use Class A1). To include installation of 2 No. satellite dishes on the roof / elevations for use with the ATM, lottery and TCG radio. Location of plant equipment area. Installation of shopfront and ATM. Reconfiguration of car park to facilitate servicing / deliveries.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to a subsequent planning application for a similar development on the appeal site which aimed to address the Council's reason for refusal of the application subject to this appeal. I note that the Council has refused that application for other reasons. However, I must determine the appeal on the basis of the proposal before me and the Council's most recent decision does not therefore have a material bearing on either of the main parties' cases in this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. The appeal site comprises the Sugar Loaf Public House (PH) and its car park. It is located next to the junction of High Street and Fildyke Road with the car park accessed from High Street a short distance from this junction. In addition, the junction of High Street and Hilltop View is situated opposite the site.
 5. Vehicles park in zoned areas along the south-eastern side of High Street near to the PH, which has a constraining effect on the width of the carriageway and there is also a bus stop next to the site entrance. Given these existing physical and visual restrictions, I consider that vehicles exiting the car park must be able to leave it in a forward gear in order to avoid having to reverse onto High
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Street. At my site visit, I observed that the PH car park was occupied by a number of vehicles although none appeared to be associated with people using the PH. I also saw many of the on-street spaces occupied. This would appear to corroborate the evidence that the PH car park is used informally by non-patrons during some periods of the day.

6. Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CS and DMP) sets out a number of requirements for new development proposals including the incorporation of appropriate access and linkages and the provision of adequate areas for parking and servicing. Paragraph 32 of the National Planning Policy Framework (the Framework) says that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.
7. The appeal scheme would provide parking for customers' vehicles comprising 9 spaces including 2 for disabled people, which is in accordance with the Council's parking standards¹. The spaces would be laid out along the south-western edge of the site, providing adequate space for customers to drive in, park and reverse out before exiting the car park onto High Street. In combination with the reconfigured building this would also allow for a delivery vehicle of about 10.35m in length to park off-street for unloading purposes. I note that the largest proposed delivery vehicle would be about 10m long and that deliveries would take about 40 minutes to complete.
8. The appellant's swept path analysis shows that in order to turn within the site, delivery vehicles would reverse into the area occupied by the three south-westernmost customer parking spaces. These would be closed off prior to the arrival of delivery vehicles. In the event that vehicles were already occupying them, the spaces would be closed off once those vehicles had departed. It would be reasonable to conclude that during deliveries there could be some displacement of parking to on-street locations. However, it is clear from the submitted Parking Beat Survey² that there is low parking stress along High Street such that there is ample availability of on-street parking to cope with the temporary loss of the three on-site spaces during deliveries.
9. Given that the proposal comprises a convenience store of relatively modest size, customers would be unlikely to be on-site for a longer period than that necessary for the unloading of deliveries. Therefore, with careful management by store staff, I see no reason why there would be any need for drivers who had just completed a delivery to reverse onto High Street.
10. Having said all of that, due to the presence of the proposed extension to the building, customers arriving by car and approaching the site from the north-east would not have a sufficiently clear view of the car park to make them aware of a delivery vehicle beginning to exit it. This situation would be compounded in the circumstance of a bus picking up and dropping off at its stop next to the car park. The swept path analysis also clearly shows that there is inadequate space within the site for a car to enter and a delivery vehicle to exit at the same time. Therefore, in the event of a delivery vehicle leaving the car park, approaching drivers would be likely to begin to turn in only to find that that they needed to reverse back onto High Street. In combination with the proximity of the Fildyke Road and Hilltop View junctions and the restricted

¹ Contained within Central Bedfordshire Local Transport Plan: Appendix F Parking Strategy

² Survey undertaken by 360 TSL Traffic Date Collection on 13-14 January 2017

visibility resulting from parked vehicles to the south-west, I consider that such manoeuvres would be prejudicial to highway safety.

11. I have considered the potential for a delivery vehicle to reverse back into the site to allow an approaching vehicle to enter and park. However, this would rely on there being a space available in front of it, of which there could be no guarantee, particularly given the predicted increase in vehicle movements to and from the site. Furthermore, this situation could result in customer and delivery vehicles having to make multiple manoeuvres within the site in order to pass each other. All of this points to a generally unsatisfactory proposed access and parking arrangement, the effects of which would be particularly acute during peak travel times.
12. The Council has also put forward the scenario that a second delivery vehicle could arrive at around the same time or shortly after another. Similarly to what I have just described, the need for a vehicle of 10m in length to approach and then have to reverse back out would also have adverse effects on highway safety.
13. Although delivery times, unloading and manoeuvring procedures could potentially be controlled in accordance with a delivery and servicing management plan, I am not persuaded that delivery drivers would necessarily be aware that another delivery vehicle was already on site. I am not therefore convinced that theory would necessarily translate into reality. Thus, such a plan would not effectively account for all likely circumstances.
14. I have taken into account the representations of both main parties in relation to other appeal decisions³ and the Council's consideration of the Clifton Post Office scheme. Regardless of whether they can be judged to support the proposal or not, I have determined the appeal on its individual merits and have found that the proposal would have an adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Accordingly, it would run counter to CS and DMP Policy DM3 and the transport objectives of the Framework.

Other Matter

Viability

15. The appellant argues that the PH business is no longer viable due to the focus on its wet-led trade. The evidence before me does indeed show that it is becoming difficult for the business to make a profit. Moreover, the marketing exercise undertaken garnered little interest. However, the marketing took place for a relatively short period of about 10 months and I am not convinced that a suitable buyer would not be found with further marketing. Furthermore, whilst I accept that many pubs rely on a food offer in order to be profitable, that is not exclusively the case. Accordingly, I am not persuaded that the level of investment suggested would be necessary to provide a basic but nonetheless attractive food offer.
16. For these reasons, I do not consider that the appellant's argument carries sufficient weight to alter my conclusions on the main issue.

³ Refs APP/W2465/A/11/2148659 and APP/A4710/A/13/2192307

Conclusion

17. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector