
Appeal Decision

Site visit made on 25 February 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/Q3305/W/19/3241267

Millfield Preparatory School, Edgarley Road, Edgarley, Glastonbury, Somerset BA6 8LD

- 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 Neil Chapillon of Millfield School against the decision of Mendip District Council.
 - The application Ref 2018/2923/FUL, dated 18 October 2018, was refused by notice dated 29 May 2019.
 - The development proposed is a new school vehicular egress with A361 Edgarley Road.
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Decision

1. The appeal is allowed, and planning permission is granted for a new school vehicular egress with A361 Edgarley Road at Millfield Preparatory School, Edgarley Road, Edgarley, Glastonbury, Somerset BA6 8LD in accordance with the terms of the application, Ref 2018/2923/FUL, dated 18 October 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. In my heading above, I have taken the details of the appellant from that given in the appeal form, as the original planning application duplicated the agent details.
3. Notwithstanding the reference to, and some plans¹ showing, a two-way access, the appellant has indicated that the proposal is for a vehicular egress onto the A361 as shown on drawing reference 3068.05A 'Exit Route Only – all vehicles including HGV's'. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on highway safety, with particular regard to the impact on the A361.

Reasons

Highway Safety

5. Paragraph 108 of the National Planning Policy Framework (the Framework) states that in assessing applications for development it should be ensured, amongst other matters, that safe and suitable access can be achieved for all

¹ Including drawing no. 3068.09 Proposed access arrangements

users. Furthermore, paragraph 109 indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

6. The proposal would introduce a new access onto the A361, a busy main road, which at the point nearest to the appeal site has a 40mph speed limit. There is no dispute between the main parties as to the principle of a new access in the location proposed². Neither does the Council raise significant concerns in relation to the design of the access if it were an egress only route from the pre-prep car park. However, the Council are concerned that such an arrangement cannot be adequately enforced and could be abused by motorists ignoring signage, which could lead to reversing movements and manoeuvring on or adjacent to the A361, to the detriment of highway safety.
7. Moreover, illustrative plans showing an access designed for a two-way configuration would, in their view, fail to make appropriate provision for the two-way movement of coaches using the access. As a result, they dispute whether the development would meet with the advice in paragraphs 108 and 109 of the Framework.
8. The concerns of the Council are predicated upon the one way movement of traffic at the site not being adequately secured. It follows that if the use of the access as egress only could be safeguarded, this would address those concerns. In considering this it is necessary to firstly, assess what measures might be employed to secure the exit only movements and secondly, how likely it would be that they would be breached.
9. The width of the access shown on drawing reference 3068.05A is in parts restricted such that two way traffic involving larger vehicles would not be able to pass easily. Moreover, road markings at the entrance to the access stretch from the car park and the A361 junction would signal that the access is for exiting traffic only. This would be augmented by directional signage within the car park and no entry signs at the road junction.
10. The appellants have outlined how the school operates across the wider site clarifying that the pre-prep car park is primarily used by parents who have children who are pupils (aged between 2-7 years) at the pre-preparatory part of the school. Alternative access and parking arrangements exist to serve the preparatory part of the school (for pupils aged between 7-13 years), coach facilities, service vehicles and staff which would be more convenient and better suited to their requirements. Accordingly, based on present arrangements there would be little incentive or need for vehicles other than parents with younger pupils to enter the pre-prep car park.
11. Drivers of vehicles to the school would primarily be parents or carers of pupils, coach drivers transporting pupils, staff or service vehicles. They are therefore likely to be reasonably familiar with the school and known to the establishment, generating transport movements that are likely to be reasonably regular, quantifiable and at predictable times and dates. Parents and carers of the pre-preparatory pupils in particular, are likely to be receptive to messages and information regarding the safety of transporting their children and the requirements of the school in this regard. In fact, the appellant

² Paragraph 3.15 Somerset County Council's written statement of the Highway Authority

indicates that the application has, in part, been made in response to parental concerns regarding the safety of the present use of the access from the A361 and Cinnamon Lane and the school premises. It follows that, as part of a school community, there is a degree of control and willingness to cooperate with the school, which is likely to engender a high degree of self-regulation.

12. There is some evidence to suggest that certain arrangements controlling traffic movements already operate on an informal basis, as the school does not allow coaches to enter the school premises at peak traffic times, and I have not seen evidence to show that this is regularly breached.
13. The appellant suggests that an Access, Servicing and Parking Management Plan (ASPMP) across the school site could put arrangements on a more formal footing. This would include the steps taken to communicate the exit only arrangement to parents as well as the information to other vehicle drivers directing them to the most suitable part of the school site. Such a plan might also provide for monitoring checks of the use of the access and opportunities for review to address any concerns that may arise in practice.
14. The combination of the physical design of the access, clear signage, identifiable and regular users of the school accesses, social constraints and control by the school are such that an ASPMP would be an appropriate way to adequately secure the use of the proposed access as an exit only. Therefore, I do not agree that a physical barrier to prevent vehicles entering the proposed access from the A361 would be necessary. Moreover, paragraph 54 of the Framework states that local planning authorities, and therefore by extension, Inspectors, should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
15. I acknowledge that the present arrangements and occupants of the school may change over time. Nevertheless, any future material change of use of the site is likely to require planning permission, at which point transportation and access arrangements can be considered. Moreover, if a condition is employed to agree an ASPMP, future occupants would be bound by the terms of the condition for which specific enforcement procedures exist. Alternatively, they would need to seek a variation by way of a formal application to the Council which would allow for the consideration of transportation issues. Taking these factors together, I do not accept the assertion that the access arrangements cannot be adequately enforced or conditioned.
16. Whilst I accept there is no guarantee that the access would not be used as an entrance deliberately in contravention of the signage, or due to driver error, the access design and ASPMP would in combination, significantly reduce this risk. Therefore, a requirement for a two-way access that caters for this scenario would be disproportionate to the likely risk. Moreover, there is limited substantive evidence to explain the Council's conclusion that private restrictions would be inadequate in these circumstances, or upon what policy basis or guidance they conclude that the access must, irrespective of the proposed restrictions, cater for two-way traffic movement for all vehicle types and movements.
17. Furthermore, the use of an ASPMP would accord with Paragraph 108 c) of the Framework, which stipulates that it should be ensured that any significant impacts from the development on highway safety can be cost effectively mitigated to an acceptable degree.

18. Additionally, the proposed arrangement would avoid cars leaving the pre-prep car park via the junction with Cinnamon Lane, which is close to the junction of Cinnamon Lane and the A361. At present this access has restricted visibility and cars leaving the pre-prep car park at peak times block Cinnamon Lane, which prevents vehicles turning into Cinnamon Lane from the A361 from completing their manoeuvre. This results in stationary traffic and congestion on the A361 which increases the risk of collisions.
19. These concerns were amongst those identified in an independent Road Safety Assessment³ of the existing A361/Cinnamon Lane junction and pre-prep car park access. As such, the removal of these movements at peak times would increase capacity at the Cinnamon Lane junction with the A361, and the smoother flow of traffic along the A361 would reduce the risk of collisions. Furthermore, the Council accepts that the new access would reduce vehicle queues along both the A361 and Cinnamon Lane at the school's peak period⁴. This would be beneficial to highway safety.
20. Accordingly, I find that the proposal would achieve safe and suitable access to the site and would not result in unacceptable harm to highway safety. Therefore, it would comply with paragraphs 108 and 109 of the Framework and I find no conflict with the criteria listed in paragraph 110.
21. Additionally, the proposal complies with saved policy DP9 of the Mendip District Local Plan Part 1 Strategy and Policies 2006-2029, December 2014 (LP) which indicates that development will be supported where, amongst other matters, safe and satisfactory provision is made for access and where it avoids causing traffic or environmental problems within the wider transport network.
22. The Council also refer to saved Policy DP10 of the LP in the refusal reason on the decision notice. This policy supports new development where the vehicle parking proposed is appropriate to the operational needs of the development. As the proposal would not alter the level of parking provided within the site, nor generate additional parking requirements, I find no conflict with this policy.

Conditions

23. The Council do not suggest any conditions but highlight that a suitable agreement or licence from the Highway Authority for works on or adjacent to the highway is likely to be required in the event of an approval. However, the three year period in which the planning permission may be implemented is a statutory requirement. I also consider that it is necessary to specify the plans that are approved and that the development shall be undertaken in accordance with these as this provides certainty.
24. It will be seen from my reasoning that I consider that an ASPMP for the school site is necessary as part of the measures to adequately safeguard the use and exit only nature of the proposed access. For a similar reason the road markings and signage of the access should be agreed to ensure there is sufficient clarity for drivers. It is also necessary to ensure the visibility splays for the access as shown on the submitted plan are provided and maintained in the interests of highway safety.

³ RKS Associates Road Safety Assessment, November 2019, Appendix AJK3 Appellant's appeal transport statement

⁴ Paragraph 3.14 Somerset County Council's written statement of the Highway Authority

25. Finally, the creation of the access and associated visibility splays have the potential to disturb vegetation within which birds may nest. This is reinforced by the comments from the Council's Ecology officer⁵. A condition is imposed to avoid this.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

⁵ Consultation response dated 21.12.2018

Schedule of conditions

- 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: Exit only route – all vehicles including HGV's drawing 3068.05A; Site Location drawing 3068.06 and Block plan drawing 3068.08.
- 3) Prior to the first use of the access hereby approved an Access, Servicing and Parking Management Plan (ASPMP) shall be submitted to and approved in writing by the local planning authority. This shall include measures to ensure the operation and monitoring of the access hereby approved as an exit only route. Thereafter, the development shall proceed in accordance with the agreed ASPMP at all times.
- 4) Prior to the first use of the access hereby approved signage and road markings indicating that the access is egress only, having previously been agreed in writing with the local planning authority, shall be installed at the site and thereafter retained.
- 5) Prior to the first use of the access hereby approved the visibility splays (2.4m x 120m) shown on drawing 3068.05A shall be provided. Thereafter, no shrubs, trees or other vegetation or other obstruction above 0.6 metres in height shall be grown or placed within the visibility splays.
- 6) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.