



Appeal Decision

Site visit made on 1 September 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2020

Appeal Ref: APP/D1265/W/20/3254095

Land to the north west of Wessex Roundabout, Radipole Lane, Chickerell, Dorset, DT4 9XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Weymouth Community Sports LLP against Dorset Council.
 - The application Ref WP/17/00836/FUL, is dated 20 October 2017.
 - The development proposed is the construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping.
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Decision

1. The appeal is dismissed and planning permission for the construction of new vehicular and pedestrian access, surface water management ponds, open space and landscaping is refused.

Procedural matters

2. Following agreement of the appellant, the description of the proposed development was changed by the Council from that on the original application, to that referred to in the banner heading above. I have determined the appeal on the plans provided. I have also dealt with a separate appeal¹ relating to the adjacent site, which is the subject of a separate Decision.
3. At the time of the application, the proposed access and open space sat within the administrative boundary of Weymouth and Portland Borough Council. It now forms part of the wider administrative area of Dorset Council.
4. The proposed junction and associated footways to the north and south largely fall outside the red line of the application area. These areas are confirmed to be public highway and the appellant intends to secure delivery through a S278 agreement. No agreement is currently in place with the highway authority and no evidence of any likely acceptance has been provided.

Main Issue

5. The main issue is the effect of the proposed development on pedestrians and cyclists.

Reasons

6. The appeal site forms part of the current Wessex stadium site to the north of the Wessex roundabout on the edge of Weymouth. The roundabout and roads nearby are well served by shared use pedestrian and cycle facilities, with the

¹ APP/D1265/W/20/3254096

- exception of the no through road which the access would join. The roundabout also has dropped crossings on each arm, facilitating pedestrian and cycle movements.
7. The proposal would relocate the access to the site approximately 10m closer to the roundabout. The appellant intends to create a footway from the new proposed point of access to the roundabout and another linking to an existing footway to the north. A footway would also be constructed within the site, along the northern side of the proposed access road, serving the wider adjacent site. Other than a very short section of narrow footway joining the proposed link to the roundabout, no footways are proposed within the red line of the application on the southern side of the proposed access road.
 8. The nearby roundabout is well served by shared use pedestrian and cycle facilities and it is reasonable to expect a demand for pedestrian and cycle movements to and from the site, irrespective of whether the adjacent proposed housing development occurs. The Transport Assessment (TA) supports this, identifying that the site is within 2.5km of the town centre and 8km cycle distance of the majority of Weymouth. Such distances to nearby residential areas, services and employment make sustainable travel a realistic alternative to private car use.
 9. The intended scheme would require cyclists leaving the site toward the roundabout, to turn right out of the proposed access on-road and then join the shared use facilities at the roundabout. The alternative would be for cyclists to dismount when leaving the site, crossing the proposed access road to the short section of intended footway and walk along the proposed link to the roundabout, pushing their bicycle. This would be counter intuitive, likely increasing conflicting traffic movements from that which currently exists, particularly for those wishing to travel to or from the west or south of the site and would not encourage sustainable travel.
 10. Pedestrians reliant on footways, such as the disabled, wishing to access or egress the south of the adjacent site would need to cross the proposed access road and then back on themselves a short distance later, contrary to the natural desire line. That the appellant does not consider it feasible to construct a longer footway on the southern side of the proposed access does not make the proposal acceptable.
 11. Furthermore, notwithstanding that presented in the TA and view that Manual for Streets principles have been followed, I have insufficient information before me to consider that the lack of provision for pedestrians and cyclists would not lead to highway safety issues at or around the proposed access. The proposal does not cater for natural desire lines and as such would be harmful for pedestrians and cyclists. I accept that cyclists would be expected to travel on-road within the site itself and it is likely traffic speeds would be low. However, cyclists would require adequate access to the nearby cycle facilities which the proposal before me would not appear to facilitate, also requiring them to cross the road at closer proximity to the busy roundabout than that currently.
 12. It is understood that a similar access arrangement was previously granted planning permission in 2014, which has since lapsed. I must though consider the proposal on its own merits, on the evidence provided and against extant planning policy.

13. A S106 agreement associated with the outline approval of the wider site has been provided which references improvements to pedestrian and cycle facilities at the roundabout, including a toucan crossing. However, I have no detail of any proposed scheme before me and as such have no certainty that these works would fully deal with the concerns above. Likewise, I cannot be certain that the intended S278 agreement would be acceptable to the highway authority, albeit this would not prevent a condition relating to the delivery of those works being imposed on any approval, if it were otherwise acceptable.
14. I also acknowledge that the proposal may result in betterment to visibility than that at the current junction and create a new footway link to the roundabout. Likewise, that the proposal would not have an adverse effect on congestion or parking as demonstrated by the TA. However, these matters do not offset the issues above. The proposal as a whole, does not in my view cater sufficiently for both pedestrians and cyclists. As such it would not encourage sustainable travel by creating easy and safe pedestrian and cycle connections.
15. Therefore, the proposal would not accord with Policy ENV11 of the West Dorset, Weymouth and Portland Local Plan, 2015, which amongst other things seeks to ensure development proposals are clear and simple for people to use and are well connected with the surrounding areas.
16. The proposal would not accord with the National Planning Policy Framework, 2019, (the Framework) particularly paragraphs 91a and 110a, which amongst other things seeks to ensure that planning decisions should aim to achieve healthy, accessible places and allow for easy pedestrian and cycle connections.

Planning balance

17. The proposal, with appropriate conditions, would broadly satisfy considerations relating to character and appearance, landscape, biodiversity, surface water drainage, contamination and heritage. However, this does not outweigh the harm identified above. As such, the proposal would not represent sustainable development.

Other matters

18. That the proposal before me received no objections from the highway authority does not equate to it constituting sustainable development. The highway authority are a statutory consultee in the planning process, it is for the relevant planning authority to determine the application before them, as a whole.
19. I note that elected members came to a different view than that proposed in the officer report, and that the concerns of the committee do not appear to have been raised previously by officers. However, the appellant was given opportunity to reconsider the proposal in light of these concerns and respond at a future meeting and I have considered the appeal on its own merits.

Conclusion

20. Therefore, having considered the Development Plan and Framework as a whole, the appeal is dismissed and planning permission is refused.

M Scriven

INSPECTOR