
Appeal Decision

Site visit made on 19 January 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/Q3305/W/20/3260436

Land adjacent to the Redan Inn, Fry's Well, Wells Road, Chilcompton, Somerset BA3 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Damar Group against the decision of Mendip District Council.
 - The application Ref 2018/0762/FUL, dated 21 March 2018, was refused by notice dated 3 April 2020.
 - The development proposed is erection of 6 dwellings, creation of access and parking areas (Revised access layout and inclusion of traffic calming measures, submitted under drawing number 18420B/200 Rev A).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on highway safety, in particular the adequacy of the proposed visibility splays; and
 - Whether the proposal makes adequate provision for the collection of refuse and recycling.

Reasons

Highway Safety

4. Policy DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (MDLP), requires new development to make safe and satisfactory provision for access by all means of travel.
5. From the evidence before me, the Highway Authority considers that the proposal should make provision for visibility splays of 2.4mx48m, as set out in the Manual for Streets (MfS). This requirement is based on the recorded traffic speeds using the road. The proposal, however, would be unable to meet these requirements, with the splays being less than that required. On the face of it therefore, the proposal fails to provide adequate visibility splays to meet the required standards.

6. There has been some change to the highway in the vicinity of the appeal site since the previous application was approved, mainly with the provision of a pedestrian crossing. My attention has also been drawn to a recent Council meeting where additional measures to reduce traffic speeds were discussed and agreed. However, no specific evidence is before me with regards to the details of these additional measures or the outcome of this meeting. Neither is there any evidence with regards to the predicted effect of these measures upon the speed of traffic past the appeal site.
7. To my mind, given the new crossing and the potential implementation of further measures, it would appear reasonable to re-evaluate the position. This would appear to be pertinent given the evidence before me which appears to show that, despite the presence of the new crossing, traffic speeds along Wells Road have not decreased to such a degree as to justify the provision of reduced visibility splays.
8. In approving the previous development on the site, the matter of visibility was the subject of a planning condition, requiring the submission of a traffic calming scheme, which was aimed at reducing traffic speeds, thereby accommodating the reduced level of visibility splays. In this regard I note that as part of their submission, the Highway Authority identify that they recommended refusal on previous applications.
9. In this respect, given the importance placed on ensuring development delivers adequate highway safety in both the development plan and the National Planning Policy Framework (the Framework), and the change in circumstances within the vicinity of the appeal site and the likelihood of further changes, I consider the matter to be of such importance that, unlike previously, it cannot reasonably be addressed through the imposition of a planning condition.
10. On the basis of the above and taking a precautionary approach, due to the provision of sub-standard visibility splays, I consider that the proposed development would have an unacceptable impact on highway safety and, in this respect, would be contrary to Policy DP9 of the MDPL and Paragraph 109 of the Framework.

Refuse and recycling

11. The proposed access and parking area would be of a sufficient width to enable refuse collection vehicles to pull off the highway, allowing for the collection of rubbish and recycling. However, due to the design of the development and the topography of the appeal site, it would not be possible for refuse vehicles to access all of the individual properties directly. Therefore, provision would be made for an onsite bin store, with future residents required to position their bins closer to the public highway for collection, before returning them once empty.
12. Whilst this arrangement is less than ideal, there would however, appear to be adequate space within the development for the bins to be collected from a designated store or placed closer to the public highway on their scheduled day of collection. Such an approach could be undertaken without significantly compromising highway or pedestrian safety. Furthermore, given this would occur only once a week, the presence of additional bins on the day of collection, would be unlikely to materially harm the character and appearance of the area.

13. For the above reasons, I therefore conclude that the proposal would make adequate provision for waste and recycling facilities and, in this regard, complies with Saved Policies DP7 and DP9 of the MDLP and Policies contained within the Framework.

Planning balance

14. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
15. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole or where specific policies in the Framework indicate that development should be restricted.
16. The proposed development would contribute six new dwellings towards the existing housing stock within the District. Whilst this would be a benefit, given the modest scale of the contribution, the conflict I have found with Paragraph 109 of the Framework, due to the scheme's unacceptable impact on highway safety, significantly and demonstrably outweighs this benefit, given the importance that the adopted development plan and the Framework give to these considerations.

Conclusion

17. For the above reasons, and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR