



Appeal Decision

Site visit made on 7 January 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/L3245/W/24/3351240

Former Public Conveniences, St Julians Friars, Shrewsbury, Shropshire SY1 1XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr S Shanklin against the decision of Shropshire Council.
 - The application Ref 24/01723/FUL was approved on 14 June 2024 and planning permission was granted subject to conditions.
 - The development permitted is the phased conversion and extension to existing single storey former public toilet building to provide single dwelling with ground floor workshop and storage.
 - The condition in dispute is No 8 which states that: *The area identified as storage / workshop on the revised plan, drawing number 2101_PL_02 Rev C dated 30th April 2024 shall not be used garaging and shall not at anytime be converted into vehicle garage.*
 - The reason given for the condition: *In the interests of highway safety, and the safety of other highway users.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The planning permission that is the subject of this appeal, is for the phasing of a previously permitted development, and includes the same conditions. Condition 8 was imposed in accordance with the advice of the Highway Authority due to highway safety concerns relating to vehicles blocking the carriageway and inadequate pedestrian visibility. The appellant seeks the removal of the condition stating that such highway safety concerns could be addressed.
3. Having regard to the appeal submissions, the main issue is whether or not the disputed condition is reasonable and necessary in the interests of highway safety.

Reasons

4. The front elevation of the appeal building, where the vehicular entrance would be located, is set back a short distance from the front elevation of a three-storey property, the Masala restaurant, to which it is attached. The side elevation of the Masala would closely flank the access point on one side and extend up to the carriageway of St Julian's Friars. In such a position it would significantly restrict the visibility of drivers on exit from the appeal building.
5. My observations on the site visit suggests that St Julian's Friars is a busy pedestrianised route and that pedestrians moving along it in a southerly direction, before turning right towards St Julian Friars car park and Greyfriars bridge, walk very close to the Masala. In such a position the pedestrians are unlikely to see a vehicle exiting the building in advance of it joining the carriageway, and any driver

exiting the building would have limited forewarning of such pedestrians, even when travelling in a forward gear. This would make it extremely challenging for the driver and pedestrians to anticipate each other's movements and stop as appropriate. Consequently, whilst vehicles emerging from the building would occur infrequently and would be moving at a slow speed, the impediment to visibility is likely to result in conflict between such vehicles and other users of St Julian's Friars, in particular pedestrians, to the detriment of highway safety.

6. In my experience, bankspeople are utilised in the interests of highway safety as a temporary measure in situations where there are many employees on a site, such as during construction. In this case, the floorspace would limit the number of people that could be employed within the proposed building and, as such, it is reasonable to anticipate that there would not always be someone available to act in such a role. Therefore, I do not consider that it would be reasonable or practicable to require, through a condition, that a banksperson oversees vehicle movements out of the building as suggested.
7. I do not doubt that the installation of a convex mirror would assist visibility to some extent. Nonetheless, I am not convinced that it is appropriate to rely on what is in effect a demountable aid which can be adversely impacted, and become less effective, due to frost, glare from sunlight and vehicle headlights, and if dirty. Furthermore, as I have found movements from the building in a forward gear would be unsafe, controls imposed through a planning condition that would prevent reversing manoeuvres during specified hours would not resolve the identified highway safety issues.
8. My attention has been drawn to the parking arrangements of other buildings on St Julian's Friars. On my visit I noted that the parking spaces for St Julian's Mews and Abbots Mead Hotel are highly visible and, therefore, do not raise similar highway safety issues. As Darwin's Town House Hotel is set back from the carriageway, pedestrians walking along St Julian's Friars in a southerly direction would have advance warning of a vehicle leaving the parking space. In addition, I observed that pedestrians walk along the centre of the road when travelling in a northerly direction and, as such, the effect of the Masala on the forward visibility at Darwin's Town House Hotel is less pronounced. Accordingly, such parking and servicing arrangements do not support a conclusion that the proposal is acceptable in respect of highway safety.
9. I acknowledge that the area in front of the building, which is accessed from Williams Way, has been used as a parking space and that there is no evidence before me to suggest that its use is unsafe. However, that does not demonstrate that access from the building onto St Julian's Friars would not give rise to the highway safety concerns I have identified. Furthermore, the building being historically used as a store for vehicles, at a time when the nature of pedestrian and vehicular movements would have been materially different, does not alter my findings.
10. There is insufficient space in front of the appeal building to enable a vehicle to stand clear of the carriageway, which could result in part of the public highway being blocked whilst the door is opened. I am, however, satisfied that a remotely operated electric door, which could be secured through a suitably worded condition, would enable it to be opened in advance so that a vehicle could drive

straight in. Nevertheless, it remains that the use of the building as a garage would be unsafe for the reasons set out above.

11. I therefore conclude that condition 8 is necessary and reasonable in the interests of highway safety.

Other Matters

12. I acknowledge the public car park charges, the costs that would be incurred in undertaking major foundation works, and the payment of the Community Infrastructure Levy affect the viability of the proposed development. I further acknowledge that the use of the ground floor as a garage would increase the likelihood the building would be brought back into use. Such factors do not, however, outweigh the harm I have identified.
13. The appellant has drawn my attention to the Council's stance regarding pre-application advice and the fees for obtaining such advice. Nonetheless, these matters do not affect my consideration of the planning merits of the proposal.
14. The absence of objections from the public does not weigh in favour of the proposal.

Conclusion

15. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed and the condition retained.

Elaine Moulton

INSPECTOR