

Appeal Decision

Site visit made on 31 January 2017

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/P4605/W/16/3161083

**Clock Service Station, Coleshill Road, Castle Bromwich, Birmingham
B36 8BQ**

- 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 Valli Forecourts Limited against the decision of Birmingham City Council.
 - The application Ref 2016/08778/PA, dated 16 October 2015, was refused by notice dated 26 August 2016.
 - The development proposed is "*demolition of existing buildings and erection of forecourt building, to include retail shop with ATM, solar roof panels, new underground tanks, new parking, car wash, and wash and service bays*".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In determining the appeal, I am required to have regard for the policies applying at the date of my decision. The Birmingham Development Plan (BDP) was adopted on 17 January 2017. This supersedes the policies of the previous Birmingham Unitary Development Plan, which were cited in the Council's refusal notice. An opportunity was provided for the appellants to comment on the effects of these new policies.

Main issue

3. The main issue in the appeal is the effect of the proposed development on highway safety.

Reasons for decision

4. The appeal site comprises an existing petrol filling station and adjoining former car showroom site. The proposal is to lay out the site with a new petrol station, across the whole of the extended site. The number of petrol pumps would increase from the present 8 pumps to 10, and the associated retail shop would be expanded from 180 sq m to 450 sq m. Parking provision would increase from 3 spaces to 19. An automated car wash, three jet-wash bays, two service bays, and a cash machine would be added.
 5. At present, access and egress to and from the existing petrol station is via two in/out access points, one from Newport Road, and one directly from the roundabout at the junction of Newport Road, Coleshill Road and Bradford Road. In the present proposals, the roundabout access would be reduced to in-only,
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- and the former access to the car sales site, from Coleshill Road, would be re-opened as an in/out access to the new development.
6. The access from the roundabout is an existing facility. However, any access in such a position, interposed between the roundabout's main arms, is less than ideal from a highway safety point of view, because of the potential for conflicting vehicle paths and driver confusion. Changing it from 2-way to in-only, would remove the potentially dangerous exit movements. But, as I saw on my visit, it is not only those movements that have the potential to cause danger. The access point is very close to the entry onto the roundabout from Coleshill Road, and any vehicle attempting to enter the filling station at this point has to cut across the natural path of vehicles coming from that direction. Even with correct use of indicators, there is no sure way of knowing whether a vehicle coming from around the roundabout intends to turn into Newport Road or into the filling station. Such movements would continue to cause confusion and danger, as they do at present. And since the number of such movements would be likely to increase, because of the enhanced facilities on offer, so the level of danger would also increase.
 7. The re-opening of the Coleshill Road access would have the potential to attract some inward movements away from the roundabout. But these would be likely to involve vehicles already on Coleshill Road, travelling north. Whereas the main danger arises from vehicles arriving at the roundabout from the other directions. The Coleshill Road access would therefore not significantly mitigate the danger arising from the increased attraction of the redeveloped garage.
 8. As the Council point out, if an in-bound vehicle, entering via the roundabout access, were to have to brake sharply because of an obstruction within the site, this would significantly increase the risks of tailbacks and danger to vehicles on the roundabout itself. Although such obstructions may be relatively rare, they cannot be discounted. Indeed they would be more likely to occur with the proposed new layout, as compared to the existing, because of the increased options available to traffic within the site. This reinforces my view that continued access from the roundabout would be potentially dangerous.
 9. The accident record shows 18 accidents in the vicinity within the last 5 years. I appreciate that none of these was classed as serious, but to my mind, this number within such a relatively short period is significant. In any event, the record does not support the view that the roundabout is free from danger.
 10. In the light of these considerations, I conclude that the proposed development would cause unacceptable harm to the interests of highway safety. In this respect it would conflict with the aims of BDP Policy TP44, which seeks amongst other things to resist developments where the residual transport impacts are severe.

Other matters and conclusion

11. I accept that the proposed development would result in a visual enhancement compared to the existing situation, and that there would be some economic benefits. But nevertheless, these positive effects are outweighed by the harm that would be caused to highway safety. For the reasons stated, and having taken account of all the other matters raised, I conclude that the appeal should be dismissed.

John Felgate
INSPECTOR