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## Appeal Decision

Site visit made on 26 February 2020

**by Janet Wilson BA (Hons) BTP MRTPI DMS**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> March 2020**

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**Appeal Ref: APP/E0345/W/19/3242949**

**Waylands Volvo Reading, Unit 20 Sentinel End, Reading RG2 0BF**

- 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 Waylands Automotive trading as Waylands Volvo Reading against Reading Borough Council.
  - The application Ref 191408 is dated 28 August 2019.
  - The development proposed is the construction of a new access and egress for cars into/from the existing car dealership customer forecourt on to Perkins Way.
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### Decision

1. The appeal is dismissed and planning permission for the construction of a new access and egress for cars into/from the existing car dealership customer forecourt on to Perkins Way is refused.

### Procedural Matters

2. The application form specifies the address as Unit 20 Sentinel End and the description refers to Perkins Way. In the interest of clarity, the access proposed is for a new access onto the Perkins Way frontage.
3. The appeal is against the failure to give notice within the prescribed period of a decision on an application for planning permission. Following the lodging of the appeal, the Council indicated in its Statement that the development would have been refused. The reasons set out relate to the manner in which the application was made and to highway safety.
4. The Council refer to the possibility of an access being formed under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order GPDO 1995. That legislation has been superseded and is now the 2015 Order. Nonetheless the legislation referred to provides for the creation of an access in connection with development which would be permitted under that same order. This is not the case here.
5. The references made by the Council for the variation of conditions attached to the earlier approval on this site would not preclude a separate application for the formation of an access. Despite the Council stating that the application should have been submitted as a section 73 application to vary an earlier planning consent, as the Council accepted the application as a full planning permission for the formation of a new access I have dealt with the appeal on that basis.

## **Main Issue**

6. In the light of the above the main issue is the effect of the development on motorists, cyclists and pedestrians with regard to highway safety.

## **Reasons**

7. The proposal involves the creation of an access (4.8 metres in width) onto a recently completed though not yet adopted road. Evidence suggests that it is not intended to be a classified road. It would provide access direct from Perkins Way to the customer parking area of the motor dealership displacing two parking spaces which would be relocated elsewhere on the site. The access would be positioned immediately adjacent to the existing 'Volvo' signage and off set from the access serving Proctor End North.
8. The site is part of a development which has relatively recently been completed. Whilst major units are occupied there are a large number of smaller units which are yet to be occupied. As such the area is not yet functioning with the normal capacity of traffic from visitors or those associated with commercial vehicles which would be expected once all units are occupied.
9. Vehicles approaching from the roundabout off Imperial Way would not have clear sight of vehicles waiting at the proposed access to egress the motor dealership site. Similarly, vehicles emerging from the proposed access would not have clear sight of approaching traffic from the roundabout on Imperial Way (from the North West). Obstructions to visibility include corporate signage set close to the front of the site, car park lighting columns and steel bollards delineating the site edge.
10. These arrangements would create an increased risk to highway safety as competing traffic movements would be introduced onto Perkins Way from the additional access. There is no evidence to demonstrate that this additional access would alleviate the congestion on Sentinel End particularly since commercial and delivery vehicles would continue to use the existing arrangements. This would present an increased risk to motorists, cyclists and pedestrians and compromise their safe movement.
11. The appellants draw attention to the National Planning Policy Framework (the Framework) in promoting sustainable development though are selective in their reference to it. They focus on part of paragraph 109 stating that refusal is only warranted where the residual cumulative impacts of development are severe. The statement fails to acknowledge the "or" in paragraph 109 the preceding part of which requires decision makers to assess whether there would be an unacceptable impact on highway safety which I have found to be the case here. Moreover, the Framework also states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas.
12. The appellants argue that they will prevent vehicles other than cars from using the proposed access from Perkins Way though it is not clear how they would intend to achieve or enforce this. Furthermore, the appellants emphasise that service vehicles coupled with the disparate parking along Sentinel End causes congestion and causes accesses to be blocked. They also state that car transporter drivers are personally liable when they drive off the highway and therefore are likely to remain on the highway. The appellants have provided

swept path analysis details for the existing access though as this proposal would not alter arrangements for heavy goods vehicles these details do not affect my findings in respect of the appeal proposal.

13. The Council argue that the introduction of more side road crossings would be inconvenient to cyclists as they have to slow down or stop at each which would frustrate their progress; in addition crossing points may be blocked by vehicles which would make it difficult for cyclists to take in traffic approaching on the main carriageway as well as the side roads. As this proposed access would be in close proximity to the primary access into the appellants site, cyclists would have to navigate two junctions in close proximity increasing points of conflict. This would be contrary to the provisions of the Framework.
14. The appellants highlight that the major cycle route close by (R1) does not take in Perkins Way nor Imperial Way and an additional access in this location is unlikely to deter users from cycling. Cycling survey statistics have been provided by the appellants which seek to demonstrate that the volume of cyclist movements per day appear relatively low. That may be so, however this is not the only consideration. Whilst the position of the site in relation to the wider cycling network and the modest traffic volumes are noted, I am mindful that the wider commercial area is not yet fully functioning and is not yet operating at capacity. Equally these circumstances do not negate the need to consider the impact of the position of, or number of accesses, and their effect on: the free flow of traffic; cycle movements in the area and the conflict which would result from an additional access onto the local distributor road.
15. These needs and risks would not justify the introduction of an access in this location which would give rise to a highway safety risk to motorists, pedestrians and cyclists using the public highway. Moreover, the additional access in close proximity to that originally planned (and constructed) to serve this commercial enterprise would lead to conflicting and confusing information for road users.
16. At the time of my site visit, around midday on a weekday, the roads were quiet with little traffic and only a moderate amount of pedestrian activity. Sentinel End was obstructed, and the carriageway narrowed due to a high number of cars parked half on the pavement and half on the highway. In any event this would not have prevented a larger vehicle from accessing the appellants site or the adjacent car dealership. Conflict between parked cars and congestion on Sentinel End are not a justification for an alternative/additional access onto Perkins Way.
17. Taking all of the above into account the proposal would conflict with the requirements of Policies TR1 and TR3 of the Reading Borough Local Plan (2019) (Local Plan) and with the Framework. These taken together, expect all development to provide appropriately designed and sited development which secures safe access and does not have a materially detrimental impact on the safety of users including pedestrians and cyclists, so as to maintain or enhance the safety of the highway network.
18. I have considered the Councils reference to Policy TR4 of the Local Plan which seeks the protection of existing cycling routes and improving access to them. On the evidence before me this proposal would not compromise this policy objective and I find that the proposal would not be in conflict with it.

## **Other Matters**

19. The Council make reference to the implications of the development and its impact on landscaping. However, the amount of landscaped area which would be removed would be minimal and there is no substantive evidence before me to demonstrate that this would have a materially adverse impact on design or the public realm such that it would conflict with Policy CC7 of the Local Plan.
20. I note the appellants emphasise that the existing car spaces would be relocated and the level of provision would not be diminished. This maintenance of spaces has a neutral impact on my assessment.
21. The appellants refer to indiscriminate parking on Sentinel End and the fact that this obstructs access to the development and causes congestion for vehicles accessing both the appellants site and the adjoining car dealership. At the time of my visit Sentinel End was heavily congested and it appeared that parking occurs in this manner as adjacent car parks are time limited in the duration which cars can be left. Nonetheless there are other methods available to address such issues and the parking difficulties do not justify the creation of an access which would in its own right create a risk to highway safety on Perkins Way.
22. Similarly, the appellants evidence regarding the loading and unloading of transporters is not directly relevant to the appeal before me as the arrangements for such vehicles would remain unchanged as such it does not affect my findings on the main issue.
23. Mention has been made of the sustainability of the location and its accessibility to bus routes with regular services. However sustainable the general location, this does not outweigh the harm which I have identified.
24. The Councils appeal statement argues that the proposal would compromise the detailed conditions attached to the original permission. Whilst there may be an impact on these conditions by reason of an additional access, I must make my decision on the basis of the appeal before me. I have therefore come to my decision based only on the evidence in relation to a new access and not in relation to the conditions attached to the earlier planning permission.
25. Reference has been made to the Councils' policy on accesses which deals mainly with residential accesses onto classified roads and commercial accesses onto all adopted roads. Details of this policy has not been provided and as a result has little influence on my findings.

## **Conclusion**

26. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed, and planning permission refused.

*Janet Wilson*

INSPECTOR