



Appeal Decision

Site visit made on 3 December 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2020

Appeal Ref: APP/E0345/W/19/3230766

Reading Link Retail Park, Rose Kiln Lane, Reading RG2 0SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Sorbon Estates Ltd against the decision of Reading Borough Council.
 - The application Ref 181860, dated 18 October 2018, was refused by notice dated 15 March 2019.
 - The development proposed is described as 'outline application for a drive-thru coffee shop of 189sqm and a new access at Reading Link Retail Park, Rose Kiln Lane'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline. The application form indicates that approval is only sought for access, whilst appearance, landscaping, layout and scale would be reserved for subsequent determination. I shall therefore determine the appeal on this basis.
3. Since the determination of the application, the Reading Borough Local Plan (LP) has been formally adopted by the Council in November 2019. The policies contained within this document supersede all existing development plans in Reading, including the Reading Borough LDF Core Strategy and the Sites and Detailed Policies Document. I have therefore determined the appeal in accordance with the most relevant and recently adopted policies. The parties have had the opportunity to comment on these as part of the appeal process.

Main Issues

4. The Council has confirmed that the reasons for refusal relating to the absence of sequential test, the parking layout and the effect of the proposal on protected species have been satisfactorily addressed by the appellant as part of the appeal process.
5. For the purposes of this appeal, I therefore consider that the main issues are:
 - The effect of the proposal on highway safety and the free flow of traffic; and
 - The effect of the development on pedestrian safety.

Reasons

Highway safety and free flow of traffic

6. The appeal site comprises a car park which forms part of a retail centre located approximately 1 km South of Reading Town Centre. The site is bound to the North by the Holy Brook and is currently accessed from Rose Kiln Lane (A33), a two-way single carriageway, which is subject to a 40 mile per hour speed restriction and is regarded as an important part of the highway network within Reading.
7. The proposal would include the provision of an additional access onto Rose Kiln Lane, which has notably been assessed against the Council's Geometric Design Guidance for Residential Accesses on to Classified Roads and Commercial Accesses on to Adopted Roads¹ (GDG). Although the GDG does not fully accord with the guidance contained within Manual for Streets or the Design Manual for Roads and Bridges, it is nevertheless in broad conformity with these documents, by setting out specific guidelines and objectives for different types of roads across the Borough.
8. The proposed access would take the form of a priority junction with Rose Kiln Lane, which would be sited just South of the bridge over the Holy Brook. By providing a secondary access for other units within the Reading Link Retail Park, it would in effect re-assign some of the existing right turning traffic from the gyratory junction. The submitted evidence relies on a trip rate analysis for a drive-thru scheme approved by the Council elsewhere in Reading. Having regard to the trip rates for weekday and Saturday afternoon peak hours, this indicates that the proposed drive-thru would only generate a modest increase in the number of vehicle trips on the local highway network. This is not disputed by the Council.
9. The appellant has also carried out junction capacity assessments at peak times, which include a manual count of vehicle movements undertaken between 8am and 9am and between 5pm and 6pm on a weekday to establish existing flows into the car park. The Council is however concerned that the presented evidence does not include a wider assessment of the impact of the whole retail park on the proposed access at the weekend and is consequently unable to ascertain whether a right turn lane should be provided.
10. However, I find that the level of information requested by the Council in that particular regard is unnecessarily onerous for what is a proposal for the construction of a drive-thru located within an existing retail park. Whilst the appeal scheme would enable access to the retail park using the proposed junction, these particular journeys would not represent additional trips onto the network. As noted above, they would simply be re-assigned from the existing gyratory junction.
11. The modelling undertaken by the appellant demonstrates that there is sufficient capacity within the network to accommodate the proposal, and I have not been presented with substantive evidence suggesting that the provision of a secondary access to the retail park would in itself lead to a harmful intensification of the proposed access. Furthermore, having particular regard to

¹ June 2011.

the survey results and the capacity identified by the modelling, the provision of a right turn lane is not warranted in this instance.

12. Traffic and speed surveys have been undertaken by the appellant by way of an Automatic Traffic Counter installed along Rose Kiln Lane within proximity to the site, in order to determine whether suitable visibility splays can be achieved for the proposed access. The surveys have established the 85th percentile speed of vehicles travelling northbound and southbound towards the junction as 28 and 32 miles per hour (mph) respectively. The 85th percentile speed of vehicles was calculated in accordance with TA 22/81 – Vehicle Speed Measurement on All Purpose Roads, which states that the preferred times for taking readings are 10.00-12.00 and 14.00-16.00. Although TA 22/81 has recently been replaced by CA 185, both documents insist that all speed measurements shall be undertaken in free flow conditions.
13. The survey results show that Rose Kiln Lane experiences relatively high volumes of traffic throughout the day. The Council is concerned that the results do not reflect free flow conditions, notably by reason of the site's proximity to the gyratory junction located to the south of the proposed access, and the use of times to establish the 85th percentile, which are not necessarily representative of the hours of operation of the proposed drive-thru.
14. To that effect, the Council has submitted a number of photographs showing vehicles queuing from the signalised gyratory beyond the survey point. Although it is unclear when these pictures were precisely taken, the level of traffic shown on the photographs is nevertheless consistent with my own observations as part of the site visit that I carried out around lunchtime on a weekday.
15. Whilst the appellant confirms that the 85th percentile speeds for the 24-hour periods surveyed are below 37mph, these results clearly show that the 85th percentile speeds are at times higher than those used for the calculation of the visibility splays. Additionally, I have not been provided with detailed evidence to demonstrate that adequate visibility splays could be provided on the basis of a higher 85th percentile. This casts doubt in my mind as to whether the required visibility splays would be sufficient, given that the evidence suggests that vehicles are travelling faster when traffic is less congested. This is particularly relevant as the proposed drive-thru would be likely, by its very nature, to operate for long periods of the day. For these reasons, I cannot be certain that the results of the surveys reflect free flow traffic conditions and can therefore be reasonably relied upon as the basis for the calculation of the suggested visibility splays.
16. The submitted swept-path analyses show that the proposed layout would be very constrained, especially for 18t (8.15m) vehicles entering and exiting the site. Even accepting the appellant's contention that the premises could be serviced by vans no larger than 7.5t (8m), the extent to which vehicles of that size (and larger vehicles, a fortiori) would overrun across the centre of the road illustrates the lack of sufficient tolerance to enter and exit the site safely. This would leave little scope for driver error, not just for delivery but also refuse collection vehicles.
17. In practice, large vehicles travelling northbound on Rose Kiln Lane would be more likely to move over into the oncoming lane in order to manoeuvre into the site in a single turn or reverse back into the site or onto the A33, thus

increasing the risk of conflicts with other users of the highway. The potential for conflicts would further increase by reason of the proposal's access to other units within the retail park. Whilst the appellant suggests that the proposed access would only be used by vehicles servicing the proposed drive-thru, I have not been presented with a mechanism, which would prevent other delivery vehicles from using the proposed access.

18. Although they may reflect the 85th percentile speeds established by the survey results, the restricted width and radii of the proposed access would nevertheless fail to give due consideration to the wide range of factors which Manual for Streets 2 refers to in respect of the provision of additional junctions on existing routes. Having particular regard to the swept-path analyses, the proposed access would appear inadequate and would in all likelihood require potentially dangerous manoeuvres to prevent the risk of collisions between vehicles entering and exiting the site.
19. The appellant suggests that conditions could be imposed to ensure that deliveries and refuse collections do not take place during peak hours, but this would only minimise the potential for collisions. Although such risks cannot be entirely negated, the deficiencies associated with the proposed access and site's layout should be designed out from the outset to ensure that a degree of 'give and take' is not required. Accordingly, I find that the imposition of suitably worded conditions would not overcome the harm which I have identified.
20. Although I accept that any larger radii could have implications for the tree belt located on the edge of the site, this does not provide justification for a proposal which, in its present form, would cause unacceptable harm to highway safety. Additionally, I have not been presented with substantive evidence demonstrating that the appeal scheme represents the only way in which to accommodate the proposal and provide access to the site.
21. In reaching these conclusions, I note that a very limited number of accidents appear to have been recorded in this location over the last few years. However, these data have to be treated with caution, especially because all accidents involving motor vehicles may not all have been reported. And even accepting that accidents may not have been a regular occurrence in this area in the past, this does not eliminate the possibility of them happening in the future.
22. I have also had regard to the appeal decision² which has been brought to my attention by the appellant. However, as detailed above, I am concerned that the proposed layout would make it particularly difficult for large vehicles, including 7.5t vans, to access and service the premises in a safe manner. The absence of a through-route to the rear of the existing retail units would limit to a large extent alternative options for serving the proposed facility. As I have not been presented with suitable alternatives to ensure the safe access and servicing of the appeal site, the imposition of a condition requiring the submission of a delivery, waste and servicing management plan would not, in this particular instance, overcome my concerns.
23. For these reasons, the development would have an adverse effect on the free flow of traffic and prejudice highway safety. It would consequently conflict with the transport strategy set out in LP Policy TR1, and fail to accord with

² APP/E0245/A/11/2167214.

LP Policy TR3 which seeks to resist proposals involving the construction of a new access onto the Classified Highway Network likely to compromise the safe movement and free flow of traffic on the network or the safe use of the road. It would also not accord with paragraph 109 of the National Planning Policy Framework (the Framework), which states that development should be prevented or refused if there would be an unacceptable impact on highway safety.

Pedestrian safety

24. As noted above, the appeal site can be accessed by a range of sustainable modes of travel, which include walking, cycling and public transport. The appeal site currently benefits from several pedestrian access points along Rose Kiln Lane, but also to the rear over the Holy Brook through to Admirals Court. The proposal would include the provision of a dedicated footpath between the Holy Brook bridge and the public footway on Rose Kiln Lane. Despite the restricted width of the footway, the proposal would in that particular regard constitute an improvement compared with the existing situation, by formalising a route to the public highway. That said, this footpath would not improve pedestrian access to the site itself, as people would in all likelihood have to negotiate their way across the drive-thru loop system.
25. By reason of the proposed changes to the site's layout, it is unclear how pedestrians in particular would gain access to the proposed drive-thru. The appellant's submissions indicate that the existing pedestrian access points from Rose Kiln Lane would be retained, but these have not been shown on the proposed plans. Whilst it is argued that this issue could be resolved as part of a subsequent reserved matters application, where further landscaping details could notably be provided, I am required, as part of this appeal, to determine the suitability of the proposed access arrangements.
26. Having regard to the evidence before me, I cannot be certain that the existing pedestrian access points from Rose Kiln Lane would be retained. Despite the improvements to connect the Holy Brook bridge to Rose Kiln Lane, the proposal would overall fail to retain or enhance suitable access to the site by modes of transport other than the private car, which would consequently prejudice pedestrian safety. It would therefore conflict with LP Policies TR1 and TR3 which, amongst other things, seek to ensure that development proposals are not detrimental to the safety of users of the transport network, including pedestrians and cyclists. The appeal development would also not accord with paragraph 108 of the Framework, by not ensuring that safe and suitable access to the site can be achieved for all users.

Conclusion

27. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR