



Appeal Decision

Site visit made on 14 January 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2020

Appeal Ref: APP/J3720/W/19/3234579

Gaydon Service Station, Banbury Road, Gaydon CV35 0HA

- 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 Euro Garages Limited against the decision of Stratford on Avon District Council.
 - The application Ref 18/03008/FUL, dated 3 October 2018, was refused by notice dated 22 May 2019.
 - The development proposed is described as 'Proposed shop extension at side and replacement storage unit at rear (retrospective) and reconfiguration of parking area'.
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Decision

1. The appeal is allowed and planning permission is granted for a shop extension at side and replacement storage unit at the rear and the reconfiguration of the parking area at Gaydon Service Station, Banbury Road, Gaydon CV35 0HA in accordance with the terms of the application Ref 18/03008/FUL, dated 3 October 2018, subject to the schedule of conditions to this Decision.

Preliminary Matters

2. The description of the development that appears on the application form is 'proposed shop extension at side and replacement storage unit at rear (retrospective) and reconfiguration of parking area'. The extensions have already been undertaken and are consistent with the submitted drawings. The alterations to the site layout are proposed and are also shown on the submitted drawings. Accordingly, for the purposes of my Decision, I have relied on the submitted drawings and the development as it appears at the appeal site. Furthermore, as 'retrospective' is not an act of development, I have removed this term from my formal Decision above.

Application for costs

3. An application for costs was made by Euro Garages Limited against Stratford on Avon District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the development on highway safety, with particular regard to visibility splays, trip generation and the site layout.

Reasons

5. Gaydon Service Station is the first site encountered on the eastern side of the B4100 when entering the village from the north. It comprises a petrol filling station

(PFS) which includes 6 petrol filling positions and convenience store which has been extended as part of the appeal scheme. Vehicles enter and exit the service station in a southbound direction. The former grass verge in front of the PFS between its entrance and egress has been replaced by parking spaces orientated at ninety degrees to the road. This, along with the extensions to the PFS, were the subject of a previously refused planning application¹ which was subsequently dismissed on appeal².

6. In the above appeal, based on a traffic speed survey undertaken by the appellant, the Inspector found that in such circumstances, for a vehicle exiting the service station a visibility splay of 2.4m x 59m in relation to oncoming southbound traffic on the same side of the road as the service station, and a splay of 2.4m x 45m in relation to northbound traffic on the opposite side of the road, are sought by Manual for Streets (MfS). The Inspector concluded that due to the arrangement of parking spaces along the front boundary, perpendicular to Gaydon Road (B4100), the proposed visibility splay would be substandard with regard to oncoming southbound traffic. To address this, as part of the appeal scheme before me, the parking area on the original grass verge is proposed to be altered by reducing the number of parking spaces and rearranging its layout. In addition to this another parking space is to be replaced by a kerbed island.
7. As a consequence of the proposed arrangement, the appropriate visibility splays would be achieved as shown on drawing: 160984-PL-104b. In addition, bollards are proposed for the parking spaces along the former grass verge to mitigate against vehicles encroaching into the proposed visibility splays. The details and implementation of the bollards could be secured by a condition, along with the retention of the proposed visibility splays.
8. The principal element of the development is an extension measuring about 35sqm, which is occupied by a Greggs food concession. The trip generation associated with the extension is based on the Trip Rate Information Computer System (TRICS) database, as set out in the appellant's Transport Technical Note 003, March 2019 ('Technical Note'). The analysis has been undertaken for a 'Retail – Convenience Store' land use category (A1 Use Class) and for a 'Fast Food – Drive Through'. The former is consistent with the use class for the extension identified on the application form.
9. The appellant advises that because no comparative village sites are available in the TRICS database, sites in suburban or edge of town locations have been selected with populations of less than 25,000, and 10,000 within 1 mile of the site, to better reflect the rural location of the site. The results from the TRICS assessment based on trip generation rates for the AM and PM peak hours for the extension indicate that for all the various scenarios used in the assessment, it generates limited trips. This is without considering the potential for linked trips with the PFS and the existing convenience store use.
10. Drawing on the foregoing reasons, the trip generation assessment is robust and the increase in traffic arising from the extension is negligible. As such, I do not consider it necessary for the application to be supported with a Transport Statement, which based on the National Planning Policy Framework (2019) ('the Framework') is required for developments that will generate significant amounts of movement.

¹ 16/02749/FUL

² Appeal Decision APP/J3720/W/17/3190869

11. Turning to the site layout, having regard to the appellant's 'Pre-Existing Site Plan'³ and the 'Proposed Site Plan'⁴, the main changes are the provision of parking spaces on the former grass verge area and along the southern boundary of the site.
12. The proposed arrangement of parking spaces on the former grass verge would retain a similar gap to that which originally existed between the grass verge and the fuel pumps. Whilst I acknowledge that vehicles reversing into these parking spaces may delay drivers wanting to access the fuel pumps, this is unlikely to be to such an extent as to result in the queuing of traffic within the site and the highway.
13. There is potential for the parking of vehicles larger than cars in the proposed parking spaces. Nevertheless, based on the analysis on its traffic count data (dated 2017) and as set out in its Technical Note, the appellant has calculated that the proportion of vehicles with a trailer passing the site in a week is about 256. It is further stated that PFS typically attract between 4% and 7% of passing traffic suggesting that between 10 and 18 vehicles with trailers would visit the site each week, an equivalent of about 2 to 4 vehicles with a trailer per day. In light of this and in the absence of any substantive evidence to suggest otherwise, it is unlikely that the parking of vehicles larger than cars would cause any significant congestion within the site.
14. The appellants swept path analysis demonstrates that as well as a large car, a box van and light van, along with a car and attached trailer would be able to manoeuvre through the site. Additionally, the increase in parking spaces on the site from 8-20 would improve the overall efficiency of the site.
15. Although the height of the canopy restricts Heavy Goods Vehicles (HGVs) from accessing the fuel pumps at the PFS, this does not preclude drivers of such vehicles and other large commercial vehicles from using the site for its retail offer. Nonetheless, given the modest trip generation associated with the extension, the extent of HGVs and large commercial vehicles accessing the site as a consequence of the development would be limited.
16. There is some evidence of inconsiderate parking on the adjacent highway near the site, it has also been suggested by a third party that this has resulted in an accident. However, on the information before me, I cannot be certain that this is as a direct consequence of drivers wanting to access the extension, subject of this appeal. Furthermore, the Highway Authority has not raised any specific issue in relation to this particular matter.
17. For the above reasons and subject to conditions, the proposed visibility splays and site layout, along with the trip generation associated with the development would not have any significant impact on the efficient operation of the site or on the safe and efficient operation of the local highway. Consequently, the development would not harm highway safety and accords with Policy CS.26 of the CS which states that development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.
18. The development is also not contrary to Policies LUT8, RS22 and RS25 of the Warwickshire Local Transport Plan 2011-2026 (TP) which along with other matters

³ Plan No. 160984-PL-102

⁴ Plan No. 160984-PL-104b

set out the County Council's role in managing safety across the whole road network, and the responsibilities and requirements for undertaking Safety Audits.

19. Accordingly, I also find no conflict with the relevant provisions of the Framework, in respect of access and highway safety.

Other Matters

20. I am aware of a previous dismissed appeal⁵ which included the appeal site. On the available information that scheme related to a complete redevelopment of a larger site and proposed a different quantum and layout of development to the scheme before me. As such, the two schemes are not comparable, and therefore the dismissed appeal does not alter my findings on the appeal before me.
21. In addition to the main issue, a number of other matters were raised by neighbours at the planning application stage, including the effects of noise, external lighting and the opening hours of the PFS on their living conditions. Those issues were addressed in the Council's Delegated Report and, although I have also considered them, they do not lead me to alter my decision. Also, neighbours allege littering and vermin arising from the extended PFS. However, I have no substantive evidence to support these allegations. Moreover, the Council's Environmental Protection Officer has not raised any specific issues in relation to the above matters.

Conditions

22. As the extensions have already been completed, it is not necessary for me to impose the statutory time limit condition or approve the relevant drawings relating to these by condition. However, I have included a condition specifying the proposed layout as this provides certainty. Limited details have been provided in respect of the designs of the proposed bollards and bin compound. The details, implementation and retention of these, along with the implementation and the retention of the proposed parking spaces, the kerbed island and visibility splays are necessary for the satisfactory functioning of the appeal site and in the interests of highway safety (Condition 2).
23. The purpose of Condition 2 is to require the appellant to comply with a strict timetable for dealing with the matters therein, in order to make the development acceptable. Condition 2 is drafted in the format set out above because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of this condition is therefore to ensure that the development authorised by the grant of planning permission may only continue if the appellant complies with its requirements.

Conclusion

24. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

⁵ APP/J3720/W/18/3210224

SCHEDULE OF CONDITIONS

- 1) Notwithstanding the requirements of Condition 2 below, the development shall be completed in accordance with approved drawing: 160984-PL-104b.
- 2) Unless within 2 months of the date of this decision a detailed scheme for bollards to be installed to the proposed parking spaces 15-20 (inclusive) and the proposed bin compound as indicated on approved drawing: 160984-PL-104b, is submitted in writing to the local planning authority for approval, and unless the approved scheme, along with the marking out of the proposed parking spaces, the installation of the kerbed island and provision of visibility splays as also shown on drawing: 160984-PL-104b have been implemented within 4 months of the local planning authority's approval, the use of the side extension to the shop, as shown on submitted Drawing No: pln039.02.A2.D shall cease until such time as a scheme is approved and implemented.

If the detailed scheme for bollards to be installed to the proposed parking spaces 15-20 (inclusive) and the proposed bin compound as indicated on approved drawing: 160984-PL-104b, in accordance with this condition are not approved within 2 months of the date of this decision, the use of the side extension to the shop, as shown on submitted Drawing No: pln039.02.A2.D shall cease until such time as a scheme approved by the local planning authority, along with the marking out of the proposed parking spaces, the installation of the kerbed island and provision of visibility splays as also shown on drawing: 160984-PL-104b have been implemented.

Upon implementation of the approved scheme, along with the marking out of the proposed parking spaces, the installation of the kerbed island and provision of visibility splays as shown on drawing: 160984-PL-104b and specified in this condition, these shall thereafter be maintained and retained for the life of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.