



Appeal Decision

Hearing Held on 10 December 2019 and 18 February 2020

Site visit made on 18 February 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/Y3425/W/19/3227057

Land off A34, Stone ST15 0PX

- 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 EG Group and Greene King, against the decision of Stafford Borough Council.
 - The application Ref 18/28480/FUL, dated 2 May 2018, was refused by notice dated 18 January 2019.
 - The development proposed is demolition of existing buildings and erection of petrol filling station, canopy and ancillary retail sales and the erection of a drive through restaurant with ancillary parking and landscaping and access off the A34.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of its appeal submissions and in accordance with the appeal timetable, the Council commissioned a Road Safety Audit Stage 1 (RSA). Although document GG119: Road safety audit, provides guidance on the production of RSAs in relation to the Strategic Road Network, there is nothing before me to suggest that the Council cannot commission and submit a RSA for a new crossing on an existing highway, as part of its case at appeal. On the available information, I am satisfied that the RSA was undertaken independently and competently. Furthermore, the appellant has provided a rebuttal to this in the form of Technical Note 1, December 2019 (TN1). I have therefore had regard to these documents in determining the appeal.

Application for costs

3. An application for costs was made by EG Group and Greene King against Stafford Borough Council and vice versa. These applications are the subject of separate Decisions.

Main Issue

4. The main issue is the effects of the proposed development on highway safety having regard to, vehicular trip generation, the sites access and egress arrangements and pedestrian and cyclists accessing the site.

Reasons

5. The appeal site forms the central section of a gyratory where the A34 meets the A51. The gyratory is a two-lane, one-way roundabout. Footways are provided on the outside of the gyratory and also along the western side of the inside of the gyratory where access is provided to the site. This site is occupied by the Darlaston Inn Hungry Horse public house / restaurant and an indoor children's play centre (Wacky Warehouse), both of which are closed. The site includes a picnic area carpark with about 100 spaces. The site is designated as Green Belt and its eastern boundary adjoins the Meaford Conservation Area.
6. The proposed development would consist of an eight-pump petrol filling station (PFS) with associated retail unit and a separate restaurant with a drive-thru facility, along with associated parking facilities. This development would utilise the site's existing access and egress junction located on the gyratory.
7. Based on the speed surveys undertaken by the main parties, average vehicle speeds approaching the site access are below the 50mph speed limit along the gyratory.
8. As set out in the appellants' Transport Statement (TS) and based on the Trip Rate Information Computer System (TRICS) database, the vehicle movements resulting from the proposed development would be around 100 each-way in the peak hours. This equates to about less than two vehicle movements a minute in either direction. Furthermore, according to the appellant, the majority of these trips would be drawn from traffic already on the local highway network. I have no clear reasons to dispute this evidence.
9. Based on the TS, four accidents have been recorded across the junction of the appeal site. Three of these were recorded as slight, whilst one has been recorded as serious. The Council advises that in the most recent three-year period, three bicycle accidents have occurred. These involved vehicles entering the gyratory and colliding with cyclists.
10. Although neither party has provided any supporting documentation on the above accidents, the appellants' traffic flow data for the gyratory shows a total junction inflow of just over 2,900 vehicles during the AM peak hour and just over 2,800 during the PM peak hour. Against this background and based on the information before me, the gyratory and the existing access and egress arrangements for the appeal site operate relatively efficiently and safely. Furthermore, the vehicle movements arising from the proposed development would only account for a small percentage of the overall inflow and are unlikely to significantly affect the volume of traffic along the gyratory, and in relation to those vehicles leaving the site and joining the gyratory.
11. The proposed development would provide limited facilities for Heavy Goods Vehicles (HGV), particularly in respect of parking. As such, other than infrequent fuel deliveries and operational vehicles, the proposal is unlikely to generate any significant HGV movements. Furthermore, the appellants' vehicle tracking information shows that such vehicles would be able to adequately access and manoeuvre through the PFS.
12. There is an existing access lane within the gyratory along with additional space within the site for vehicles to queue. Furthermore, on average the gap between vehicles entering the site is over 30 seconds. As such, there would be sufficient

space for vehicles to avoid queuing onto the gyratory, which is a particular concern raised by the Council.

13. For the above reasons, I find that the vehicular trip generation and use of the site's existing access and egress arrangements are unlikely to adversely affect the safety of motorists and cyclists using the highway network.
14. Despite the proposed development being largely aimed at vehicles using the existing road network, the TS acknowledges that the site will allow for journeys by walking, cycling, and public transport to be undertaken, particularly by staff. The site has no dedicated access across the gyratory for pedestrians, and it is of note that the existing development on the site could be operated without such provision. However, the proposal is for the redevelopment of the site and Paragraph 108 of the National Planning Policy Framework (the Framework) requires new developments to make provision for safe and suitable access to the site for all users, including pedestrians.
15. Furthermore, the addition of a retail unit albeit offering a convenience offer along with a restaurant, which the appellant confirmed at the Hearing would be occupied by KFC, are likely to attract visitors by foot, in particular given the limited availability of such facilities in the vicinity of the nearby dwellings and businesses, including a larger residential area (Whitebridge Housing Estate) which is about 1km from the site.
16. The proposed scheme includes a formal uncontrolled pedestrian crossing across the gyratory. This would incorporate dropped kerbs, tactile paving and a surface dressing to highlight its presence. The crossing would be supported with two sets of 'SLOW' markings on approach.
17. Whilst the forward visibility splay for the new pedestrian crossing would be sufficient for the proposed reduced speed of 40mph along the gyratory, the visibility is partly achieved over land which is outside the appeal site as edged red on the appellants' site location plan. As such, I cannot be certain that this would be maintained, and also that the reduction in the speed to 40mph would be secured through a Traffic Regulation Order.
18. Moreover, the proposed crossing would be adjacent to an extensive dropped kerb which serves the frontage of a vehicle showroom and vehicles pull off and onto this area. In addition, drivers approaching the new pedestrian crossing would be observing vehicles entering the gyratory from the south arm of the A34, which is located before the location of the proposed new crossing. There would also be drivers undertaking lane changes to use different access points off the gyratory, some of which are in proximity of the proposed location of the crossing. Cumulatively these factors would serve as distractions to drivers approaching the new pedestrian crossing and would also negatively affect the confidence of pedestrians wanting to use an uncontrolled pedestrian crossing along a busy gyratory.
19. Drawing on the above reasons, and despite the appellants' commitment to dealing with some matters highlighted in the RSA at detailed design stage by a condition, I have significant concerns over the safe use of the proposed uncontrolled pedestrian crossing.
20. Consequently, I conclude that the proposal would have an unacceptable impact on highway safety in respect of failing to provide a safe and suitable access for

pedestrians wanting to access the proposed development. Therefore, it would be in conflict with Policy T1(h) of The Plan for Stafford Borough 2011-2031, which does not permit development that cannot be accommodated in terms of road safety.

21. Accordingly, the proposal also conflicts with the Framework, which amongst other things states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters.

22. The proposal would result in the redevelopment of a vacant and previously developed site, which would create job opportunities and bring other associated benefits. However, such benefits do not outweigh my significant concerns in respect of highway safety and the overall conflict with the development plan.
23. At the request of the Council, the appellants have provided examples of developments located within roundabouts. Nevertheless, based on the limited information before me these are different to the appeal scheme in terms of uses, highway geometry, details of crossings and speed limits. As such, I am unable to draw any meaningful conclusions. In particular, given my findings are based on the site-specific circumstances of the appeal site and scheme before me.
24. Concerns in respect of the proposed development being inappropriate development in the Green Belt and failing to preserve the character and appearance of the setting of the Meaford Conservation Area were dealt with in detail in the Council's officer report. I have also considered these and on the evidence before me I have no clear reasons to reach any different conclusions.
25. None of the other matters raised, by other interested parties, alter or outweigh my overall conclusion on the main issue.

Conclusion

26. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Lydia Harper
Thomas Jeremiah
Gavin Snowball

PWA Planning
Euro Garages
Dynamic Transport Planning

FOR THE LOCAL PLANNING AUTHORITY

Mark Alford BA (Hons) Dip TP, MRTPI
James Long BA (Hons) MSc CEng MICE CIHT

Stafford Borough Council
Staffordshire County Council
Highway Authority

INTERESTED PERSONS

Brian Fletcher

Representing Stone Rural
Parish Council

DOCUMENTS SUBMITTED DURING OR AFTER THE HEARING

1. Council's written request for an adjournment of the Hearing.
2. From the appellant an extract from 'Traffic Signals Manual'.
3. Council's application for costs.
4. Council's response to applicant's TN1.