



Appeal Decision

Site visit made on 28 March 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/C1625/W/22/3303507

Land at Box Road, Cam, Grid Ref 375253, 202039

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bathurst Ltd against the decision of Stroud District Council.
 - The application Ref S.22/0274/REM, dated 4 February 2022, sought approval of details pursuant to condition No 1 of planning permission Ref S.15/2804/OUT, granted on 21 December 2017.
 - The application was refused by notice dated 25 May 2022.
 - The development proposed is a mixed use development comprising up to 450 dwellings, 10.7 hectares of employment land for Use Classes B1, B2 and B8 with associated parking and servicing; open space and landscaping including riverside park; flood storage ponds and infrastructure; creation of new vehicular accesses to Drayton (A4135) and Box Road and supporting infrastructure and utilities.
 - The details for which approval is sought are: construction of roundabout and part of service road to provide access to Phase E1 (employment) of the development permitted under outline planning permission ref S.15/2804/OUT.
-

Decision

1. The appeal is allowed and the reserved matters are approved, namely construction of roundabout and part of service road to provide access to Phase E1 (employment) of the development permitted under outline planning permission ref S.15/2804/OUT submitted in pursuance of condition No 1 attached to planning permission S.15/2804/OUT dated 21 December 2017 subject to the following condition:
 1. The development hereby permitted shall be carried out in accordance with the following drawing numbers: Location Plan, Drawing Number: AL.P.001A; General Arrangement, Drawing Number: H01C; Setting out Information, Drawing Number: H02C; Traffic Signs and Road Markings, Drawing Number: H03C; 16.5m Articulated Vehicle Swept Path Analysis, Drawing Number: SP03C.

Applications for costs

2. An application for costs was made by Bathurst Ltd against Stroud District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The results of a traffic survey along Box Road are included with the appellant's final comments. The survey was carried out to inform the development of an

adjacent site and was undertaken in September 2022, following the submission of the appeal.

4. The appeals procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'¹. The information is material to my assessment of the Council's first reason for refusal and would not have been available at the time the appeal was submitted. The Council has been given the opportunity to comment on this additional information. Accordingly, it is reasonable to accept the traffic survey and I have assessed the appeal on the basis of this additional information.

Main Issues

5. The main issues are:

- the effect of the proposed roundabout on the access arrangements to the housing site on the opposite side of Box Road; and
- the effect of the proposed roundabout's arrangement on the safety of road users, with particular reference to cyclists.

Reasons

Housing site opposite

6. The appeal site relates to land allocated for employment uses to the east of Box Road and located a short distance from the town's railway station. It forms part of a sizeable strategic area with outline planning approval² for housing, employment, open space and associated infrastructure that will significantly boost homes and jobs in the Borough ('the Millfields site'). The concept masterplan relating to that permission fixed the general arrangements for the various land allocations, including the point of access into the appeal site. This comprised a 3-leg roundabout junction. However, the detailed approval of its arrangement and design would need to be considered through this reserved matters procedure.
7. The submitted drawings show access into the site coming off a limb of a new 3-leg compact roundabout that would, in part, require works to the public highway along Box Road. This is largely consistent with the location of the masterplan's concept design.
8. The field to the west of the appeal site, and on the opposite side of Box Road has outline planning permission, with access approved, for 42 dwellings (the Hallam site)³. Condition No 15 of that consent provides a site access option that would essentially connect to the 3-leg roundabout junction serving the appeal site, thus creating a 4-leg roundabout. With the inclusion of that access, the general shape, geometry and alignment of the 3 remaining limbs would be consistent with the proposed roundabout shown on the appeal drawings.

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

² Local Planning Authority Approval Ref. S.15/2804/OUT, dated 21 December 2017.

³ Local Planning Authority Approval Ref. S.18/2697/OUT, dated 16 June 2022.

9. In approving the 4-leg roundabout option that will serve the Hallam site, the Council would have been satisfied, from a highway safety perspective, that this option could work in unison with access to the appeal site.
10. The access to the Hallam site, and therefore the fourth leg, would primarily encompass public highway land. This land would be outside the appeal site and the area controlled by the appellant. The geometry and alignment of the proposed roundabout, where it is contained within the appeal site, could be maintained comfortably whilst still allowing for the inclusion of the Hallam scheme's access. Any adjustments to the proposal's design, to include the fourth leg could be made during the final design audit that would likely take place through S.278 of the Highways Act, under a separate application procedure.
11. Accordingly, there would be nothing preventing the developer of the Hallam scheme from creating a fourth access off the roundabout. Moreover, in this event, I have been given no technical evidence to suggest that the creation of the fourth limb off the appeal roundabout would prevent access in and out of the appeal site.
12. I am further persuaded that access to the Hallam site would not be prejudiced given that its developers have not objected to the appeal proposal. Moreover, they have appointed, according to the appellant, the same transport consultant to ensure that the schemes are fully aligned in advance of consent required under the S.278 of the Highways Act. Indeed, there appears to be an appetite from both developers for a coordinated approach in setting out the final design details as part of the S.278 application, that would follow any approval I give in this case. I am also assured, based on the evidence presented, that the developer of the Hallam scheme would be able to comply with Condition 15 of that consent and not be in a position where they could not comply with its terms.
13. The Council have provided no technical details that the inclusion of a fourth leg connecting to the roundabout of the appeal scheme could not be achieved, while at the same time preventing safe access into the appeal site; nor do I have any indication that a fourth limb would harm vehicular and pedestrian safety as it relates to the proposal.
14. Based on the above, the proposed roundabout would not harm the access arrangements to the housing site on the opposite side of Box Road. It would therefore comply with Policies CP14 (12) and ES12 of the Stroud District Local Plan 2015 (Local Plan) which amongst other things require the design of schemes to offer flexibility for future needs and uses and are not prejudicial to the development of others.

Cycle safety

15. Box Road is the main highway connecting Cam to its train station, while serving as the main access route to the northern portion of the Millfields site. It is a relatively narrow carriageway yet can accommodate two-way traffic for most of its length. There are no cycle lanes along the road, however, a new dedicated cycle and walking route is proposed to the rear of the Millfields site.
16. Guidance for the design of cycle infrastructure is provided in the Department of Transport's Local Transport Note 1/20 (July 2020) ('LTN 1/20'). It states that

compact roundabout designs have a tighter geometry that encourages lower speeds. This allows cyclists to pass through them in the primary position. Motorists are unable to overtake cyclists on the entry, circulatory carriageway and exit lanes because of the limited width of these roundabouts⁴.

17. LTN 1/20 further indicates that compact roundabouts without protected space for cycling should only be used in conditions where cycling within the carriageway is appropriate on the approaches to the junction and are generally suitable for a total junction throughput of up to around 8,000 Passenger Car Units (PCUs)/day. At higher flows or speeds, protected space will be required on compact roundabouts⁵.
18. The proposed roundabout has been subject to a Stage 1 and 2 Road Safety Audit, along with proposals that modify its design. These include reducing the exit widths to encourage lower speeds and prevent collisions where two vehicles seek to exit side by side. Other than matters relating to street lighting the audit has assessed the risk of collision occurring at the roundabout as low. The scheme would, according to the appellant, accord with the Design Manual for Road and Bridges (DMRB). The Council's Transport advisers have not challenged that assertion with any evidence; therefore, I have no reason to disagree.
19. Given the compact geometry, relatively narrow lanes coming off it, as well as the expected low speeds, I am not persuaded that the roundabout's design would lead to any adverse risk to the safety of cyclists from larger vehicles.
20. Furthermore, the submitted traffic survey indicates that the average daily vehicle movements along Box Road range between 3,362 and 3,688 over a 5-day and 7-day period. These volumes would be significantly below the suitability threshold, where protected space requirements for cyclists are required by the LTN 1/20. Judging by the scale of development proposed at the Hallam and appeal sites, the end uses would be unlikely to double the volume of movements along Box Road.
21. While traffic volumes along Box Road could increase above those indicated because of further development nearby, I have no forecasts indicating that they would increase above the threshold where separate cycling space for the roundabout is required.
22. I have found that vehicle movements are likely to comply with the threshold for a compact roundabout to be acceptable, while incorporating a geometry that engenders lower vehicle speeds.
23. I acknowledged there would be no segregated lanes for cyclists along Box Road and through the roundabout. With the prospect of some HGV traffic accessing employment uses at the appeal site, the route to the railway station could prove to be unattractive to some cyclists, be perceived as unsafe, and possibly discourage cycling locally.
24. However, the dedicated cycle route to the rear of the Millfield's site would provide a safer and more attractive option for cyclists wishing to access the station to and from the direction of Cam. I am therefore satisfied that any

⁴ Paragraph 10.7.28

⁵ Paragraph 10.7.29

perceived harm to cyclists because of the lack of segregated lanes, can be addressed by the new route.

25. The proposed roundabout's arrangement would have an acceptable effect on the safety of road users, with particular reference to cyclists. It would accord with Policies CP14(13), ES3(5), ES12, EI12 and E13 of the Local Plan as well as guidance in LTN 1/20. Together, these require, amongst other things, that proposals are designed to avoid conflicts between vehicles and cyclists, are of no detriment to highway safety, connect to existing infrastructure and contribute towards new and improved walking and cycling facilities, and mitigate any significant adverse effects upon the transport network.

Other Matters

26. Matters relating to road signage provision would need to be assessed outside of this appeal. As for provision of cycleways for commuters, this matter has been addressed in my assessment of the second main issue.

Conditions

27. A condition requiring the implementation of the scheme in accordance with the approved plans is necessary.

Conclusion

28. For the reasons given I conclude that the appeal should succeed.

RE Jones

INSPECTOR