



Appeal Decision

Site visit made on 9 July 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/N0410/W/24/3338793

**McDonalds Restaurant, 37 Oxford Road, New Denham, Denham,
Buckinghamshire UB9 4DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Bainbridge (Instavolt Ltd) against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/2986/FA.
 - The development proposed is described as "InstaVolt are proposing to install two rapid electric vehicle charging stations within the car park of McDonalds. Three existing parking spaces will become EV charging bays, along with associated equipment."
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Decision

1. The appeal is allowed and planning permission is granted for installation of two rapid electric vehicle charging stations within the car park. Three existing spaces will become EV charging bays, along with associated equipment at McDonalds Restaurant, 37 Oxford Road, New Denham, Denham, Buckinghamshire UB9 4DA in accordance with the terms of the application, Ref PL/23/2986/FA, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 10376-0669_01 revision S2, 10376-0669_02 revision B, 10376-0669_03 revision B, 001_27 revision A and 001_29 revision A.

Application for costs

2. An application for costs has been made by Mr Steven Bainbridge (Instavolt Ltd) against Buckinghamshire Council. This application is the subject of a separate decision

Preliminary Matters

3. The name of the appellant in the header is taken from the appeal form. The application form gives the name of a different person, albeit from the same company. I have proceeded on the basis the company is the appellant.
4. The description of the development in the header is taken from the application form. The appeal form sets out a different description but the set of emails provided by the appellant provides no confirmation that this is agreed to by the Council. The Council's decision notice includes a description of development that is largely based upon that on the application form although it omits superfluous information on the name of the appellant and the location of the

site. My assessment is based on this description and I have used it in my decision.

5. On my visit I saw the development has already been carried out, seemingly in accordance with the appeal drawings. I have considered the appeal on the basis that the development has commenced.
6. The appellant has provided a revised site location plan, block plan and site layout plan with the appeal that were not before the Council at the time it made its decision on the planning application. These drawings do not fundamentally change the appeal development but provide updated information on the layout of the car park. The Council has had the opportunity to comment on these drawings through the appeal process. I am satisfied no prejudice or injustice would be caused by basing my decision on the amended plans.

Main Issue

7. The main issue is the effect of the development on highway safety.

Reasons

8. The appeal site forms part of a car park to the front of a McDonalds restaurant and with an access from the Oxford Road (A4020). Parking spaces are off a one-way circular route around the car park that also leads to the entrance of a separate route to the drive-through kiosks.
9. From my observations the A4020 is a busy route. As it passes the site the road is straight and subject to a 30mph speed limit. Near to the car park access is a bus stop and a signalised pedestrian crossing. The junction of Oakside with the A4020 lies on the opposite side of the road to the car park entrance. Close to the site there are 2 petrol filling stations and several commercial buildings, all with vehicular accesses off the Oxford Road. There are right hand turn filter lanes in the carriageway just before the entrance into McDonalds and also leading to Oakside and properties on the opposite side of the road.
10. The parties disagree on the number of spaces within the car park. This is at least partly explained by the uncertainty as to whether spaces for drivers waiting in front of the drive-through kiosks should be counted as parking. The Council suggests there are currently 35 spaces and so less than the 37 as required under the terms of the Buckinghamshire Countywide Parking Guidance 2015 (Parking Guidance). Irrespective of the number of spaces provided, the appellant accepts there are times when the car park is full. On my visit during the early afternoon, I saw most of the spaces were occupied with a steady turnover of vehicles arriving and leaving. I would envisage that at busier times, drivers arriving at the site may not be able to quickly find a place to park.
11. The development has resulted in the net loss of a single parking space. Moreover, the replacements provide an additional electric vehicle charging service that previously did not exist. Accordingly, they may attract drivers who otherwise would not have visited the McDonalds site. Also, due to the charging equipment and surface markings, drivers may consider these spaces to be only for electric vehicles and so drivers of petrol-powered cars may not use them. As such, it is reasonable to expect the development will increase the times when visitors would be unable to find a parking space.

12. The Council is concerned that in such circumstances, ad hoc parking will occur within the car park, particularly given parking restrictions on the A4020 and nearby roads. It is suggested that ad hoc parking may prevent easy circulation around the site so as to prevent or delay drivers from entering the car park from the A4020. There is concern that such obstruction would prevent the free flow of traffic on the road and so prejudice highway safety.
13. From my observations during a fairly busy period, it would seem the layout of the car park generally enables drivers to enter the site and to circulate in order to find a parking space. The access allows those leaving the site to not obstruct those entering the car park. Also, the drive-through is away from the entrance and there is a fairly long drive around the building that allows queuing for the kiosks without obstruction to drivers using the car park.
14. Photographs provided by the Council show vehicles stationed outside of defined parking spaces. However, the images fail to demonstrate that this ad hoc parking will always lead to significant obstruction to vehicular movement. Indeed, they appear to illustrate the main circulation route is passable even when vehicles are left on parts of the car park outside of marked spaces.
15. Nonetheless, I would envisage a significant number of drivers entering the site and looking for parking spaces at busier times. In such situations, vehicular movement around the site may be hindered due to drivers having to wait for spaces to become available. The loss of parking opportunities as a result of the development may exacerbate these effects, although the reduction is modest in terms of the overall provision.
16. However, even if inadequate parking provision affects the time it takes to drive onto the site, it is unclear as to how any minor delay would adversely affect traffic flows. An existing filter lane allows drivers to wait to turn right into the site without obstructing traffic travelling along the road. The long filter lane serves the adjacent petrol filling station as well as the McDonalds and so it can accommodate several waiting vehicles. Also, drivers could potentially use the right hand turn filter lanes to Oakside and the properties opposite to avoid and to pass vehicles waiting to turn left into the McDonalds site.
17. Moreover, I noticed that local traffic does not consistently flow given the slowing and stopping of vehicles associated with the nearby bus stop, the pedestrian crossing and the several accesses to commercial properties. These features and the fairly low speed limit encourage careful and considered driving. Also, as the road is straight, there is good forward visibility for drivers to spot vehicles ahead that are slowing down or have stopped. The Council advises that there has been no personal injury accidents within the vicinity of the site in the last 5 years. This provides evidence that the highway's design promotes safe driving, despite heavy traffic and several access and egress points in close proximity.
18. In summary, I find the development would have only a minor effect on the site's capacity to accommodate parking and associated traffic movements. This may lead to more vehicles having to wait on the A4020 to enter the car park but this is likely to be a modest increase at the busiest of times. Moreover, the nature of the properties in the area and of the road near to the site means that slowing and stopped vehicles in the highway are fairly commonplace. There is no substantial evidence to suggest these significantly prejudice safety. Given

this context, any additional queuing in the highway as a result of the proposal is likely to be modest and it would not be unduly detrimental to road safety.

19. Consequently, I conclude the development would not have an unacceptable effect on highway safety. In these respects, it would accord with the terms of paragraph 115 of the National Planning Policy Framework, which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Also, I find no conflict with the referred to parts of the Buckinghamshire Council Highways Development Management Guidance 2018 and Buckinghamshire Local Transport Plan 4 adopted 2016. The development may lead to a shortfall in parking provision compared to standards in the Parking Guidance but for these reasons given above, this conflict provides insufficient justification to refuse planning permission.

Condition and Conclusion

20. In line with the Council's suggestion and in the interests of clarity, I have attached a condition listing the approved plans. This refers to the revised drawings provided with the appeal and on which my decision is based.
21. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR