



Appeal Decision

Site visit made on 20 August 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/P0119/W/24/3340698

122 Station Road, Yate, South Gloucestershire BS37 4PQ

- 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 Mrs Julia Holbrook against the decision of South Gloucestershire Council.
 - The application Ref is P23/01835/F.
 - The development proposed is relocation of bus shelter. Creation of new vehicular access on to Station Road (a Class A highway) and associated parking provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the application form. The appellant has used this revised description in the appeal form and so I am satisfied that no party would be prejudiced as a result.
3. As part of the appeal, the appellant has provided an amended plan showing the provision of a turntable within the site. The Council has commented on this and so I consider that no party would be prejudiced if I take this amended plan into account. I shall therefore determine the appeal on the basis of this plan. I have also taken into account the appellant's Transport Notes 1 and 2.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The site consists of a terraced dwelling and its frontage garden, in an area of commercial and residential uses. A bus stop, shelter and raised kerbing are located immediately outside the appeal property and its neighbour 124 Station Road. The appeal dwelling has no on-site parking and restrictions apply to the road. Instead, its occupiers had an arrangement to use a commercial car park adjacent to 126 Station Road. However, planning permission¹ has now been granted to develop that site into five dwellings, preventing the arrangement from continuing.
6. The proposal seeks to create a single parking space within the front yard of the appeal site, together with a new dropped-kerb vehicular access directly off

¹ LPA reference P22/01551/F

Station Road. To achieve this, the bus stop, shelter and road markings would be relocated, to be outside number 116A Station Road. As a result of the proposal, vehicles entering or leaving the proposed parking space would have to undertake a reversing manoeuvre within Station Road.

7. Accident data shows no recent collisions from vehicles using existing driveways on Station Road, though there have been other collisions. My visit represents only a snapshot in time, but I saw that the road was busy with vehicular traffic. No specific guidance prohibiting reversing onto A-roads has been identified to me. Even so, I am concerned that such manoeuvres would be inherently risky and result in conflict with other road users. These include vulnerable cyclists using the cycle lane.
8. The proposed turntable is intended to allow vehicles to enter and leave the space in forward gear. However, I have few details of how it would operate or its potential for failure. There is also no dispute that its size would be too small for some vehicles, for example larger cars. As a result, the turntable would not necessarily avoid the need for vehicles to reverse within the carriageway. It does not therefore overcome my concerns.
9. The proposal would reduce the likelihood of vehicles serving the appeal property waiting on the double yellow lines whilst loading or unloading. Repositioning the bus shelter would also provide marginally better visibility for those leaving the site at 126 Station Road, including the housing recently permitted. However, the relocated bus shelter would reduce the visibility available to drivers using existing accesses at 106 to 116A Station Road including where reversing manoeuvres are also required, thereby adding to the risks.
10. Furthermore, the position of the relocated bus stop would be closer to the junction with Mow Barton than currently. As a result of the proposal, vehicles using Station Road travelling west and overtaking a bus at the stop would conflict with those leaving Mow Barton and heading east. Consequently, there would be a very real potential for collision between such vehicles. For the above reasons, I am concerned that the proposal would risk the safety of road users.
11. Examples of other accesses without on-site turning have been drawn to my attention. These include those at numbers 18, 48, 54 and 106-120 Station Road, the nearby Parish Hall, Community Centre and Nursery, and elsewhere. Many of these accesses are historic. Others are close to traffic lights which would provide manoeuvring opportunities into queuing traffic. None appeared to involve the relocation of a bus-stop or result in the same risks as the proposal. As such, I cannot draw useful comparison between the proposal and the other accesses.
12. The current location of the bus stop and shelter is constrained by the narrow width of the pavement. Government Guidance² refers to a minimum standard which the proposal would not meet. However, this only applies in newly built areas, rather than at the appeal site. For existing stops, the Guidance permits a minimum width, which would be exceeded by the proposal. The relocation would therefore benefit footway users and bus passengers by providing a wider

² Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021)

space. Nevertheless, given the small amount of space involved, this benefit does not justify the adverse effects I identify above.

13. For the reasons given, the proposal would have a harmful effect on highway safety. It would therefore conflict with Policy CS8 of the South Gloucestershire Core Strategy, adopted December 2013 and policies PSP11 and PSP38 of the South Gloucestershire Policies, Sites and Places Plan, adopted November 2017. These require proposals, including within residential curtilages, to be safe and not compromise highway safety. The proposal would similarly conflict with the aim of Paragraph 114 of the National Planning Policy Framework for safe and suitable access for all users. As such, I give this conflict substantial weight.

Other Considerations

14. I am mindful that the proposal would provide parking and access for the occupiers of the property, at least one of whom is disabled, with little if any on-street parking available locally. In reaching my decision, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, including the protected characteristic of disability. Article 8 of the Human Rights Act 1998 requires that decisions should ensure respect for private and family life and the home. I have kept these interests at the forefront of my mind, but they are qualified rights and interference may be justified where in the public interest.
15. Dismissal of the appeal may well adversely affect those with a protected characteristic. I have given due regard to the need to eliminate discrimination and promote equality of opportunity, and to the benefits to the occupiers. Even so, the permanent effects of the proposal would remain long after such personal circumstances may have changed. I therefore give these benefits moderate weight. Electric vehicle charging could be installed as part of the proposal, but as this would only serve private vehicles, the public benefits would be very limited.
16. Separate Highway Authority approval would be required under other legislation, potentially including a Traffic Regulation Order. This process involves consultation with the public and stakeholders and so the outcome is uncertain. However, even if a negatively worded (Grampian) condition could prevent implementation of the proposal until any such approval is given, this would not overcome my concerns in respect of the main issue.

Planning Balance and Conclusion

17. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight ascribed to them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR