

## Appeal Decision

Site visit made on 13 January 2014

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2014

### **Appeal Ref: APP/J0540/A/13/2208380 70-80 Storrington Way, Peterborough, PE4 6QP.**

- 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 Deangate Properties Ltd against the decision of Peterborough City Council.
- The application Ref 13/01263/FUL, dated 23 August 2013, was refused by notice dated 16 October 2013.
- The development proposed is an extension to retail floorspace with two flats above.

### **Application for Costs**

1. An application for costs is made by Deangate Properties Ltd against Peterborough City Council. That application is the subject of a separate decision.

### **Decision**

2. The appeal is dismissed.

### **Introduction and main issue**

3. The application was refused for two reasons; however following the completion of a unilateral undertaking by the appellant the issues raised by the second reason have been resolved. In the light of my conclusion on the main issue there is no need for me to consider the content of the appellant's undertaking.
4. The main issue is the effect of the proposal on highway safety.

### **Reasons**

#### *Highway Safety- context*

5. Nos 70 to 80 Storrington Way is a parade of shops with residential accommodation above that forms a local centre within an extensive residential area. The appeal site comprises land to the rear and each side of the building and extends from Amberley Slope in the west to Storrington Way in the east.
6. The local centre lies at the meeting point of four roads all of which are subject to a 30mph speed limit. The main traffic route is down Amberley Slope and then via a left and right turn into Corfe Avenue. The primacy of this route in the local hierarchy is indicted by the "give way" line markings where Cissbury Ring

---

and Storrington Way meet the through road. The roads in the immediate vicinity of the shops have double yellow line parking restrictions but there are three parallel kerbside parking places in front of the shops and there is an off-street parking area within the appeal site to the east of the shops. There are no pedestrian crossings in the area but I noted a "pram drop" to the west of the roadside parking spaces that provides a convenient route for wheelchairs and buggies from the shops to the west side of Corfe Avenue.

7. At the time of my visit, in mid afternoon, local traffic was light, but taking account of the residential character of the area I would expect to see more traffic during the peak hours including school opening and closing times. This would coincide with parents and children walking to Werrington Primary School to the north and the primary and secondary schools to the south. The site is on a bus route and both before and during the site visit I saw a number of buses travelling in each direction.
8. The three storey building accommodating the shops and flats is roughly centrally-placed between Storrington Way and Amberley Slope with open grassed areas to each side of the building. When travelling south along Amberley Slope highway users have a view across the grassed area and can see the road and pavements as they describe an "S" bend past the shops and into Corfe Avenue. The grassed area contains two medium-sized deciduous trees; however they do not materially inhibit views across it from the north and the south.
9. The proposed two-storey building would continue the line of the front wall of the existing building and would extend to within less than 2m of the back edge of the footpath as it turns the corner. The building would prevent views across the grassed area thereby significantly reducing the forward visibility for drivers approaching the bend.

#### *Analysis*

10. The Manual for Streets (HMSO 2007) (MfS) includes guidance on stopping site distances (SSDs) for a range of vehicle speeds (expressed as 85<sup>th</sup> percentile speeds). MfS indicates that these represent the minimum forward visibility to enable drivers to stop safely and at 30mph the SSD for drivers is 43m. The Council indicates that this is currently achieved for vehicles travelling south along Amberley Slope with the "visibility envelope" touching the southwest corner of the existing building. In correspondence following the Council decision the Highways Officer indicted her view that vehicle speeds around the bend are likely to be less than 30mph but neither the Council nor the appellant provides any survey data to support this view.
11. The appellant draws attention to table 7.16 of MfS which shows correlations between vehicle speed and visibility; this indicates that reduced visibility results in a tendency towards lower speeds. In these circumstances a survey of current speed is unlikely to be an accurate predictor of speeds when visibility is reduced. The proposal would materially decrease the forward visibility available at the bend and I have no reason to disagree with the appellant's view that this would modify drivers' behaviour resulting in lower speeds. I consider that the determining factor in this appeal is whether the speed reduction arising from

the proposal would be sufficient to maintain safety for all highway users in the vicinity of the site having regard to the reduced forward visibility.

12. The Council indicates that at both 20mph and 25mph the proposal would obstruct the recommended minimum visibility envelopes (stated to be 27m and 36m). Appendix JPC7 to the appellant's statement of case, submitted with the appeal, is an annotated aerial photograph prepared by the Council showing forward visibility splays around the corner. This indicates that a 27m visibility splay (for 20mph) would be obstructed by the proposal. The appellant's statement questions the accuracy of the 27m lines but the Council makes no comment. My assessment of the document indicates that the scale bar on the photograph is reasonably accurate but that the 27m lines drawn by the Highways Officer are materially inaccurate. I therefore consider that the Council's conclusions as regards forward visibility cannot be relied on.
13. Appendix JPC8 of the appellant's statement shows that when travelling south 20m forward visibility (SSD) can be achieved within the highway throughout the bend. The appellant concludes that case study evidence indicates that this would be sufficient to enable drivers to react successfully to perceived hazards, however the appellant does not analyse the actual SSDs through the bends. Table 7.1 of MfS indicates that an SSD of 20m would translate to a safe approach speed of 16 to 19 mph.
14. Table 7.16 of MfS indicates that for a road of 7.5m width (Amberley Slope) a forward visibility of 20m would correlate to an 85<sup>th</sup> percentile speed of about 23 mph. Table 7.1 indicates that at this speed the SSD is about 30m. I have seen no indication of the extent of a 30m forward visibility envelope but based on Appendix JPC8 I consider it likely that it would be encroached on by the proposed building.
15. The reduction in forward visibility at the corner would result in drivers seeing pedestrians using the pram-drop crossing much later than at present and pedestrians seeking to use that crossing point would also be given less warning of oncoming vehicles from the north. I have not seen any swept-path analysis of the bends but I noted that buses travelling at slow speed in each direction swung out and crossed the central white line when navigating them. Under present conditions those manoeuvres can be carried out in safety with one of the buses giving way if another is seen approaching from the opposite direction. However the proposed building would significantly limit the forward visibility at the bends for vehicle travelling both north and south thereby increasing the likelihood that buses or other large vehicles would meet when straddling the centre-line of the road. Unlike the example of Poundbury in MfS the roads in this area are wide and are designed with good forward visibility. In this context I consider that the poor standard of visibility arising from the proposal would be unexpected and thereby pose a more significant danger for all highway users.
16. The appellant draws attention to an extant 2007 permission for the development of two-storey dwellings on part of the site of the proposed building. I saw no evidence of above ground development at the site visit but the Council confirms that the permission is extant. The appellant places significant weight upon that development; however I have seen no indication of any intention to complete it. I therefore give it limited weight as a "fall back"

---

for the appellant. It is nevertheless a material consideration in the determination of this appeal.

17. The 2007 permitted dwellings would be positioned further from the bend than the proposed building and would have a reduced effect on visibility as compared with the proposal. The appellant points out that the 2007 proposal included hedge planting close to the highway edge up to 1.2m in height; however whilst a hedge of this height would inhibit visibility across the corner for car drivers it would not prevent higher-seated drivers in buses and goods vehicles from seeing potential hazards and it would also enable car drivers to see buses and taller vehicles as they approached the bends. Pedestrians would also be able to see approaching vehicles.
18. I acknowledge that the relationship between visibility and speed is to some extent self-regulating; however this interplay also depends on carriageway width and will also be influenced by other local factors. The appellant has demonstrated that an SSD of in excess of 20m would be achieved by the proposal but taking account of the specific circumstances of the area and the general advice in MfS I am not convinced that this would be sufficient to prevent an unacceptable reduction in highway safety. As a result I consider that the proposal would conflict with Policy PP12 of the December 2012 Peterborough Planning Policies DPD which indicates that planning permission will only be granted where it would not result in an unacceptable impact on highway safety.

#### *Other matters*

19. Local residents raise a number of issues including the design of the proposal, the prospect of the shops being occupied, the adequacy of car parking and the effect of the proposal on living conditions; however I have seen no evidence that would lead me to conclude that any of these issues, or other matters raised by residents, would justify the refusal of permission.

#### **Conclusion**

20. The appeal site is unused land within an urban area and an appropriate development here would result in investment in the area and would create an opportunity to improve local services and make a contribution to housing. These positive factors arising from the development are consistent with the underlying economic and social roles of planning system that are set out in the National Planning Policy Framework. However the planning system also has a role in improving the conditions in which people live, work and travel and highway safety is an implicit part of that role.
21. The proposal would significantly diminish forward visibility in Amberley Slope on a bus route and in an area where it is to be expected that people of all ages and degrees of mobility would be crossing the road. The appellant has demonstrated that a minimum forward visibility would be achieved but I consider that taking account of the MfS guidance and the particular conditions at the site this would not prevent the safety of highway users from being unacceptably compromised.
22. Neither party has provided an exhaustive analysis of the effect of the proposal on highway safety but based on what I have read and seen I have concluded

that the proposal would be unacceptably harmful to highway safety. I have had regard to the benefits that may arise from the proposal but they do not outweigh the harm that I have identified and taking account of all matters I have concluded that the appeal should not succeed.

*Clive Topley*

INSPECTOR

This page is intentionally left blank