



## Appeal Decision

Site visit made on 13 February 2019

by **J D Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> March 2019

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**Appeal Ref: APP/L3245/W/18/3213742**

**Land between McDonalds and Pizza Hut, Meole Brace Retail Park, Shrewsbury, Shropshire, SY3 9NB**

- 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 Coal Pension Properties Ltd against the decision of Shropshire Council.
  - The application Ref 17/05587/FUL, dated 17 November 2017, was refused by notice dated 24 August 2018.
  - The development proposed is the erection of a Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping, and all associated works.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Coal Pension Properties Ltd against Shropshire Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue in this case is the effect of the proposal on highway and pedestrian safety within the Meole Brace Retail Park.

### Reasons

4. The appeal site is a parcel of land that currently comprises part of the car park associated with Pizza Hut, and a landscaped area between this car park and the adjacent McDonalds unit. Access to the Pizza Hut car park is from an internal roundabout within the Meole Brace Retail Park which provides access also to the McDonalds site and a large Sainsburys supermarket, as well as traffic circulating within the retail park. The proposed development would involve the erection of an A1/A3 Use unit with associated car parking, servicing and drive-through facilities on the appeal site. At the present time, the anticipated user of the new unit would be Costa Coffee, though the application is for a generic A1/A3 type use.
5. The Highway Authority has indicated that proposed highway improvements to the entrance to the retail park, along with re-modelling of certain roundabout junctions within the retail park, would help to minimise any traffic flow problems in the vicinity of the appeal site. I have no reason to question this opinion. The main issue in this case, therefore, relates to highway and

pedestrian safety within the site, and also in the immediate vicinity of the site, including the re-modelled access from the nearest internal roundabout.

6. The Council contends that the movement of HGVs across disabled spaces raises congestion and safety concerns, and that the appellants have failed to demonstrate that the reduction in parking spaces for the existing business on site and the resultant parking provision proposed is adequate to meet the demands of the existing and proposed businesses, together with the wider demands of the retail park. I will deal with each of these issues in turn.

#### *HGV movements*

7. The appellants have provided a Transport Statement to accompany the planning application. The Statement includes a drawing showing a swept path analysis for delivery vehicles servicing the proposed unit. This indicates that vehicles turning within the site would need to use disabled and other parking spaces to access and exit the delivery area at the front of the unit, and that those vehicles would need to cross part of the pedestrian access to the site, in order to exit the site. I consider this potentially harmful to vehicle and pedestrian safety within the site, and that it is evidence that the site is cramped for the scale and type of use proposed.
8. The appellants have indicated that their delivery procedures involve drivers phoning through before attempting to access the site, and then only at non-peak times. This may well be the case, although it does not indicate where or for how long such vehicles would wait for clear access, should there be any obstruction. Furthermore, such internal company procedures could not be readily controlled by planning condition. In addition, the Highway Authority has noted that the unit could, in the future become another Drive Thru establishment, within the A1/A3 use class, which could have a significantly different transport model. I concur with this view, and this has potentially detrimental implications for the implementation of future delivery procedures.
9. The National Planning Policy framework (NPPF), in Paragraph 110 indicates that applications for development should, amongst other things give priority first to pedestrian and cycle movements; address the needs of people with disabilities and reduced mobility; create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles; allow for the efficient delivery of goods, and access by service and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. On this basis, I find that the proposal, as submitted, would conflict with the requirements of the NPPF.

#### *Parking provision*

10. The proposal would result in a net loss of 8 parking spaces from that currently available to Pizza Hut customers alone. Whilst the appellants have provided information on the car parking provisions across the retail park, there is no detailed assessment of the maximum usage of this reduced car parking provision likely to be generated as a result of the joint use by Pizza Hut and the new user combined. I note that car parking usage across the park exceeds 80% at the peak time during the surveyed period and that it is likely to increase with planned future developments. I also note that this car park survey was taken at a "neutral" time, which indicates that the figure could be exceeded at busier times of the year.

11. The Highways Authority notes that the existing Pizza Hut car park is currently well used on a regular basis (figures of between 70% and 80% appear to be agreed), and that traffic delays at the internal roundabout would not be helped if Drive Thru/Pizza Hut users were continually having to leave the area in order to find a place to park elsewhere in the retail park. The Authority also notes that once 90% capacity is achieved, increased circulatory movement is certain, which will have an impact on the efficiency of the internal road network as users move between parking areas to find a space. It would appear that already permitted and other planned developments, including the current proposal, may well push the car parking usage up to around the 90% figure.
12. I am in agreement with the above assessment by the Highway Authority and, on the basis of the above, I consider that the proposals do not adequately take into account the potential effects in and around the appeal site of the reduction in car parking provision serving both the existing Pizza Hut and the proposed new unit. From the information before me, I find that the limited car parking provision would be likely to result in further conflict between users of the new unit and users of other units in the vicinity, and that it would, therefore, be harmful to vehicular and pedestrian safety.

### **Other Matters**

13. The appellants point out that Policy CS2 of the Council's Adopted Core Strategy (2011) (CS), identifies Meole Brace Retail Park as a retail park with scope for enhancement and expansion, which can support planned growth linked to the Shrewsbury South sustainable urban extension. This may well be the case, and it would appear that the retail park has already undergone some expansion, but this is not reason to allow a further development that would result in harmful impacts on vehicular and pedestrian safety on a somewhat cramped site. This would not, in my opinion, represent an enhancement to the existing retail park.

### **Conclusion**

14. In conclusion, I find that the proposal would be detrimental to highway and pedestrian safety within the Retail Park. It would, therefore, conflict with requirements of the NPPF and with Policy CS6 of CS, which indicates that all development should be designed to be safe and accessible to all, and that it should include appropriate car parking provision.

*J D Westbrook*

INSPECTOR