SOUTH HOLLAND DISTRICT COUNCIL

Application no: H06/0657/93

Applicant: Mr C J W Franks
Main Road
Gedney
Spalding
Lincs, PE12 0BW

Agent: Mr M Hyslop
The Old Rectory
Tollerton Lane
Tollerton
Nottingham, NG12 4FW

Description: Proposed petrol filling station

Location: Main Road
Gedney
Spalding
Lincs

Type: OUTLINE

Date received: 05-AUG-93

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF NON-DETERMINATION

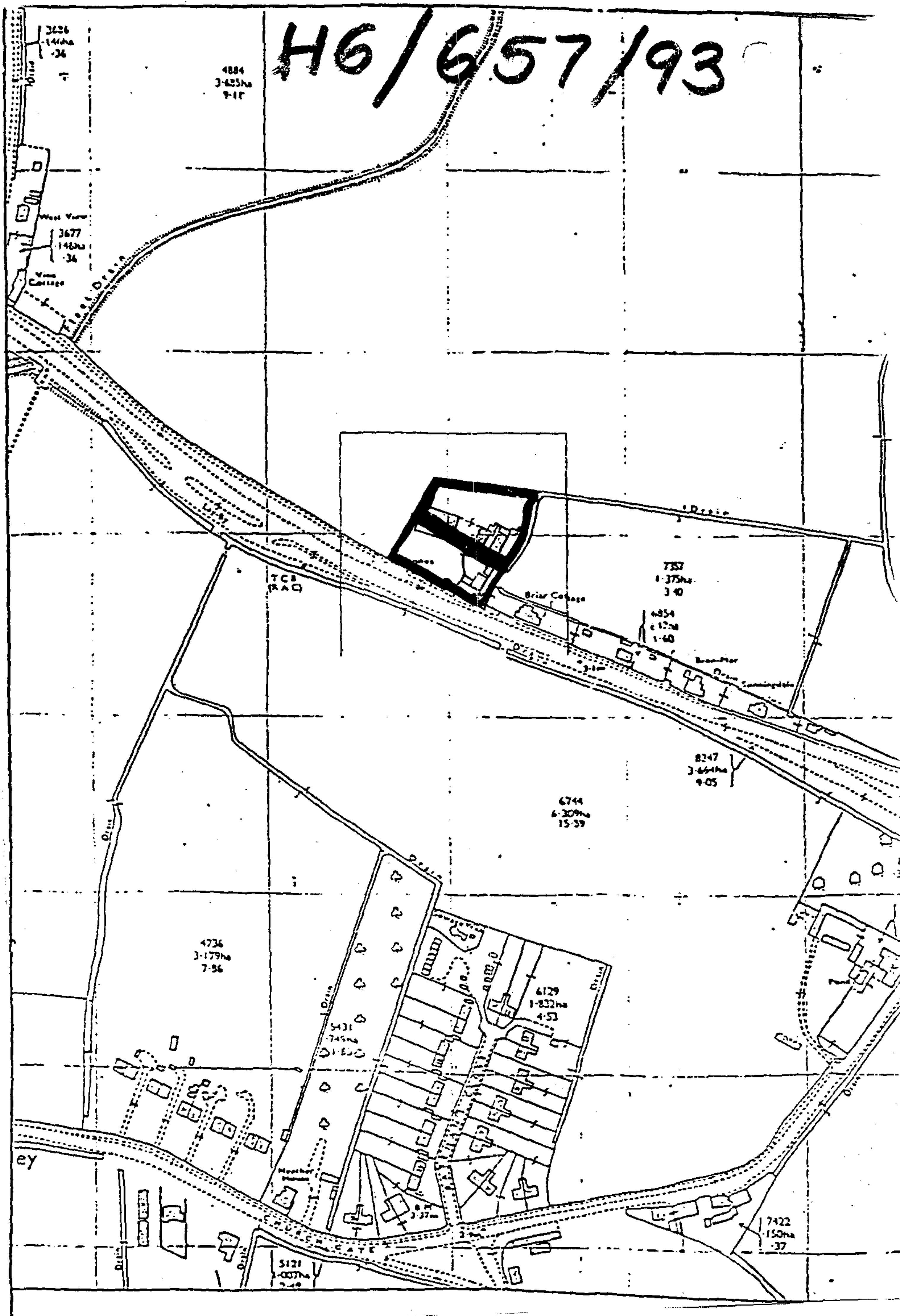
South Holland District Council hereby give notice that no further action will be taken on this application.

Director of Planning and Building Control Services

02-MAR-94

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)


H6/657/93
4884
3·625ha
9·11
West View
3677
·146ha
·36
Drain
T C B
(R A C)
Briar Cottage
7357
1·375ha
3·40
Drain
8247
3·664ha
9·05
6744
6·309ha
15·59
4736
3·179ha
7·86
6129
1·832ha
4·53
7422
·150ha
·37
5121
·007ha
CHURCH GATE
ey

Planning Inspectorate
Department of the Environment
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct Line 0272-218927
Switchboard 0272-218811
GTN 1374

SOUTH HOLLAND D.C.
PLAN DEPT.
12 JUL 1993
REF 0857/93

Roythorne & Co
Solicitors
10 Pinchbeck Road
Spalding
Lincs
PE11 1PZ

RECEIVED
14 MAR 1989

Your Ref:
DGB(B)
Our Ref:
T/APP/A2525/A/88/97742/P2
Date:
13 MAR 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR C J W FRANKS
APPLICATION NO:-H06/1230/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the South Holland District Council to refuse planning permission for the deletion of Condition 2 on existing planning permission, to permit the removal of a brick wall and notice, thereby allowing petrol sales to the general public at Main Road, Gedney. I held an informal hearing into the appeal on 6 Dec 1988.

2. This appeal is against Condition No 2 imposed on planning consent granted on 2 Mar 1977 in relation to Application No H 6/1/77 for the installation of petrol pumps and tanks (for use by vehicles serviced or sold on the premises) at Main Road, Gedney. The Condition reads:-

> 2. The proposed brick wall and notice attached thereto shown on the applicant's deposited plan shall be erected before the proposed petrol pumps are brought into use.

3. The appeal site is located on inside of a very gradual bend on the north side of the A17 trunk road near Gedney at the commencement of the Long Sutton - Sutton Bridge by-pass (currently under construction), some 4km east of Holbeach. The frontage comprises two radiused accesses each about 8m wide separated by a grassed island including a 1.8m kerbed footway along the carriageway edge. This footway continues beyond the eastern access along the front of several properties, the first of which is a house with front and rear gardens, owned by the appellant. To the west of the site the carriageway adjoins a wide grass verge with a 1.4m footway at the rear against the boundary of open farmland. There is similar open farmland opposite the site extending to the northern fringe of the built-up area of Gedney.

4. On the gravel forecourt of the appeal premises is a display of used cars for sale and two fuel pumps screened from the road by a brick curtain about 1.5m high with return ends, behind which is a notice advising that the pumps are only for use by the appellant's clients and not available for general public use. To the rear of the forecourt are built premises comprising a parts shop at the front with a repair workshop and MOT testing bay behind, and an open area beyond containing a number of crash-damaged arising from the operations of your client's accident recovery service.

5. From the evidence, representations and my site inspection I consider that my decision turns on whether the proposed development would pose an unacceptable threat to highway safety in the vicinity of the appeal site.

6. An application by your client in 1974 for the installation of petrol pumps and tanks for use on an unrestricted basis was refused by the council for reasons of road safety on a direction by the Department of Transport, the subsequent appeal against this decision being dismissed by the Secretary of State on 16 Dec 1975. However, you contend that circumstances have changed significantly since then in terms of both the road conditions in the appeal site locality and the demand for petrol facilities, which formed the basis of the previous refusal. You believe that the current improvement of the A17 will provide safer access to the appeal site, and that in by-passing Long Sutton and Sutton Bridge the new road will isolate numerous petrol stations in those settlements previously available to through traffic, thus creating increased demand for such facilities.

7. On behalf of the council, the Department of Transport submitted brief details of 3 accidents which occurred in the 3 years to Aug 1988 together with an update at the hearing of a further 2 up to 9 Oct 1988, within 400m each side of the appeal site. All these were personal injury accidents, four of which involved vehicles either turning right into, or emerging from accesses, one at the appeal site and three at the "Happy Eater" restaurant some 400m to the north west, one of these causing two fatalities. To me this highlights the danger associated with the use of urban type accesses on a principal traffic route the prime function of which is to facilitate the free flow of some 13000 vehicles per day subject only to the national speed limit of 60 mph for single carriageway roads.

8. In my opinion such a danger already exists at the appeal site in relation to your client's present authorised use. The current highway scheme will provide a limited improvement commensurate with that level of use by lane widening which may be sufficient to permit east-bound through cars to pass outside those turning left into the premises, and west-bound through cars to pass inside those waiting to turn right into the site. However, I believe that much of this advantage in road safety terms will be offset by the changed nature of the road. East-bound drivers will no longer be approaching the speed inhibiting built-up areas of Chapelgate and Long Sutton, and the widening rural carriageway ahead will offer the impatient perhaps their first recent opportunity for overtaking. This will result in higher speeds and increased danger to vehicles turning across this flow into or out of the appeal site and to those emerging from it to join the flow. West-bound traffic will be in the process of "funnelling down" to the existing single carriageway, where the absence of a full standard right turning lane will necessitate those turning right into the appeal site braking in the single lane section, increasing the possibility of "shunt" type accidents.

9. Clearly the presence of a competitively priced petrol filling facility on the appeal site would cause substantial additional use of the accesses, and it is statistically undeniable that this would increase the probability of accidents. You drew my attention to to the permission granted recently for petrol facilities at Fleet Hargate, some 1.7Km west of the appeal site where there is a motel and farm shop on the south side of the road, and a large cafe and farm shop on the north side opposite. Our joint site inspection confirmed your claim that these facilities are intensively patronised by drivers of heavy goods vehicles, cars, and, I accept, by many coaches in the summer months. I saw that the slowing, turning and stopping manoeuvres of vehicles entering these premises, particularly large articulated lorries, brought the flow of traffic virtually to a standstill.

10. This situation currently exists on an unimproved section of the A17 and will continue in the future if no changes are made. However the petrol sales consent to which you refer is for "paired facilities" conditional on the applicants entering into an Agreement under Section 278 of the Highways Act 1980

for the funding of substantial highway improvement works on the approaches to the premises. This will provide deceleration lanes and "ghost island" right turning facilities as shown on the County Council's Drawing No A/11971/4 and secure a significant improvement over existing conditions, with relatively little increase in patronage of the premises because drivers already stop there for other, existing facilities. Moreover the presence of fuel sales on both sides of the road will reduce the incidence of right turns. In my opinion this will result in a nett gain in terms of highway safety which justifies the decision to permit petrol sales in this case, and I cannot therefore accept your claim that the highway authority have been inconsistent.

11. On the question of "need", Plan A shows that in addition to those proposed at Fleet Hargate consent has also been granted for paired facilities at the roundabout to the east at Sutton Bridge, both with access only from the A1101. Consequently there will be two filling stations with safe accesses on each side of the A17, to the east and west of the appeal site only about 10Km apart which in my view will be more than adequate to cater for the needs of through traffic. The blue crosses on Plan A show that there are numerous facilities in Long Sutton to provide for local needs, at least some of which could be kept open in the evenings if a demand exists. In the circumstances I can see no justification for your client's proposal in terms of need and consider in any event that the threat to road safety in this case would outweigh any such need.

12. I have taken account of all other matters raised but found nothing to override the conclusions that have led to my decision.

13. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

J C BASFORD BSc CEng MICE
Inspector

T/APP/A2525/A/88/97742/P2

APPEARANCES

FOR THE APPELLANTS

Mr D G Best	Solicitor of Roythorne & Co Solicitors, 10 Pinchbeck Road, Spalding, Lincs PE11 1PZ.
Mr C J W Franks	The Appellant.

FOR THE PLANNING AUTHORITY

Mr N Midlen BA (Eng) (Oxon) MRTPI	Development Control Officer with South Holland District Council.
Mr A M H Finch BSc (Hons), DipTE, CEng, MBIM.	Department of Transport, Area Engineer for Lincolnshire.
Mr J J Bach	Department of Transport, Planning Assistant.

DOCUMENTS

Document 1	List of persons present at the inquiry.
Document 2	Corrigendum and addendum to Department of Transport statement.
Document 3	Statement of Regional Controller (Roads & Transportation), East Midlands Region, relating to previous appeal ref APP/5313/A/74/12701.

PLANS

Plan A	1:50,000 scale OS map showing A17 between Sutterton and Terrington St Clement with existing and approved petrol filling stations.
Plan B	Drg A/11971/4 showing proposed A17 highway improvement at Fleet Hargate.