



Appeal Decision

Site visit made on 14 January 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/K2230/W/19/3237591

66-68 Singlewell Road, Gravesend DA11 7PW

- 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 Mr Govinderjit Dhinsa (Dhinsa Real Estate Ltd) against the decision of Gravesham Borough Council.
 - The application Ref 20190695, dated 4 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is works to refurbish and subdivide the existing ground floor A1 Unit, to form part change of use to A5 (Hot Food Takeaway) and remaining unit to A1/A2 accommodation including changes to the existing shop front and hard standing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway and pedestrian safety.

Reasons

3. The appeal property consists of a ground floor retail unit within a part 2 storey, part single storey building. The site is located on a corner adjacent to the road junction of Singlewell Road, Cross Lane East, and Cross Lane West. The junction experiences relatively high levels of traffic and it is controlled by traffic signals, including pedestrian crossings. The property is within a local centre, which includes a small number of shops. The wider area predominantly consists of terraced housing.
4. The main parties have drawn my attention to a previous appeal decision at the site (Ref APP/K2230/W/18/3219116), which was dismissed on 26 April 2019. The hot food takeaway proposed under the previous appeal scheme was intended to operate between the hours of 1130 to 2200 hours Monday to Saturday. The previous Inspector stated that after 1830 hours the majority of the on-street parking spaces in the area are occupied and as such there is a high likelihood that spaces close to the appeal site on Cross Lane East would be occupied at peak times on many evenings. In this context, it was envisaged that some customers would choose to park on the double yellow lines next to the road junction. Due to the relatively narrow width of the roads and high levels of traffic, the scope for accidents would be unacceptably high.

5. In order to address the concerns raised by the previous Inspector, the current appeal scheme proposes to close the hot food takeaway premises to customers at 1830 hours. At 1830 hours a home delivery service only would be operated, which would cease at 2200 hours.
6. There are 4 separate on-street parking areas on each of the roads that lead to the road junction. The parking spaces allow parking for up to 30 minutes between 0800 and 1830 hours. The previous Inspector was satisfied that visitors to the proposed takeaway would have access to adequate parking during these hours. I see no reason to take a different view.
7. Taking into consideration that the proposed takeaway would close to customers at 1830 hours, I am satisfied that the proposal would not be likely to cause customer parking on double yellow lines next to the road junction.
8. In relation to the proposed home delivery service, drawing No D1.01 Rev B shows a parking area for 3 delivery scooters on the forecourt adjacent to Cross Lane East. This would be accessed via an existing narrow dropped kerb close to the traffic signal controlled junction. The Highway Authority considers that the dropped kerb is a redundant pedestrian crossing point rather than a vehicular crossover. I observed that there is a narrow dropped kerb on the opposite side of the road, which does not provide vehicular access to a property. Having regard to the narrow width of the dropped kerbs and their position opposite each other close to a junction, I agree with the Highway Authority. Given the narrow width of the dropped kerb, I do not consider that it would provide a safe access for delivery scooters.
9. Furthermore, the use of the dropped kerb by delivery scooters would be likely to cause confusion to other road users. Scooters turning right onto the appeal property approaching from the east in Cross Lane East could confuse following drivers anticipating a right turn into Singlewel Road, which would risk rear end collisions. This is due to the close proximity of the dropped kerb to the road junction. Furthermore, scooters travelling towards the appeal property from the west would have to slow and potentially wait in the highway for pedestrians to pass. This would cause obstruction in the highway close to a busy road junction and therefore adversely affect the safe and efficient operation of the junction. I have had regard to the junction collision data provided by the appellant, however this does not overcome my concerns set out above.
10. Moreover, the forecourt to the front of the appeal property is narrow and therefore manoeuvring across the pavement would be required in order for delivery scooters to utilise the narrow dropped kerb. This would be likely to cause danger to pedestrians, particularly after dark.
11. I have had regard to the appellant's statement that a management strategy will include non-powered (pushed) movement across the pavement for pedestrian safety. Nevertheless, I cannot be certain that such a strategy would be followed by riders. Riders would be likely to be under pressure to deliver hot food orders quickly and therefore they are likely to look to enter and leave the premises as quickly as possible by riding across the pavement.
12. The appellant has referred to a previous use of the premises as a motorcycle showroom, including MOT testing. However, based on the planning history shown in the appellant's design & access statement, it appears that the Council granted permission for a temporary period. I have not been provided with full

details of the previous planning permission. Nevertheless, given that the nature of a showroom is primarily for display, it is likely that motorcycles would have been pushed across the pavement and therefore avoid conflict with pedestrians. In any event, I have determined the appeal scheme on its own planning merits.

13. For the above reasons, I conclude that the proposed development would be harmful to highway and pedestrian safety. The proposal would therefore be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014 and saved Policy S7 of the Gravesham Local Plan First Review (1994), which, amongst other things, seeks to ensure that proposals mitigate their impact on the highway network and provide adequate parking space which will not interfere with the free flow of traffic along the highway. It would also conflict with paragraphs 108 and 109 of the National Planning Policy Framework, which state, amongst other things, that development should ensure that safe and suitable access to the site can be achieved for all users, and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
14. I have had regard to the representations from local residents, which, in addition to the main issue, raise concerns including: noise; litter; and, concentration of takeaways. However, as I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR