The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/H1840/W/20/3257612
Ground Floor, 1 Tagwell Road, Droitwich Spa WR9 7BW

- 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 F Tsang against the decision of Wychavon District Council.
- The application Ref 20/00313/CU, dated 12 February 2020, was refused by notice dated 24 April 2020.
- The development proposed is change of use from café (A3) to hot food takeaway shop (A5).

Decision

1. The appeal is dismissed.

Procedural Matter

2. In response to the Council's Statement of Case the appellant has provided revised TRICS results. However, in the interests of fairness, I must ensure that what is considered at appeal is what was considered by the Council at application stage and therefore I have not taken the revised information into account.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. The appeal site comprises a two-storey building located on the corner of Worcester Road and St Peter's Road. Its forecourt opens onto St Peter's Road. The first floor is occupied by a hairdresser.

5. Worcester Road is a busy thoroughfare with a number of commercial uses along it whilst St Peter's Road is largely residential. Parking on both roads is unrestricted apart from single yellow lines at the road junction.

6. I note the contents of the appellant's highway technical note. However, at the time of my visit, I observed pressure for parking on St Peters Road. Whilst I acknowledge that this is a snapshot in time, it is evident that the availability of on street parking spaces is limited. The proposal would generate short term parking demand and it is likely that customers would visit the premises in the evenings and at weekends when levels of on street parking are likely to be higher due to resident parking. These movements and parking demand would differ significantly compared to the café.

7. I acknowledge that the site is within an accessible location for staff and customers. However, customers would be more likely to drive to the premises for convenience and to keep their food warm, rather than by foot or by public transport. Whilst some customers may be content to park in the spaces on Tagwell Road, not everyone will, and customers are more likely to park as close as possible to the premises to collect their order. Notwithstanding the short opening time overlap with the hairdresser, the limited space on the forecourt and the difficulty in accessing it and the short nature of stays is likely to result in more instances of people looking to park in the immediate area. The stretches of road on St Peter's Road and Worcester Road and its junction would be the most likely location.

8. The proposed development would generate additional vehicle movements and an increased demand for on street parking on St Peter's Road where demand is already high. Customer parking would hinder the use of the pavements and roads causing vehicles to manoeuvre close to oncoming traffic, or park on the junction of the road resulting in inconsiderate and indiscriminate parking. In addition, parked and waiting vehicles would impede visibility at the junction. In my judgement, the adverse impact of the proposed development upon highway safety would be severe, notwithstanding the level of recorded collisions in the area.

9. I acknowledge that many hot food takeaways offer delivery services. However, customers would still have the choice of collecting their food. Moreover, delivery vehicles would still lead to parking demand and comings and goings. Based on the evidence before me I am not satisfied that a delivery service would overcome the harm that I have identified.

10. I conclude that the proposed development would adversely affect highway safety in the area contrary to Policy SWDP 4 of the South Worcestershire Development Plan (2016) which, amongst other things, requires proposals to demonstrate that the layout will minimise the demand for travel, offer genuinely sustainable travel choices and address road safety.

11. It would also be contrary to Paragraphs 108, 109 and 110 of the National Planning Policy Framework which, amongst other things, require development to ensure that safe and suitable access to the site can be achieved for all users; not result in an unacceptable impact on highway safety and create places that are safe, secure and attractive and which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

12. My attention has been drawn to the comments made by the highway authority in respect of a previous planning application at the site. However, every application and appeal must be considered on its own merits. My determination of this appeal is focused upon the merits of the 2020 application.

13. The proposed development would add a further service to the town and involve the reuse of a brownfield site. There is also no substantive evidence that it would affect the living conditions of nearby occupants by reason of noise or odour. The extended operating hours and job creation would generate some economic benefit. However, these factors individually and cumulatively do not outweigh the harm that I have identified.

14. I acknowledge that the Covid-19 pandemic has created economic uncertainty for a number of businesses. Whilst I appreciate the current difficult circumstances there is no evidence to suggest that the café is economically unviable or that there is greater demand for hot food takeaway uses in the area. Moreover, the economic shock resulting from the pandemic is likely to be short term and is not sufficient justification for a scheme that I have found to be harmful.

15. The recent changes to permitted development rights mean that the premises could operate as a hot food takeaway. However, this is a temporary measure to assist existing businesses to continue trading during the pandemic thus I afford this matter limited weight in coming to my decision.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR