



Appeal Decision

Site visit made on 20 May 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/U3935/W/25/3359094

Land at Rivermead Drive, Rivermead Industrial Estate, Swindon SN5 7EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ismail Urlu against the decision of Swindon Borough Council.
 - The application Ref is S/24/1099/LZWI.
 - The development proposed is the proposed area will be used as a food takeaway which will be served from a takeaway van, the van will not be there overnight and, the opening times are from 17:00-23:00 Monday - Saturday. Closed on Sunday.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address differs on the application form, the appeal form and the decision notice. I have used the address on the decision notice as it is the clearest.
3. The Council revised the description of development. However, the evidence that I have before me does not provide details of the appellant's agreement to change the wording. Therefore, I have used the description of development provided on the application form.

Main Issue

4. The main issue is the effect of the proposal on highway safety, with particular regard to parking and pedestrian access.

Reasons

5. The proposed takeaway van would be located on the eastern side of Rivermead Drive, a two-lane carriageway which provides access to numerous modern industrial premises located at Rivermead Industrial Estate.
6. I noticed during my site visit that several vehicles, including lorries, already park on the side of the road where the van would be parked, and that this impedes the flow of traffic, as drivers need to wait for oncoming traffic to subside in order to overtake using the right side of the road. I also observed that there are no footways along the road, which was lined with grass verges.
7. Paragraph 115 of the National Planning Policy Framework (the Framework) indicates that access to development should be safe and suitable for all users. This includes pedestrians.

8. I note the comments that the proposal would serve the needs of the local community and businesses on the industrial estate and would not lead to increased traffic or parking. However, I have no parking survey to reliably establish the level of parking demand arising from the proposal or its effect on highway safety in the area. Therefore, whilst I accept that there would be space for the van to park on the roadside and that some customers may arrive on foot, for instance users of the adjacent skatepark, the vast majority of customers would inevitably be car borne. Given the absence of a formal car park, roadside parking will therefore also be inevitable, which would obstruct the free flow of traffic. This would increase the risk of traffic accidents with other road users and pedestrians from bad parking and restricted vision, which would be harmful to highway safety.
9. In addition, the lack of a footway means that customers accessing the proposed takeaway van would need to walk on the verge. This would become muddy and slippery as a result of wet weather, which would be a highway safety hazard.
10. For these reasons, I conclude that the proposed development would have a detrimental impact on highway safety, with particular regard to parking and pedestrians. Consequently, the proposal conflicts with Policy TR2 of the Swindon Borough Local Plan 2026, Swindon: Planning for our future, which seeks, in part, to prevent development which is detrimental to highway safety, and the Framework.

Other Matters

11. The appellant has drawn my attention to other similar enterprises that exist elsewhere in the Borough that have been granted planning permission under comparable circumstances. I do not know the circumstances of those cases or the policies that applied at the time of their consideration. I have determined the appeal based on the evidence before me and on the planning merits of the appeal scheme.
12. The Spectrum Building (formerly the Renault Distribution Centre) is a grade II* listed building located to the northwest of the appeal site. The building, dating from 1981-2, was designed by the renowned architect Sir Norman Foster as a warehouse for storing vehicle components for the car manufacturer Renault.
13. The significance and special interest of the Spectrum Building is derived from its architecture, whereby it embodies the key features and characteristics of the British High Tech Movement, its intactness, its historic association with Renault and its technological interest, through its innovative use of materials and technology.
14. In the above context and taking into account the separation distance between the building and the takeaway van on the roadside beyond intervening vegetation, I consider that the appeal proposal would have a neutral impact on the significance of the building and its setting. Consequently, the proposal would not cause harm to the listed building or its setting.

Conclusion

15. For the reasons given above the appeal should be dismissed.

SE Hughes

INSPECTOR