



Appeal Decision

Site visit made on 16 June 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th July 2025

Appeal Ref: APP/K0235/W/25/3361658

498 Goldington Road, Bedford MK41 0DX

- 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 Alderforce Limited against the decision of Bedford Borough Council.
 - The application Ref is 24/00565/FUL.
 - The development proposed is for the installation of a drive-thru lane and associated works including reduction in size of existing building and change of use of restaurant (Class E) to drive through restaurant (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a drive-thru lane and associated works including reduction in size of existing building and change of use of restaurant (Class E) to drive through restaurant (Sui Generis) at 498 Goldington Road, Bedford MK41 0DX in accordance with the terms of the application, Ref 24/00565/FUL, and the plans submitted with it, subject to the conditions shown in the attached schedule.

Preliminary Matter

2. Accompanying the appeal is a Written Statement on Transportation Matters which summarises the appellant's case. Included are additional drawings (Appendix H) and a Footway/Cycleway Survey (Appendix K) not before the Council at the point of decision. These are supportive documents that do not substantively amend the proposal. The Council have had the opportunity of making representations. My acceptance of these would not lead to procedural unfairness. I therefore accept them and proceed on that basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to the means of egress from the drive-thru lane.

Reasons

4. Policy 31 of the Bedford Borough Local Plan 2030 (2020) (Local Plan) expects that development proposals should not have any significant adverse impact on access to the public highway. Amongst other things, Policy 88 of the Local Plan requires demonstration that the social and environmental impact of traffic from proposals has been considered with regard to safety, in terms of site access arrangements and general road safety. These policies align with paragraph 115b of the National Planning Policy Framework (the Framework) which stipulates that it should be ensured that safe and suitable access to sites can be achieved for all users.

5. The appeal site comprises an existing restaurant and its associated car park, located close to the roundabout on the corner of Goldington Road and Bury Walk. A single point of vehicular access and egress serves the site towards the east, off the northern side of Goldington Road, a dual carriageway (the A4280) which has a continuous central reservation. This means that vehicles can only enter and exit the site when travelling in an easterly direction. Within the site is a zebra crossing point with tactile paving either side, set back from the point of access. A shared footpath and cycleway extends alongside the frontage of the appeal site. Goldington Road is a main thoroughfare serving Bedford with a speed limit of 30mph on this stretch of the highway. The area is predominantly commercial in character, albeit there are residential properties in the area.
6. The single point of access and egress would remain as existing, albeit modifications are proposed to the car park to accommodate the drive-thru lane and an internal queuing area, to ensure vehicles would not be likely to wait on the adjacent highway. The appellant points out the access has been in place for many years and that visibility splays meet the required standards, as demonstrated on plan.
7. The proposed drive-thru lane would terminate in front of the building where it would join the egress point with Goldington Road. There are concerns that drivers exiting the drive-thru lane would need to perform a sharp U-turn manoeuvre, which would bring them into conflict with users crossing the shared footway and cycleway. However, drivers are unlikely to perform this manoeuvre in one single action. Rather, due to the proposed layout, they would likely have to give way to exiting users of the main car park, which would allow drivers time to observe any oncoming pedestrians or cyclists. Vehicles leaving the site would then have to merge and wait at the junction until safe to exit left, onto the carriageway. This would mean that vehicle speeds would be low, allowing drivers ample time to react to oncoming highway users.
8. The proposed 1.2m high fence, designed to prevent headlights from shining onto the highway, would limit driver visibility of pedestrians and cyclists. This would conflict with the Department for Transport's Local Transport Note 1/20 (Cycle Infrastructure Design) (LTN/120) which expects the visibility splays for drivers to be unobstructed for a height of between 0.26m to 2m above ground level. As a material consideration I attach significant weight to this matter. However, the existing low knee rail fence could be retained instead, avoiding this conflict. I note the Council suggest a condition to deal with the matter and the appellant is agreeable. I have not been made aware of any significant highway safety concerns regarding dazzle from car headlights, if this 1.2m high fence were to be omitted. Subject to the omission of this fence, which could be secured by a planning condition in any approval, good forward visibility splays would be available for all highway users to see one another which would exceed the required stopping distance in accordance with the LTN/120.
9. Owing to what would be clear visibility, cyclists and pedestrians would be able to anticipate the movement of cars that are exiting the site. I am mindful that the Footway and Cycle Survey demonstrates a low pedestrian and cycle flow even at the busiest AM peak period. The Survey also found that pedestrians and cyclists using the shared footway/cycleway were not deterred by vehicles waiting at the sites access junction. They simply routed into the site and used the internal zebra-crossing to cross the site. Noting that the zebra crossing would remain, albeit in a

slightly revised position, I see no reason why this behaviour would not continue with the new use.

10. The swept path analysis drawings demonstrate that the manoeuvre to enter and exit from the drive-thru lane is feasible and safe for a tracked estate car to use. The Council's amended position suggests a larger car measuring 5.079m should be used, albeit it is not clear on what basis, given that the appellant indicates that the Council had previously agreed to the length of estate car that the appellant had used in the analysis. I am satisfied that it has been adequately demonstrated on plan that vehicles of an appropriate size would be able to leave the site safely in the nearside lane without conflict.
11. Paragraph 116 of the Framework is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. I am satisfied by the detailed highway reports submitted by the appellant and give this analysis greater weight than the Council's case which lacks sufficient technical evidence to substantiate the concerns raised.
12. Indeed, I am mindful that the Council's highway officer raised no objections to the proposals from a highway safety perspective, including the tracking of a vehicle when leaving the site and entering the carriageway. Given their expertise in such matters, I attach substantial weight to their comments and find no undue highway safety conflict following everything else I have read and seen. For the reasons I have set out above, I have not found harm in respect of highway safety, having particular regard to the egress of the proposed drive-thru lane. It follows that no conflict has been identified with respect to Policies 31 or 88 of the Local Plan, of the Framework.

Other Matters

13. The Council draw my attention to dismissed appeal¹ in the vicinity of this appeal site. However as this relates to an advertisement, where highway safety was not in dispute, I do not find it to be relevant to this appeal.
14. In addition to the main issue, local residents have raised concerns regarding a number of other matters. These include the effects of the proposal upon other elements of highway safety including the risk of accidents, congestion, parking as well as the effects on living conditions from anti-social behaviour and noise. However, these are not matters in dispute by the Council, and I have seen little substantive evidence to show that there would be unacceptable harm in these respects arising from the proposed use. These matters have been considered by the Council and no harm has been identified. Based on the evidence before me, I have no reason to reach a different view and therefore afford them limited weight.

Conditions

15. The Council has submitted a list of suggested conditions. I have considered these in relation to the necessary tests, made changes to some, not imposed all suggested, and imposed an additional one for the reasons set out below.

¹ APP/K0235/Z/24/3357769

16. In addition to the standard time condition (No.1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No.2), for the avoidance of doubt and in the interests of certainty.
17. To avoid congestion on the highway, it is necessary to ensure that the queuing area proposed is provided on site prior to first use. A condition (No.3) is therefore imposed. For the same reason, a condition (No. 4) to require the provision of the hatched box at the drive-thru entrance prior to first use, is also necessary.
18. The Council suggests a condition requiring details of both a car parking and cycle parking scheme. Nothing is before me to indicate why the car parking layout as submitted is unsatisfactory. I have therefore imposed an amended condition (No. 5) requiring that the car parking is made available at an appropriate time and thereafter retained. The plans lack detail on the appearance of the cycle parking and a condition is therefore necessary (No.6) to agree appropriate details prior to first use, in the interests of its appearance and sustainability.
19. To protect the retained trees on site from harm, a condition (No. 7) is imposed to ensure the development proceeds in accordance with the Arboricultural Method Statement and Tree Protection Plan.
20. Insufficient details have been provided in respect of the acoustic fence necessary to protect the living conditions of nearby residents, and condition (No. 8) is therefore imposed. Likewise, details of any flue or extraction system are also necessary and a condition (No.9) is imposed. For the same reasons and to accord with Policies 32 and 47S of the Local Plan, details of the bin store are required by condition (No.10).
21. To achieve the necessary highway visibility splays, a condition (No. 11) is required and imposed.
22. A condition (No. 12) to require soft landscaping to enhance the appearance of the area is necessary.
23. In the interests of highway safety and the living conditions of nearby residential dwellings, it is necessary to control the opening hours (No. 13) and timings for delivery and waste collections (No.14).

Conclusion

24. The scheme complies with the Development Plan. Therefore, for the reasons given above the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

Site Location Plan

F100 P1 Rev D (Site Layout as proposed)

C100 P1 Rev D (Existing and Proposed Elevations A)

C101 P1 Rev D (Existing and Proposed Elevation B)

C102 P1 Rev D (Existing and Proposed Elevations C)

C103 P1 Rev D (Existing and Proposed Elevations D)

P20-2622-SK101 (Swept path analysis of a 4.8m estate car at proposed drive-thru)

P20-2622-SK102 (Swept path analysis of a 4.8m estate car in car park)

P20-2622-SK103 (Site layout inc. pedestrian visibility splays and cycle forward visibility) dated 20.02.2025

P20-2622-TR-SK03 Rev A (Swept Path Analysis 11.5m Rigid HGV)

P20-2622-TR-SK01 Rev A (Site layout inc. capacity for 19 vehicles and visibility splays)

P20-2622-SK104 (Site layout inc. vehicle and ped/cycle visibility splays)

- 3) Prior to the first use of the development hereby approved, the drive-thru queuing space for vehicles illustrated on drawing no. F100 P1 Rev D shall be implemented on site and be made available for use. Once provided, the drive-thru queuing space shall be kept available for use at all times the premises is open for business.
- 4) Prior to the first use of the drive-thru facility hereby approved, the hatched box located before the drive-thru entrance, as detailed on drawing no. F100 P1 Rev D shall be marked out on site and retained for the lifetime of the development.
- 5) Prior to the first use of the drive-thru facility hereby approved, the car parking spaces shown on drawing no. F100 P1 Rev D shall be provided and made available for use. The approved car parking spaces shall be thereafter retained and shall not be used for any other purpose.
- 6) Prior to the first use of the drive-thru facility hereby permitted, full details of the cycle parking (with access thereto) shall be submitted to and be approved in writing by the Local Planning Authority. The approved cycle parking scheme shall be implemented and made available for use before the drive-thru becomes operational. The approved cycle parking shall be thereafter retained and shall not be used for any other purpose.

- 7) No development hereby approved shall take place at any time, unless in full accordance with the details provided in an Arboricultural Method Statement and Tree Protection Plan which shall have first been submitted to and been approved in writing by the Local Planning Authority. The approved measures shall be adhered to for the entirety of the site preparation and construction stages.
- 8) Prior to the first use of the drive-thru hereby permitted, a detailed scheme for acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic fencing scheme shall be implemented on site prior to the first use of the drive-thru hereby permitted and shall be retained for the lifetime of the development.
- 9) Prior to the first use of the drive-thru facility hereby approved, full details of any flue or extraction systems required to facilitate the drive-thru shall be submitted to and be approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details prior to the first use of the drive-thru and shall be retained for the lifetime of the development.
- 10) Prior to the first use of the drive-thru facility hereby approved, details in relation to the precise design, materials to be used, scale and height of the proposed bin store shall be submitted to and be approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details and shall be made available for use before the drive-thru becomes operational.
- 11) Notwithstanding the details shown on Proposed Site Plan (drawing no. F100 P1 Rev D), prior to the drive-thru becoming operational, details of any boundary delineation fronting onto Goldington Road shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved details shall be implemented prior to the first use of the development.
- 12) Prior to the first use of the drive-thru facility hereby approved, a detailed soft landscaping scheme shall be submitted to and be approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding season following the first use of the drive-thru facility. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.
- 13) The use of the development hereby permitted shall only take place between the hours of: 11:00 to 23:00, Monday to Saturday and 11:00 to 22.30 on Sundays.
- 14) Deliveries and waste collections associated with the development hereby approved shall be taken at or dispatched from the site only between the hours of 08:00 to 11:00 on any day.

End of Schedule

