



Appeal Decision

Agenda Item No. 7

The Planning Inspectorate
2 The Square
Temple Quay
Bristol BS1 6PN

Site visit made on 14 September 2009

by **Richard H Duggan BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
11 November 2009

Appeal Ref: APP/R1845/A/09/2104942

24 Horsefair, Kidderminster, Worcestershire DY10 2EN

- 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 Ms Hong Mei He against the decision of Wyre Forest District Council.
- The application, Ref 08/0937/FULL, dated 17 October 2008, was refused by notice dated 15 December 2008.
- The development proposed is change of use to include A5 use with A3 use.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be the effect of the proposed development on the efficient operation of the highway network, and on highway safety in the vicinity of the site.

Reasons

3. The appeal property is located close to the junction of Horsefair and Hurcott Road in a mixed use area containing retail, residential and commercial premises. I noted that the road was a busy distributor road and provides access into the town centre from areas of housing on the edge of Kidderminster. There are double yellow lines extending along Horsefair outside the premises and parking restrictions extend into the surrounding streets close to the property, although there is some unrestricted parking found along Hurcott Road.
4. Notwithstanding the appeal site's location in proximity to residential areas, I am not convinced that the majority of customers would visit the premises on foot. In my experience, unlike a restaurant, café or pub, a takeaway generates many short-term car-borne movements. The position of the proposed takeaway on a main road suggests to me that a significant proportion of its customers would arrive by car, on their way to other destinations. This would especially be the case during the early evening hours at the time of the proposed opening time when, in my opinion, the level of traffic movement along the road would continue to remain high.
5. From my own experience and observations, customers who travel to takeaways by car often park inconsiderately, even if there are public car parks or other potential parking spaces located a short walk away, on the basis that they are stopping for only a few minutes. In this particular case, I anticipate that drivers would be tempted to park along the footway outside the premises and

within the surrounding streets where there is also restricted parking. This would have repercussions on highway safety. In my opinion, parking and turning manoeuvres in and around the Horsefair, which is a route of strategic importance, would be particularly hazardous to both pedestrians and vehicles increasing the potential for accidents. Hurcott Road is a well used distributor road and cars parking in close proximity to the appeal property would disrupt traffic flows along Hurcott Road and the A451. These cars would also interrupt the visibility splay which would have a harmful effect on highway safety.

6. I acknowledge that the responsibility of enforcing parking restrictions does not lie with the Local Planning Authority. Nevertheless, the consequences for highway safety through the potential breaching of parking controls because of the nature of the proposed use and the manner in which it is likely to operate are relevant matters for my assessment. I also acknowledge that there are other takeaway outlets close to the appeal premises. However, each case must be assessed on its own merits having regard to the individual characteristics of the site and the highway safety problems that would arise as a result of the specific proposal.
7. Policy RT.13 of the Wyre Forest Local Plan (LP) requires that food and drink establishments should not have a serious impact on highway safety. Policy TR.9 of the LP states that developments must demonstrate that the local road network is capable of accommodating the type and scale of traffic likely to be generated, whilst Policy TR.17 states that new developments should provide on-site parking in accordance with the Council's standards. In my opinion, the proposed takeaway would fail to meet these requirements, not least because of the shortage of convenient and safe parking spaces and the location of the appeal premises on a busy main road. I therefore conclude that the proposed development would have a significant harmful impact on the efficient operation of the highway network, and on highway safety in the vicinity of the site.
8. For the above reasons, and having regard to all matters raised, I dismiss the appeal.

Richard H Duggan

INSPECTOR