
Appeal Decision

Site visit made on 31 August 2016

by Rory Cridland LLB (Hons)

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

Decision date: 7 October 2016

Appeal Ref: APP/Q1255/W/16/3151034

4 Allens Lane, Hamworthy, Poole, Dorset BH16 5DA

- 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 Raymond Russell against the decision of Poole Council.
 - The application Ref APP/16/00181, dated 4 February 2016, was refused by notice dated 16 March 2016.
 - The development proposed is to convert part of the warehouse to form a café with 2 disabled toilets and proposed new door at side of property.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has changed. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The application form indicates that the total gross internal floor space which it is proposed would change use is 1204m². However, both the plans and the appeal form indicate that the existing building would be subdivided with only around 103m² changing use to Class A3. The appellant has confirmed the lower figure is correct and I have determined the appeal on that basis.

Main Issue

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

Reasons

5. The appeal site is located in Allens Lane, an industrial area on the north east side of Blandford Road which is surrounded by mostly residential areas. The proposal would involve a partial change of use from the existing B2 use to a café/restaurant (Class A3). The plans indicate seating for upwards of 40 people with parking provided alongside the building for customers.
-

6. Local Plan (LP) Policy DM7¹ seeks to ensure that new development does not compromise or detrimentally affect highway safety. Furthermore, Policy DM8² requires new development to have regard to the provisions set out in the Council's Supplementary Planning Document (SPD) on Parking and Highway Layout³. Table 4 of that SPD sets out the optimum parking provision for a range of vehicle types in parking Zones 1-3 based on the actual floor area proposed. It also requires proposals to demonstrate that an appropriate level of conveniently sited parking provision has been made which is suitable for use by people with a disability and sets out detailed specifications and minimum levels⁴.
7. In this case, based on the Table 4 requirement, a total of 6 spaces would need to be provided along with a single cycle space. The initial plans indicate parking for up to 7 vehicles, which would be available for both the café and users of the proposed shop/office to the front. This would be insufficient to accommodate the needs of both the café and the other businesses on site.
8. While I note that the appellant has provided amended plans indicating parking for up to 11 vehicles, with 9 of these being set aside for the Café, these spaces would be located opposite the main building and on what is essentially the access to the rear of the site. Directly opposite would be the walkway providing access to the Café entrance. In view of its narrow dimensions, manoeuvrability in this area would be significantly hindered by the proposed layout, particularly for larger vehicles. This would pose a risk to customers seeking access into the proposed café and would create a high level of potential for conflict. In addition, none of the spaces provided have been identified as suitable for disabled users. In the absence of clear dimensions, I cannot be certain that disabled parking provision would either be made available or would be adequate. Accordingly, based on the limited information available, I cannot be certain that the proposal would make adequate provision for either on-site or disabled parking. As such, it would fail to accord with the Council's Parking SPD.
9. Nevertheless, the guidelines set out in the SPD are only a starting point and it is also necessary to assess the *actual* impact of the proposal on highway safety and judge whether there would be material harm. I noted during my site visit that parking on Allens Lane was in high demand with many vehicles parking alongside, and in some cases on, the footway. This made it difficult for large vehicles to traverse the highway and posed a risk to pedestrians. While I note that the proposed target market for the new cafe would be those working or living nearby, there will inevitably be a good number of customers who will arrive by car. In view of the limited amount of parking available, most customers would seek to park on the nearby road. This would exacerbate the already high demand for parking in the area, resulting in more congestion and, in turn, seriously compromising the safety of other road users.
10. Accordingly, I find that the proposal would not make adequate provision for parking which would be seriously detrimental to highway safety. As such, I it would be contrary to LP Policies DM7 & DM8 as well as the Council's adopted

¹ Site Specific Allocations & Development Management DPD Policies (2012) (SSADM)

² *ibid*

³ (2011)

⁴ Although I note that where the overall parking provision is less than 10, consideration of the requirement will be made on a case by case basis, taking into account the quantity of available disabled parking in the vicinity.

SPD on Parking and Highway Layout. I also find it in conflict with LP Policies PCS26⁵ & DM1⁶ which seek to ensure that proposals contribute positively to the retention and creation of safe and convenient pedestrian routes and incorporate pedestrian connections that are direct, safe and accessible to all.

Other matters

11. The Council has cited LP Policy PCS15 in its reasons for refusal. This Policy is concerned with ensuring that new development is directed towards highly sustainable locations which help reduce the need to travel. The Council has not sought to argue that the site is within an unsustainable location. As such, I find no conflict with this policy.
12. Although I note the closure of the nearby frozen food unit and the appellant's points regarding the indiscriminate parking of cars, these provide little in the way of support for the application and do not overcome the harm to highway safety identified above.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

⁵ Poole Core Strategy (2009)

⁶ SSADM