
Appeal Decision

Site visit made on 7 November 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 22nd November 2017.

Appeal Ref: APP/N4720/W/17/3180863

592-596 Harrogate Road, Moortown, Leeds LS17 8DP

- 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 Antonio Ricci, Amici Restaurants Ltd, against the decision of Leeds City Council.
 - The application Ref 17/02110/FU, dated 31 March 2017, was refused by notice dated 4 July 2017.
 - The development proposed is described as 'build retractable roof pavilion and amended layout of car park: new shopfront on existing restaurant and new awnings on front to replace existing.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the safety of pedestrian and vehicular users, by way of the proposed off street car parking provision.

Reasons

3. The appeal property comprises of a restaurant which is found at the end of a parade of shops and services. To the side of the restaurant, up to the boundary with Sandhill Mount, is an area marked out for car parking. There are further spaces to the front of the restaurant, bordering Harrogate Road. The spaces are used communally by customers of the parade. The spaces are accessed from close to the Sandhill Mount and Harrogate Road junction, and are exited at the opposite end of the parade, onto Harrogate Road, in a one way arrangement. There is also a servicing access to the rear of the restaurant, which also provides a further access to the spaces to its side. The parking areas border footways on Sandhill Mount and Harrogate Road, and are partly separated by hedge boxes and railings. A bus shelter is also found on Harrogate Road, near to the parade.
4. The proposed extension would be built over part of the existing parking area to the side of the restaurant. In order to attempt to compensate for the loss of this area, the parking around the extension would be re-configured to provide, in effect, the same number of marked spaces. As there would be an increase in the size of the restaurant, I consider it likely there would also be an increased demand for the same number of spaces. The parking spaces proposed would be substantially less than the amount that would be envisaged

under the guidelines set out in the Council's Parking Supplementary Planning Document (2016) (Parking SPD).

5. Moreover, the reconfigured layout would provide a confined arrangement for parking, with the proximity of spaces to the extension, the existing building and the site boundary. One space would not be able to be accessed at all, if the spaces on either side were in use. I consider this unsatisfactory arrangement would likely deter use of these spaces.
6. Although the main periods of demand for the restaurant may be at times when the other uses in the parade are less likely to be open, I find this does not overcome the likely higher demand for parking or the concerns with the ease of the use of the parking layout. This is despite of the evidence on the demand for parking provided by the appellant. It would also place a reliance on spaces that are located away from the restaurant, in front of the other uses in the parade. There is also no certainty that the main periods of demand would remain the same in perpetuity, if a different business operated from the appeal property in the future, or if the businesses operating from units in the parade placed different demand requirements on the parking spaces.
7. The site is located towards the outskirts of Leeds and although the area where it is found is predominantly residential, I am not persuaded that the proposal would not be substantially reliant on customers who would use cars as their means of transport. The Council has made reference to the higher than average car ownership levels in this location. The accessibility by public transport is also limited by bus services which largely serve the city centre and intervening areas along the route, rather than broader accessibility from across the city.
8. I consider that with the parking layout, and a likely higher demand for car parking associated with the patronage of a larger restaurant, this would cause overspill car parking onto the public highway that would be of detriment to the both pedestrian and vehicular users. The provision of cycle parking and a disabled parking space would be of benefit; however this would not outweigh the harm to safety that I have identified.
9. Given the harm I have identified, the parking standards that are set out in the Parking SPD, as they apply to the proposal, would also be consistent with paragraph 39 of the National Planning Policy Framework in respect of its accessibility, type, mix and use; the availability and opportunities for public transport; and local car ownership levels. The shortfall against parking standards, in this instance, therefore weighs significantly against the proposal.
10. I note remarks made about how the Council determined the planning application, although this is not a matter for me to comment on in the context of this appeal, beyond what I have set out above.
11. I conclude the proposal would cause unacceptable harm to the safety of pedestrian and vehicular users, by way of the proposed off street car parking provision. As such, it would not comply with Policies P10 and T2 of the Leeds City Council, Core Strategy (2014) and 'Saved' Policy GP5 of the Leeds Unitary Development Plan Review (2006) which state, collectively, that car parking should be designed in a positive manner and be integral to the development, provide safe and secure access, and be provided in accordance with the current guidelines. Similarly, it would also not comply with the Parking SPD, and

Council's the Street Design Supplementary Planning Document (2009), with regards to the parking guidelines and for parking to be provided to suit the nature and location of the development.

Conclusion

12. For the reasons set out above, the appeal should be dismissed.

Darren Hendley

INSPECTOR