
Appeal Decision

Site visit made on 13 March 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2018

Appeal Ref: APP/P4605/W/17/3185028

1260 Pershore Road, Bournville, Birmingham B30 2XU

- 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 Dulal Ahmed against the decision of Birmingham City Council.
 - The application Ref 2017/05883/PA, dated 3 July 2017, was refused by notice dated 25 August 2017.
 - The development proposed is change of use from A3 to A3 with hot food takeaway and delivery service ancillary to existing restaurant usage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the adequacy of the intended parking provision for the proposal and the effects of this on on-street parking and highway safety.

Reasons

3. The appeal site comprises a restaurant located on the junction of Pershore Road and Twynning Road, which forms part of the Primary Shopping Area within the Stirchley District Centre, as identified in the Shopping and Local Centres-Supplementary Planning Document, 2012.
4. The appeal property incorporates a wide frontage and entrance onto Twynning Road. This contains unrestricted parking, with the exception of a small section adjacent to the appeal site where parking is restricted by double yellow lines. The available parking serves the predominantly terraced housing which is highly reliant on on-street parking. Consequently, there is high demand for parking along this road.
5. Parking is also restricted outside the appeal property along Pershore Road. There are also a number of other businesses and restaurants within close proximity of the appeal site, which also increase demand for on-street parking on nearby roads.
6. Notwithstanding that existing customers of the restaurant are able to take food home, the introduction of a hot food takeaway and delivery service from the appeal site is likely to increase patronage to the appeal premises, in particular as a consequence of passing trade. In addition, delivery vehicles would also increase demand for parking.

7. To facilitate the increase in associated vehicular traffic the appellant is proposing a parking area for customers and delivery vehicles to the rear of 1272 Pershore Road, accessed off Twynning Road. However, the proposed parking area is physically separate from the appeal site and not readily visible from Twynning Road. It is also served off an unlit, narrow service road, which is part flanked by buildings and boundary treatments and therefore is not particularly inviting.
8. Consequently, whilst I do not doubt the appellant's commitment to ensure that delivery drivers use the proposed parking area, I am not persuaded that customers would also do the same, particularly in favour of more convenient parking near the appeal premises along Twynning Road. Furthermore, requiring customers and delivery drivers to use the proposed parking area would be difficult to enforce by way of a planning condition.
9. During my site visit, which was around late morning, I observed a high concentration of parked cars along Twynning Road with limited availability of parking spaces. I also observed parking along the pavement on Pershore Road. Also, in my experience, the levels of on-street parking are likely to be higher during the evenings and weekends when residents return from work and other daily activities. During these times demand for parking in association with the proposed uses and similar neighbouring establishments would also be high, along with associated vehicle movements.
10. I accept that my site visit represents a snapshot in time. Irrespective of this, it is evident from third party representations that there is already high demand for on-street parking along Twynning Road including incidents of illegal and inconsiderate parking near the appeal site and the junction with Pershore Road.
11. Overall, the proposal would generate additional demand for car parking without making satisfactory on-site parking provision. This would also change the existing situation and increase demand for on-street parking, which is already limited due to high demand.
12. Moreover, the above situation would also lead to an increased probability of customers parking outside the appeal site for convenience, as typically associated with short stay trips in connection with takeaway collections and deliveries. Such parking would be particularly close to the junction with Pershore Road. In particular, parked and waiting vehicles would impede visibility when exiting onto Pershore Road from Twynning Road. In my judgement, such conflict with the free flow of traffic and highway safety would be severe.
13. I therefore conclude that the intended parking arrangements for the proposal would be inadequate, resulting in increased demand for on-street parking, and that this would adversely affect highway safety. This would be in conflict with Policy TP44 of the Birmingham Development Plan 2017, which does not support proposals where the cumulative impacts of development on transport grounds are severe and Saved Policy 8.7 of the Birmingham Unitary Development Plan, which does not support proposals where traffic movements are likely to create a traffic hazard.

Other Matters

14. The appellant asserts that the proposal would generate significantly fewer short trips than the former use of the appeal premises as a carpet retail business, in particular during day times and also that the proposed delivery service would reduce traditional takeaway customers. Furthermore, the appellant suggests that traffic generation in the area has reduced as a consequence of similar uses ceasing to trade. However, there is limited evidence to support these assertions. This matter does not overcome the adverse effects that I have identified above.
15. Similarly, I have limited evidence that the proposed takeaway and delivery service would support the sustainability and viability of the existing business and therefore attach limited weight to this.
16. I acknowledge that the proposal would result in the creation of two additional jobs. Nonetheless, this benefit does not outweigh the harm arising from the proposal, which I have already identified.

Conclusion

17. For the reasons set out above, I dismiss the appeal.

M Aqbal

INSPECTOR