



Appeal Decision

Site visit made on 5 August 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2019

Appeal Ref: APP/L3245/W/19/3229377

41 Wood Street, Shrewsbury, SY1 2PN

- 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 Khan against the decision of Shropshire Council.
 - The application, Ref 18/05584/FUL, dated 21 November 2018 was refused by notice dated 12 April 2019.
 - The development proposed is change of use from off-license (A1) to takeaway restaurant (A5). Minor internal alterations, including new partition wall and fittings associated with new kitchen areas. 2 No windows to be removed and blocked with new extractor fan ventilation, and new stack vent fixed to adjoining property which is also owned by the client. 1 No. window is to be enlarged and window onto Ellesmere Road is to be replaced with new main doors to proposed restaurant.
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Decision

1. The appeal is dismissed.

Procedural Matter

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 not changed but, nevertheless, a different wording has been entered. 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.

Main Issue

3. The main issue is the effect on highway safety in relation to parking.

Reasons

4. The appeal property is a vacant shop on the corner of Wood Street and Ellesmere Road. Wood Street is a residential cul-de-sac with housing on both sides. Ellesmere Road is a main road leading into the centre of Shrewsbury.
5. The appeal site boundary follows the footprint of the building. The parking area to the rear of 20 Ellesmere Road lies outside the appeal site and therefore is not subject to the proposed change of use. As such, visitors travelling by car to the proposed takeaway would need to park on the road. Restrictions prevent parking at any time on both sides of Ellesmere Road near to the appeal property. As parking is unrestricted on both sides, Wood Street would be the most obvious location for parking associated with the proposed development.

6. The submitted TRICS figures give an indication as to the level of car trips that would be generated by the proposal. Whilst some customers would walk, the appeal site is on a main road and so is likely to attract trade from passing drivers. The takeaway business is not bound to offer a delivery service that reduces visitor numbers. Overall, the evidence suggests the proposal would lead to a demand for customer parking that will peak in the evening.
7. Limited off-road facilities result in a significant demand from residents for on-road parking along Wood Street, particularly in the evening. Where there is parking on both sides of Wood Street, cars are unable to pass and it is difficult to turn a vehicle due to the narrow road width. As such, road conditions and parking on Wood Street lead to potentially hazardous reversing on the highway. Car trips to the proposed takeaway would either exacerbate the parking and car movement problems on Wood Street or lead to drivers seeking to avoid them by parking illegally on Ellesmere Road. In either case, there would be an unacceptable effect on highway safety.
8. As a fallback to the appeal proposal, the shop use could return with unlimited opening hours. However, the appellant's marketing information suggests this is unlikely to happen. The submitted TRICS figures relate to convenience retail uses with a floor area significantly larger than the appeal property. Therefore, they fail to convincingly demonstrate a retail use would generate more demand for parking than the proposal, particularly in the evening. There is no evidence to demonstrate that a change of use allowed under permitted development rights is likely, or that any such change would result in a similar or greater demand for on-road parking. As such, I attach little weight to the impact of potential alternative uses in my assessment of the appeal.
9. For the reasons given above I conclude the development would cause unacceptable harm to highway safety in relation to parking. Consequently, and in this regard, it would be contrary to policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011, policy MD2 of the adopted Shropshire Council Site Allocation and Management of Development Plan 2015 and the National Planning Policy Framework, which all aim, amongst other things, to ensure development incorporates high quality car parking provision, to ensure there is sufficient infrastructure capacity to serve development and to prevent unacceptable harm to highway safety.

Other Matters

10. The proposal would provide employment and bring a vacant unit back into use, thereby reducing the risk of building dilapidation. These are positive considerations in favour of the scheme. I have noted the other points made by the appellant and comments in support of the appeal. However, these do not either singly or in combination, lead me away from my conclusion. Overall, the benefits of the proposal are modest and insufficient to outweigh the harm to highway safety that would be caused by reason of associated parking.

Conclusion

11. For the reasons given above, I conclude the appeal should be dismissed

Jonathan Edwards

INSPECTOR