
Appeal Decision

Site visit made on 16 April 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021.

Appeal Ref: APP/D5120/W/20/3256219

Tasty African Food, 325 Bexley Road, Erith, Kent DA8 3EX

- 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 Mrs Victoria Adebiyi against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/00778/FUL, dated 3 March 2020, was refused by notice dated 15 June 2020.
 - The development proposed is the change of use of the premises from Use Class A1 to mixed Use Classes A3/A5.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The use of the appeal premises as a restaurant/takeaway has commenced and therefore this appeal relates to a retrospective planning application.

Main Issue

3. The main issue is the effect of the proposal on highway safety with particular regard to on-street car parking.

Reasons

4. The appeal premises comprise a ground floor mid-terrace retail unit that was formerly used as shop. It is located on a busy classified road and forms part of the non-core shopping frontage within the Northumberland Heath District Centre. The property is close to Northumberland Close, which is a residential cul-de-sac.
5. The appeal scheme involves the use of the premises for a mix of restaurant and takeaway uses. The information before me indicates that neither use would be ancillary to the other and therefore the premises would cater for a similar level of on-site and takeaway business albeit the small size of the premises would suggest a low level of eating-in could potentially occur.
6. Whilst the property has a relatively poor Public Transport Accessibility Level, it is close to bus stops and a shopping area and there is a large residential population within easy walking distance. Many visitors to the appeal premises may walk or use public transport. However, it is likely that an equally high

- proportion of visitors would travel to the premises by private car and the takeaway use would result in deliveries being undertaken by motorcycle.
7. The Highways Authority (HA) has advised that, in its experience, a significant number of customers visiting hot food takeaway premises endeavour to park as close as possible due to the short duration of these visits and a desire to return home with hot food. The HA notes that customers are often prepared to ignore parking restrictions and park in hazardous locations. I attach significant weight to these observations and those made by my colleague in respect of the earlier appeal¹.
 8. Whilst there are a small number of on-street car parking spaces in front of the appeal premises, there is no evidence before me that these spaces are lightly used in the evenings. Elsewhere there are double-yellow lines and informal parking occurs in between the pavements and front and side elevations of nearby properties.
 9. I note that the current occupier of the premises may cater for people who live a long way away who would choose to eat in the premises. However, a grant of planning permission runs with the land and future occupiers may cater for a local clientele and therefore generate greater levels of short-stay trips. I note that some takeaway food may be ordered online, thus reducing the number of private vehicles visiting the premises. However, this would simply result in motorcycles visiting the premises and most likely crossing the pavement to park as close to the entrance as possible, with potential harm to pedestrians.
 10. I find that the use of the appeal premises for a mixed restaurant/takeaway use would lead to an increase in the level of informal off-street parking of motor vehicles together with increased vehicular movements in Northumberland Close with consequential potential harm to both road users and pedestrians in the area.
 11. For these reasons I conclude that the proposal would have an unacceptable effect on highway safety. It therefore fails to comply with Policies T17, SH05, SH09 and ENV39 of the Bexley Unitary Development Plan (2004). Amongst other matters these policies require development to make adequate provision for parking and not have an adverse effect on parking and traffic conditions.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR

¹ Appeal reference APP/D5120/W/18/3212346, dated 8 March 2019