



Appeal Decision

Site visit made on 29 July 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Appeal Ref: APP/U4610/W/25/3363762

Parmir Restaurant, 603-607 Stoney Stanton Road, Coventry CV6 5GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr N Jabarkhail of Parmir Restaurant against the decision of Coventry City Council.
 - The application Ref is PL/2024/0002542/FUL.
 - The development is change of use of in part the community/education area to a restaurant use (Use Class E(b)) with a maximum of 129 covers.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of in part the community/education area to a restaurant use (Use Class E(b)) with a maximum of 129 covers at Parmir Restaurant, 603-607 Stoney Stanton Road, Coventry CV6 5GA in accordance with the terms of the application, Ref PL/2024/0002542/FUL, subject to the conditions in the attached schedule:

Preliminary Matters

2. The description of development from the application form referred to occupiers whereas based on the information before me the intention was to refer to covers and it was on this basis that the Council made its decision. This is reflected in the revised description of development used on the appeal form and the decision notice. Given that the description of development does not fundamentally change the development, and both parties have used it, the parties shall not be prejudiced by my using it.
3. Whilst the change of use appears to have already taken place, it is not evident that this has been carried out in accordance with the submitted plans and as such, I have determined the appeal based on the development as carried out and the submitted scheme.
4. As advised by the Procedural Guide to Appeals – England, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what the Council determined the application upon, and on which interested parties' views were sought. I cannot be certain that the views of interested parties would not be prejudiced if I were to consider the Car Park Rental Agreement for additional car parking nearby as part of my determination of the appeal. As a result, my decision is based on the information submitted with the application, upon which the Council based its determination on, and I have not taken the additional information into account.

5. Reference has been made to the emerging Local Plan within the submitted evidence, although emerging policies were not referred to in the decision notice itself. Given that the emerging Local Plan has not been through the Examination in Public process there is no certainty that the emerging Local Plan in its current form will be adopted. Accordingly, I attribute limited weight to the relevant emerging policies.

Main Issues

6. The main issues of relevance to this appeal are the effect of the development on highway safety; and the effect of the development on the living conditions of nearby occupiers with regard to noise and disturbance, with particular regard to the parking of vehicles that may arise from it.

Reasons

Highway Safety

7. Planning permission was granted in 2015 for the erection of a building for use as a restaurant and community/education centre on ground floor, five residential units on first and second floor and associated parking and access. A condition attached to that permission restricted the number of covers in the restaurant to 50, in order to safeguard the amenity of nearby residential properties and in the interest of highway safety.
8. Appendix 5 of the Coventry Local Plan (LP) sets out that car parking standards in the document should be considered a maximum. However, Appendix 5 sets out that it is recognised that in exceptional circumstances there may be occasions where it could be appropriate to have a lower or higher level of parking depending on the specific details of the application. Any departures from the parking standards should be fully and appropriately justified with detailed supporting evidence. Policy R6 of the LP directs restaurants to be located in defined centres and where they would not result in significant harm to the amenity of nearby residents or highway safety. The appeal site is not in a district centre, but the appeal does relate to an existing restaurant. Appendix 5 sets out that a restaurant requires one off road car parking space per 10 square metres(sqm) of internal floor area.
9. The existing floor area is 250 sqm whilst the development extends the restaurant use by 37 sqm. The Council identify that Appendix 5 indicates that 29 parking spaces should be provided for the whole restaurant. The scheme before me would not provide any additional parking spaces above the 7 already on site available to the restaurant. Given the wording of Appendix 5, this identifies that whilst it is defined as a maximum parking standard, that developments should provide parking that complies with it, unless there are exceptional circumstances and this includes providing below or above what is set out in the document.
10. A Transport Statement accompanied the development approved in 2015, supporting the approved parking provision based on TRICS data for the combined restaurant and community centre uses and this was based on the floor space for each use.
11. A Transport Note has been submitted, including a parking accumulation assessment, based on TRICS data for the floor space of extended restaurant.

Although the development seeks to accommodate 129 covers, this is constrained by available floorspace. The assessment predicts a modest increase in parking demand, not cumulatively exceeding five vehicles at any one time, with seven spaces available on site. There is no substantive evidence to dispute these findings.

12. While the parking spot check of surrounding roads covered only one day rather than the three recommended by the Local Highway Authority, it provides a snapshot of peak demand as identified in the Transport Note. The survey indicates that two additional vehicles could be absorbed within on-street capacity at peak times. Although the Council refers to existing parking stress, there is no compelling evidence that any additional demand from this use would result in significant highway safety or capacity issues.
13. Accident data for Stoney Stanton Road primarily relates to incidents near the Broad Street junction, rather than the appeal site. There is no evidence linking accidents to the ongoing operation of the restaurant. The proposal would reuse the existing access, which has operated without incident for several years. On this basis, the modest increase in vehicular movements would not have an unacceptable impact on highway safety. Accordingly, the departure from parking standards has been appropriately justified with detailed supporting evidence.
14. If vehicles are parked illegally, this reflects individual choice rather than the appeal sites use.
15. For the reasons given above, the development does not harm highway safety, and the scheme complies with Policies AC3 and R6 of the LP, insofar as they expect development that includes car parking, amongst other matters, to be based on the parking standards set out in Appendix 5 of the LP. The development also accords with Policy AC3 of the emerging Local Plan which is similarly worded.

Living Conditions

16. The submitted evidence indicates that the additional parking demand generated by the extended restaurant can be satisfactorily accommodated within the existing on-site provision. Consequently, the number of vehicles likely to park on surrounding roads would not materially differ from the current situation. The surrounding roads comprise predominantly terraced housing, where on-street parking is an established feature of the local pattern of development.
17. Even if some vehicles were to park on nearby streets during periods when residents might reasonably expect less activity, the associated noise and disturbance from parking manoeuvres and car doors closing would not be unusual given the established pattern of on-street parking in the area. Considering the modest scale of the development and the availability of on-site parking, any additional on-street parking would be limited and would not result in a level of noise or disturbance that would cause significant harm to the living conditions of nearby occupiers.
18. Therefore, for the reasons given above, the development does not harm the living conditions of the occupiers of nearby residents. Consequently, the development would comply with Policy R6 of the LP insofar as it expects restaurants, amongst other matters, to not result in significant harm to the amenity of nearby residents.

Other Matters

19. The appellant identifies that the restaurant has a high standard food hygiene rating, and a condition has been suggested to ensure a scheme for fume extraction and odour control equipment would be approved, installed and maintained. Whilst I note concerns regarding vermin and smells from the restaurant, the evidence indicates that the appellant has taken a proactive approach to manage these matters to ensure the development does not harm the living conditions of nearby occupiers and the suggested conditions would support this. The Council did not identify these matters as reasons for refusal and based on the evidence before me I concur.

Conditions

20. Given that the development has already taken place the statutory commencement condition is not necessary. However, a condition requiring the development is carried out in accordance with the permitted plans is necessary in the interests of certainty.
21. Condition 2 is necessary in the interests of highway safety. Given the proposal relates to an existing use, I have revised the condition in the interests of enforceability.
22. Conditions 3, 4, 5 and 6 are necessary in the interests of the living conditions of nearby residents. Given that the use already occurs on site, requiring work to be done before the use commences would not be reasonable and as such, I have revised the wording of condition 3 in the interests of reasonableness and enforceability.
23. Condition 7 is necessary in the interests of certainty as well as the living conditions of nearby occupiers.
24. The National Planning Policy Framework states that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. The Planning Practice Guidance also states that the blanket removal of freedoms to carry out small scale non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The Council has suggested a condition that would restrict all permitted development rights on site. However, this proposal only relates to the change of use of part of the ground floor of the building and it has not been demonstrated that there is clear justification to removal all permitted development rights. Consequently, I have not included the condition as it would not pass the tests of reasonableness.

Conclusion

25. The development accords with the development plan and the materials considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: 1859-01 Rev B and 1859-02
- 2) Unless the approved scheme for the car parking and manoeuvring areas as shown on drawing no 1859-01 Rev B is implemented within 1 month of the date of this approval, the use of the site shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the approved scheme is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Unless within 1 month of the date of this decision a scheme for the fume extraction and odour control equipment (including external ducting flues) for the use hereby permitted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 1 month of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme for the fume extraction and odour control equipment specified in this condition, that scheme shall thereafter be maintained in accordance with the manufacturer's instructions and be operated at all times when cooking is carried out.

Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modifications shall be colour coated to match within one month of its installation.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) Customers shall only be permitted on the premises between the following hours:
1200 – Midnight, Monday to Sunday.
- 5) There shall be no hot food deliveries from the premises or take-away sales at any time.

- 6) No form of electronically controlled amplification equipment shall be located and/or operated in the open on any part of the site at any time.
- 7) The premises shall be used for Class E(b) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule