



Appeal Decision

Site visit made on 3 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/L3245/W/20/3253657

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 19/04715/FUL, dated 18 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is change of Use from (A1) Shop to (A5) Hot Food Takeaway Restaurant, associated alterations to the building and the associated provision of 2 no. off-street car-parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. These amendments include the introduction of a new broad 'commercial, business and service' use class (Class E) which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3), and offices and other business uses (B1) use classes. Paragraph 4 of the Regulations provides that: "*If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes*". Accordingly, this appeal must be determined with reference to the use classes that existed on 31st August 2020.

Main Issue

3. The main issue is whether the development would prejudice highway safety.

Reasons

4. The appeal property is a vacant single storey unit on the corner of Wood Street and Ellesmere Road. In this regard, Wood Street is a historic residential cul-de-sac with no turning head, whereas Ellesmere Road is a main route into Shrewsbury town centre.

5. The vast majority of the properties along Wood Street rely on on-street parking, and at the time of my site visit most of these spaces were occupied. This situation is likely to worsen in the evenings when residents return home from work. When cars are parked on both sides of the street, there is little manoeuvring space and 2 vehicles are unable to pass one another. Moreover, Ellesmere Road has parking restrictions along both sides. The availability of parking is therefore very limited, and both the Council and local residents refer to significant parking stress in the area.
6. The site has recently been subject to a dismissed appeal decision (ref APP/L3245/W/19/3229377) for a similar development to that currently proposed. That scheme was also for a change of use to a hot food takeaway, albeit no dedicated parking spaces were proposed. The previous Inspector's concerns related to the lack of available car parking in the vicinity, the difficulty in turning on Wood Street, and the likelihood that this would lead to dangerous reversing manoeuvres along it. Given the situation along Wood Street, he expressed concern that the development could also attract illegal parking along Ellesmere Road, which would also have safety implications. In this regard, I note that the appeal site is positioned on a junction, which could encourage illegal parking on the corners.
7. The current proposal differs from the previous scheme in that it would include 2 dedicated parking spaces at the rear of the site. These would be accessed via Wood Street and the appellant states that they would be reserved for customers and deliveries only. However, there is no mechanism before me to prevent staff from using these spaces, and I note that up to 4 employees would be present at the site at any one time. Whilst it is asserted that staff would be dropped off and collected at the start and end of shifts, there is no means of enforcing this, or of ensuring that this arrangement continued if the business were sold on. Moreover, a condition restricting the use of the proposed spaces would be very difficult, if not impossible, to enforce.
8. The submitted plans indicate that an additional on-street parking space could be provided along Wood Street. However, given the extent of parking stress in the area, this additional space may simply be absorbed by existing demand from residents.
9. I note that the site was previously used as a convenience store and post office, with unrestricted opening hours, and that it could return to this use at any time. However, the appellant's submission states that the previous store lost its prominence when the nearby Premier convenience store opened, and the post office relocated to it. In this regard, I note that the Premier store is only around 100 metres from the appeal site, is significantly larger, and benefits from off-street parking. It is unlikely that the appeal building would reopen as a convenience store in these circumstances. In any case, I am not persuaded that a retail use in this location would attract the same amount of parking in the evening as a hot food takeaway. Similarly, whilst the building could be put to a number of other uses without the need for planning permission, these would be unlikely to generate the same demand for parking at this time.
10. Separately, I note that the submitted TRICs data is based on A3 restaurant uses rather than hot food takeaways. Moreover, a number of the selected examples are national chains that are unlikely to offer a significant takeaway

element. The number of trips indicated in the TRICs data may therefore not be representative of the appeal proposal.

11. I further note that a large builder's merchant was previously located at the far end of Wood Street and was accessed via this route. However, that use is unlikely to have operated into the evening, and in any case, vehicles would have been able to turn within the site rather than needing to do so on Wood Street itself.
12. It is asserted that the current pandemic has moved a significant amount of takeaway ordering to online and delivery services. In this regard, the appellant has provided information to show that their existing restaurant and takeaway business generates more than half of its income from online ordering. However, most online ordering services also have a collection option, and so many of these customers would still need to visit the store in person. In any case, a significant proportion of trade would not involve online ordering or delivery services. The site's position on a main road is also likely to attract trade from passing drivers, as noted by the previous Inspector.
13. For the above reasons, I conclude that the development would be likely to prejudice highway safety. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011), and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development is designed to be safe and accessible, and that there is sufficient infrastructural capacity to serve it.

Other Matters

14. It is asserted that the development would lead to noise and disturbance to neighbouring properties in the evening. However, I note that it would front onto Ellesmere Road rather than Wood Street, which is a busy main road with a significant amount of background noise. The trading hours of the business could also be controlled by condition. In terms of the potential for litter accumulation, I note that a litterbin is positioned directly outside of the premises.

Conclusion

15. As set out above, I conclude that the development would be likely to prejudice highway safety and would be contrary to the development plan in this regard. Whilst it would bring a vacant building back into use, and would generate new jobs and other economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR