
Appeal Decision

Site visit made on 4 October 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2016

Appeal Ref: APP/N4720/W/16/3152046

Wool Loft House, Sandbeck Way, Wetherby, Leeds LS22 7DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Yusuf Ssozi against Leeds City Council.
 - The application Ref 15/06026/FU, is dated 8 August 2015.
 - The development proposed is change of use to first floor to light leisure and signage application.
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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 it appears that the two elements of the proposed development were dealt with separately by the Council who approved the signage application on 23 December 2015 (Ref 15/06027/ADV) under the advertisement regulations. Consequently in dealing with the appeal I have confined my assessment to the proposed change of use.

Background and Main Issue

3. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellant exercised his right to appeal against the failure of the Council, as the local planning authority, to determine the application.
4. A Statement has been submitted by the Council in response to the appeal which states that the Council would have refused planning permission for the proposal due to concerns relating to a lack of parking facilities to serve the proposed use.
5. Having regard to the evidence submitted by both parties, I consider that the main issue is the effect of the proposal on highway safety with particular regard to parking.

Reasons

6. The appeal site comprises a two storey building located within an out of town industrial estate. The first floor of the appeal building is vacant though I
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understand that it was previously used for storage. The ground floor appears to be in use as a self-storage facility with an adjacent building also in commercial use. The buildings are positioned adjacent to a surfaced parking area which appears to be shared between the two buildings. Vehicular access to the appeal site is via Sandbeck Way. At the time of my visit there was a high demand for on street parking along Sandbeck Way and I noted that there are on street parking restrictions along one side of the road preventing parking at any time.

7. The proposed change of use relates to the first floor of the appeal building which would be used as a gym. The planning application form states that there are 3 existing on-site car parking spaces and that a total of 7 are proposed including the existing together with 4 cycle spaces. The site plan submitted with the application indicates a total of 17 on-site car parking spaces within the site edged red, though it is unclear as to which of these would serve the proposed use and which would serve the existing commercial uses.
8. The Council's Parking Supplementary Planning Document January 2016 (SPD) sets out, amongst other things, how parking provision for new developments will be managed and provides car parking guidelines for various types of development including light leisure and storage. The SPD guidelines are 1 space per 22 square metres gross floor area (GFA) for light leisure, 1 space per 66 GFA for general industrial and 1 space per 80 GFA for storage. Based on the floor area of the first floor of the appeal building as stated on the planning application form (432 square metres) the car parking guidelines for the proposal are 20 car parking spaces. This is significantly above the 7 spaces proposed and also above the total number of spaces shown within the site edged red which it appears would also need to serve the existing commercial uses on the appeal site.
9. I note that the appellant states that the proposed gym would serve demand from within the industrial estate and from nearby residential properties and that potential customers could access the site on foot or by bike. However no details have been provided with either the application or the appeal to explain how potential customers would be encouraged to access the site by means other than by car. In the absence of this and having regard to the significant shortfall in parking spaces proposed when compared to SPD guidelines, existing parking pressures in the immediate vicinity of the site on Sandbeck Way and the appeal sites out of town location, I consider that the proposal would be likely to result in vehicles accessing the proposed use needing to park off-site. This would add to the existing pressure on on-street parking in the immediate vicinity of the appeal site and would be detrimental to highway safety.
10. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on highway safety with particular regard to car parking. It is therefore contrary to Policy GP5 of the Leeds Unitary Development Plan, Policy T2 of the Leeds Core Strategy, relevant paragraphs of the National Planning Policy Framework and to the guidance contained in the SPD. These policies and this guidance seek, amongst other things, to ensure that development proposals maximise highway safety and that parking provision is in accordance with current guidelines.

Other Matters

11. In reaching my decision I have had regard to the fact that the proposal would bring a vacant part of a building back into use and that it would provide a service to residents and nearby employees. I also note that the Council accepted the sequential assessment submitted by the appellant and that the appellant states that the proposed gym would not be in direct competition with any other nearby gyms. I note that the Council has not raised any concerns regarding the design or layout of the proposal and that it does not create conflict with any other nearby uses in terms of overlooking, loss of light, noise or other disturbance. Finally I note that the Council did not receive any objections to the proposal. However none of these matters either individually or cumulatively outweigh the harm that I have identified to highway safety.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR