
Appeal Decision

Site visit made on 27 February 2017

by B Bowker Mplan MRTPI

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

Decision date: 20 March 2017

Appeal Ref: APP/U3935/W/16/3162011
4-6 Corporation Street, Swindon SN1 2AB

- 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 Bkhan Hama Karim against the decision of Swindon Borough Council.
 - The application Ref S/16/1371/IH, dated 27 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is described as 'partial change to use for MOT testing centre address Swindon car was 4-6 Corporation Street SN1 2AB' [sic].
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. In its decision notice and delegated report, the Council note concern, albeit briefly, in relation to the amenities of the local area. The Council's Statement of Case also includes a brief assertion to noise relating to vehicular parking. However, based on all I have seen and read, I consider that the main issue between the parties relates to highway safety.

Main Issue

3. Accordingly, the main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site is a single storey building with an outside parking area. The site is in use as a hand car wash and for vehicle tyre services. Access to the main part of the site is via Corporation Street which is a one way two lane main route into the town centre. The surrounding area is predominantly residential in use. However, nos 1-8 Manchester Road to the south include a restaurant, laundrette and House in Multiple Occupancy. The Council state that these uses are allocated vehicular parking at the appeal site by virtue of separate planning consents granted in 2015.
 5. During my mid-afternoon site visit, I saw that the site has 11 outside parking spaces, a number of which were vacant. However, it would be reasonable to assume that parking demand at the site and from adjoining uses would fluctuate throughout the day. I also observed that the appeal building has an upper floor and that this section of Corporation Street is busy and subject to double yellow line restrictions and traffic lights.
-

6. The MOT service would be carried out on a pre-booking one at a time basis which the appellant considers would allow control over the number of vehicles visiting the site. The appellant also considers that there are at least two parking spaces available inside the appeal building. However, the information before me does not indicate how parking spaces and vehicular movement would be managed across the proposed and existing uses at the site. Nor is the pre-booking MOT service arrangement fully elaborated upon. It is also put to me that adjacent restaurant and laundry customers walk to the premises and thus do not require parking spaces at the site. However, no substantive evidence is before me to demonstrate that this is the case.
7. In the absence of sufficient site management details relating to the proposed and existing uses at the site, I share the Council's concerns. These concerns relate to the inadequate details of; the site parking layout; existing and proposed parking demand; on-site vehicular movements; arrangements for repair works; and parking provision for vehicles awaiting customer collection. Furthermore, adjoining uses have allocated parking spaces at the appeal site which includes an allowance for delivery vehicles. Consequently, owing to the insufficient details submitted, the potential for overspill parking and conflict between different highway users at the site and adjoining highway cannot be fully ruled out. Additional parking and poorly managed movement at the site and adjoining highway would be of particular risk to highway users, taking into account the conditions of this section of Corporation Street.
8. In reaching this view, I have considered the appellant's assertion that the site has been used for vehicular maintenance and repair purposes. However, the Council state that they have no evidence that has been the case. Moreover, each planning application and appeal must be determined based on the submitted evidence and on its individual merits. In this light, taking into account my reasoning above, and in the absence of any substantive reasoning or evidence to the contrary, I conclude that the proposal would lead to an unacceptable risk to highway safety.
9. Therefore the proposal would have a harmful effect on highway safety. Consequently, the proposal would be contrary to Policies DE1 and TR2 of the Local Plan which are of most relevance to this matter. Combined, these policies require development to be acceptable in relation to layout, accessibility and not be detrimental to highway safety.

Other matters

10. Whilst not put forward in support of the appeal, I acknowledge that the proposal would help support an existing business. However, this minor benefit would not outweigh the harm identified above to highway safety.

Conclusion

11. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR