
Appeal Decision

Site visit made on 14 March 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 3 April 2017

Appeal Ref: APP/N4720/W/16/3165098

Unit 4 Adjacent to 161B Harehills Lane, Harehills, Leeds LS8 3QE

- 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 Kyaw Sein against the decision of Leeds City Council.
 - The application Ref 16/02882/FU, dated 20 April 2016, was refused by notice dated 25 July 2016.
 - The development proposed is the use of vacant unit as MOT testing centre.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

3. The appeal site comprises a storage unit located at the eastern end of a small row of business units which include a furniture store, signage business and a vehicle repair garage. The appeal site is located adjacent to the existing vehicle repair garage. A single access off Harehills Lane is located to the front of the appeal unit and the vehicle repair garage. This access leads to a shared forecourt which serves all of the units in the row.
 4. I observed at my site visit that this part of Harehills Lane is heavily trafficked and the Council has identified that it has an accident record above national rates for similar classes of road and as such is ranked No 3 in the Council's "Lengths for Concern 2016" document. This also indicates that in the last five years there were six accidents attributable to vehicles emerging from minor roads into the path of the main road traffic.
 5. On street parking occurs on both sides of the road in front of the units which was fully occupied at the time of my visit. In addition, the forecourt to the units was also fully occupied by parked cars with car parking also occurring directly in front of the appeal unit. As a consequence there appeared to be little available space for vehicles to manoeuvre and exit the forecourt in a forward direction and I observed several vehicles having to reverse on to Harehills Road causing disruption to traffic flow. In addition, there was competition for available parking on the forecourt with vehicles waiting on the road for a space to become available.
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6. The proposal would provide for two car parking spaces within the forecourt area to the front of the unit and in the vicinity of the access to Harehills Lane. The Council suggests that the indicated bays are markedly below the minimum dimensions of 4.8m long x 2.4m wide, as specified in the Street Design Guide. I have no evidence to indicate that the Council's calculations of the size of the bays would be incorrect.
7. However, from my observations on site, the lack of suitably sized and defined parking bays is a contributory factor to the existing parking conditions on the forecourt. The provision of bays of inadequate size would likely cause drivers to undertake lengthy manoeuvring movements to access and egress the proposed parking spaces in the vicinity of the access point. This would likely further lead to vehicles having to wait on Harehills Lane to access the forecourt until such manoeuvres were completed.
8. I agree with the Council that accessing the proposed bays would require drivers to either reverse into the heavily trafficked Harehills Lane or potentially manoeuvre along the footway and the access area to the units in order to park in the parallel bay. Both of these manoeuvres would be detrimental to highway and pedestrian safety. Notwithstanding these safety issues, I observed that reversing movements onto the road also interrupts the busy flow of traffic for vehicles travelling in a southerly direction.
9. I have no evidence of any minimum car parking requirements to serve the proposed MOT testing centre. However, notwithstanding the size and location of the proposed parking bays, I also agree with the Council that the provision of two spaces would likely be insufficient to serve a turnover of customers which would require spaces for vehicles awaiting MOT/repair, vehicles awaiting collection after MOT/repair and space for staff. In these circumstances I consider that the inadequacy in parking provision would likely result in indiscriminate parking on the street or adding to the parking on the forecourt and further compromising the availability of manoeuvring space to enable vehicles to exit the forecourt in a forward direction.
10. Taking the above factors into account, the proposal would not provide sufficient and appropriate car parking space in terms of the number of bays, the size of the bays and their location. It was clear from my site visit and the evidence of nearby residents that the existing units have a high demand for car parking. Due to the current insufficient parking space on the forecourt, this occasionally results in vehicles having to reverse on to a part of Harehills Lane that is heavily trafficked and has a worse than national rate accident record. In my view the proposal would exacerbate these existing parking conditions in the locality to the detriment of highway safety.
11. I have taken into account the fact that the proposed MOT testing centre would offer customers the option of collection and delivery of vehicles. Whilst this may assist in reducing the length of time that vehicles are parked on the site, it would not address my concerns identified above regarding the inadequacy of parking as not all customers would wish use this option.
12. I also note the intention to operate the MOT testing centre in conjunction with the adjacent vehicle repair garage. However, I agree with the Council that planning application on which it made its decision shows that the unit would operate independently with two parking bays to the front. As such, any future

association with the existing vehicular repair garage would have no material effect on the inadequacy of the proposed parking arrangements.

13. I therefore conclude that the proposal would be detrimental to highway and pedestrian safety and would be contrary to Policy T2 of the Leeds Local Development Framework Core Strategy 2014 and Saved Policy GP5 of the Leeds Unitary Development Plan (Review- 2006). These policies, amongst other things, require that proposals should not add to problems of safety and efficiency of the highway network.

Other matters

14. I have taken into account the fact that the appellant has been granted a certificate by VOSA to operate the unit as a MOT station. However, the granting of such certificate is not relevant to the planning considerations associated with the proposed use and in particular the effect on highway safety.

Conclusion

15. For the above reasons, and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR