



Appeal Decision

Site visit made on 19 August 2019

by Elizabeth Hill BSc(Hons) BPhil MRTPI

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

Decision date: 02 September 2019

Appeal Ref: APP/P4225/W/18/3217443

The Lake Garage, Smithy Bridge Road, Littleborough, OL15 0BQ

- 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 James Hall And Company Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 17/01512/FUL, dated 18 December 2017, was refused by notice dated 1 August 2018.
 - The development proposed is the demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works (resubmission of planning application 16/01318/FUL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the safety and convenience of other highway users, including pedestrians.

Reasons

3. The proposed development would take place on the site of the former Lake Garage on Smithy Bridge Road, which the Council identifies as part of the Strategic Highway Network and one of the emergency motorway diversion routes for the M62. The proposal would widen two existing access points, close a third and create a delivery bay for service vehicles at the front of the site.
4. Turning firstly to the swept paths relating to service vehicle movements from Smithy Bridge Road to the service bay, the Council's view is that there would be insufficient space to allow for vehicles to enter and leave the site without mounting the footway. The swept paths provided by both the appellant and the Council are similar, both of which show a service vehicle running close to the footway or overrunning it. The access is particularly tight on the turn which comes in from the west and out in an easterly direction and necessitates a cutting back of the kerb line to allow service vehicles to manoeuvre out of the service area and back onto the road. This contrived design gives an implicit priority to large articulated service vehicles over pedestrians, which would be contrary to the principles set out in paragraph 110 of the National Planning Policy Framework (NPPF), which seeks to prioritise the needs of pedestrians over the efficient delivery of goods, and Policy T2 of the Rochdale Core Strategy (CS). This requires that proposals should create safe places through

- minimising conflict between pedestrians and vehicles and respond to design standards.
5. Whilst the design of the kerb line might be a detailed matter, the Council say it would not meet their standards for adoption. A development like this would be expected to attract pedestrians from the surrounding area as well as cars and cycles. The proposal would have implications for pedestrians crossing the access point, since there would be a change to the expected kerb line, altering the desire line to accommodate the cutaway kerb. Tactile paving would be provided at the kerb edge, which would be an improvement in terms of provision, but this would not overcome the potential confusion for visually impaired persons, whose needs have priority over service vehicles. Therefore, I consider that there is a strong likelihood of conflict between service vehicles and disabled pedestrians walking along Smithy Bridge Road.
 6. The development shown on the site leaves very little space for manoeuvring vehicles, including cars and service vehicles. Both the appellant's and the Council's tracking diagrams show little space between the service vehicle movements and the parking area outside the shop. Although the forecourt is an environment in which all users would need to be aware of each other and take care in their movements, pedestrians and those making deliveries would need to weave their way through this area and the proximity to other vehicles would mean that it would not be appropriate or safe. In summary, the size of the site is too small for the development proposed and the servicing movements which it would generate.
 7. Smithy Bridge Road is described by the Council as being of minimum width for its function as a classified road as a result of historic development patterns. There would be times that both carriageways would be needed to enter and leave the site, which is not uncommon where radii are small, but would require a suitable gap in the traffic. The road is part of the strategic road network and at times it can be used as an emergency alternative for the M62, which could mean that there could be a waiting time to carry out such manoeuvres, causing queueing and delay. The appellant has suggested that a condition could be used to regulate hours of delivery. However, the condition suggested by the appellant allows deliveries between the hours of 0700 to 2200 which covers both the morning and evening peak hours and would not be effective in controlling the effects of deliveries on Smithy Bridge Road.
 8. The appellant has quoted a number of sites where there have not been any highway objections to the development of SPAR sites. However, these are all different in their layout from the proposal and in different locations. It is a similar position for the examples of operational SPAR stores and their accident statistics. Each case in these examples would have been considered on their merits against the development plan for that area. As such, I give these examples little weight.
 9. The appellant has also said that the proposal would be an improvement over the fallback position which was a car sales/ MOT station and workshop. The photographs submitted by the appellant show the site in operation with cars parked closely on the site. The evidence goes on to say that a car transporter or delivery vehicle would have to serve the site from the road. However, no evidence has been produced to indicate that car transporters/ HGVs were used on the site and most of the users would have driven to the garage themselves

for MOTs and car servicing. The enterprise is not a car dealership where such large vehicles might have been expected regularly but a small car sales/ MOT garage. Therefore, I give the fallback position little weight.

10. Therefore, I conclude that the proposed development would be harmful to the safety and convenience of other highway users, including pedestrians, contrary to Policy T2 and DM1 of the CS, which set an accessibility hierarchy for development and set a high quality for the design of proposed development, respectively.

Planning balance

11. There is some support for the scheme from a small number of local residents, since it would give more choice of local shops. It would also make use of a brownfield site, which is currently disused and has an adverse impact on the appearance of the locality. It would also be beneficial in terms of employment creation in the local area, although any jobs in the development's construction would be short-term. The development would be controlled by condition and restrictions on noise and hours of use. Whilst this latter matter might be the case, no evidence has been submitted that there were problems of this nature with the previous development and therefore its value as an improvement is uncertain. The appellant claims that the proposal would create better servicing arrangements than the previous use. These arrangements are likely to have had less impact than claimed and I have given the fallback little weight. Therefore, the benefits of the proposal would not outweigh the harm which I have identified from highway matters. Paragraph 109 of the NPPF states that planning permission should only be refused if there would be an unacceptable impact on highway safety and I consider that to be the case with this development.

Conclusion

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

E A Hill

INSPECTOR