



Appeal Decision

Site visit made on 11 February 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/C4235/W/19/3241585

Land at the junction of Stockport Road East with Lower Bents Lane & Land to the rear of The Rat Pit Social Club, Lower Bents Lane, Bredbury, Stockport SK6 2NJ

- 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 J McCormack against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/071934, dated 28 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is change of use of land and erection of car repair workshop (use class B2) and ancillary parking for staff and customers.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application relates to land to the side and to the rear of The Rat Pit Social Club. Subsequent to determination, the appellant acquired the social club and he has requested that the change in land ownership be taken into account in determining the appeal. The Procedural Guide – Planning Appeals – England advises that the appeal process should not be used to evolve schemes, and that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application. However, in this case, the Council has provided comments on the implications of the change in land ownership for the appeal scheme as part of the appeal process. Therefore, I have taken account of it in my assessment.
3. The application is a resubmission of a previously refused proposal (ref DC/069233) that was subsequently dismissed on appeal (ref APP/C4235/W/19/3222452). In that case, the Inspector concluded that there would be no harm to the living conditions of nearby residential occupiers. Accordingly, the Council confirms that it no longer considers that there would be conflict with the development plan on grounds relating to living conditions.

Main Issues

4. Therefore, the main issues are:
 - i) The effect of the proposal on the safe operation of the highway network; and

- ii) Whether there would be adequate provision for disabled persons parking spaces and secure cycle parking.

Reasons

Highway safety

5. The appeal site includes land to the rear and side of The Rat Pit Social Club, previously used as carparking in association with the social club. It is in a mixed residential and commercial area near to the busy junction of Stockport Road East and Lower Bents Lane. The proposed garage would be located to the rear of the social club building, beyond which are residential dwellings. The hard standing to the side of the social club would be used for parking. Vehicular access would be taken from Lower Bents Lane.
6. In November 2018, planning permission was refused, and the decision was upheld on appeal¹, for the erection of a detached vehicular workshop. At that time, the social club was in third party ownership and the appellant retained a right of access over the land to the side of the building. The previous Inspector found that the increased use of the highway access would not automatically create a significant highway danger. However, he considered that the concurrent use of the social club and the garage would lead to a shortage of on-site parking, increased vehicular manoeuvres and movements and an increase in on-street parking. He concluded that overall there would be an unacceptable danger to highway users.
7. While the appellant now owns the social club, no amended proposals have been submitted to address the reasons for refusal of the application, including the reason that the appeal was dismissed. The appeal before me therefore relies upon the additional land being sufficient in itself to demonstrate that an acceptable scheme could be brought forward. In this respect, the appellant suggests that an appropriate site management plan could be secured by a suitably worded planning condition. Although no details are provided, it is suggested that the management plan would cover the operation or cessation of the use of the social club, the opening hours of the garage and the club building, and the internal parking, access and servicing arrangements.
8. However, there is no guarantee that the social club building would not be used in the future or that any such use would not require on-site parking. The change in land ownership does not therefore automatically demonstrate that there would be adequate on-site parking provision for the appeal proposal. Moreover, in the absence of a traffic assessment, there is nothing to demonstrate sufficient parking capacity on nearby streets to absorb any overspill parking from the site. Furthermore, I cannot be certain what, if any, restrictions on the operation of the former social club, or on the opening hours of the garage or the social club, would be necessary or reasonable to mitigate the adverse effects of the proposal.
9. The site access would serve both the garage and the social club building. It would be used by pedestrians and cyclists, domestic cars and larger vehicles including car and van transporters and tow-trucks. Additional vehicle movements and the manoeuvring of large vehicles around the access, particularly at peak times of day, would contribute to congestion at the nearby busy road junction. There would also

¹ APP/C4235/W/19/3222452

be an increased risk of conflict with other road users including cyclists and pedestrians using the footway or accessing the site.

10. I accept that there is reasonable visibility along the road in both directions from the access, and that the access could be widened. However, in the absence of any details of access improvements, it has not been demonstrated that adequate arrangements could be made to accommodate the numbers and types of vehicle movements arising from the proposal. Moreover, no details of the access arrangements for pedestrians and cyclists have been provided.
11. Consequently, I am not satisfied that a satisfactory and workable arrangement could be achieved or that a planning condition securing full details and implementation would accord with the requirements of paragraph 55 of the National Planning Policy Framework (the Framework).
12. Therefore, the proposal does not demonstrate that a safe and suitable access to the site could be achieved for all users or that it would not result in an unacceptable impact on highway safety. It would conflict with Policies SIE-1, CS9, T-1, T-2 and T-3 of Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD Adopted March 2011 (the CS). These require, among other things, that development should provide safe and satisfactory access arrangements, internal layouts and parking; avoid inappropriate on-street parking and other adverse impacts on highway safety; and the needs of the most vulnerable road users should be prioritized. The proposal would also conflict with the highway safety aims of the Framework.

Parking provision for disabled persons and secure cycle storage

13. The previous Inspector considered that there was reasonable scope within the site to make adequate provision for disabled persons parking spaces and cycle parking. The Council confirms that this matter could be dealt with by planning condition, particularly given that the change in land ownership. I see no reason to disagree.
14. Therefore, the proposal would make adequate parking provision for disabled persons and cycle storage. In this respect, it would accord with the requirements of the development plan including Policy T-1 of the CS.

Other matters

15. I accept that there are policies in the Framework relating to sustainable economic development, sustainable modes of transport and making effective use of land. However, compliance with some policies in the Framework and the development plan does not outweigh the harm that I have found.
16. The proposal would not result in harm to the character and appearance of the area. There would be no adverse effects on the living conditions of neighbouring residential occupiers. The proposal is in an accessible location. However, these are requirements of the development plan.

Conclusion

17. Adequate parking provision could be made for disabled persons and secure cycle storage facilities could be provided. However, this does not outweigh the harm to the safe operation of the highway.

18. Therefore, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR