



Appeal Decision

Site visit made on 11 April 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/N4720/W/22/3292584

Unit A Spectrum Park, 7 Whitehouse Street, Hunslet, Leeds LS10 1AD

- 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 Grant (Tesla) against the decision of Leeds City Council.
 - The application Ref 21/08336/FU, dated 15 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is the removal of section of curb edge in between access and egress of site.
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Decision

1. The appeal is allowed. Planning permission is granted for removal of section of curb edge in between access and egress of site at Unit A Spectrum Park, 7 Whitehouse Street, Hunslet, Leeds LS10 1AD in accordance with the terms of the application Ref 21/08336/FU dated 15 September 2021 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, P3.100 & P3.101.

Procedural Matters

2. The description of the proposal has been altered from the application form to the Council decision notice. The evidence suggests that the appellant has not agreed to the change of description.
3. The description within the banner heading is taken from the application form, although I have omitted wording that is not a description of development and which addresses the suggested merits of the case. I also note that the proposal entails the provision of a dropped kerb edge following removal of the existing high kerb edge.

Main Issue

4. The main issue is the effect of the proposal on the safety of pedestrians using the footway.

Reasons

5. The existing arrangement sees a footway with a regular height kerb set between the two access points at the site, which is set on the north-west of Whitehouse Street a short distance from the much busier A639. At the time of my site visit

there were no bollards or chain fence across the site frontage adjacent to the footway between the two entrances.

6. The site is situated within a highly commercial area within which pedestrians would generally be alert when manoeuvring around given the many highway accesses and commercial vehicle movements that take place in the area.
7. It is a common and seemingly strongly established arrangement within the street that vehicles are able to cross the footway at various business premises to access parking areas to the rear of the footway. There is nothing within the evidence to indicate that this arrangement has proved unsafe and resulted in conflict between vehicles and pedestrians.
8. It is likely that most vehicle movements at the site would remain focussed on the existing accesses and in particular that on the south-western side of the site which is wider and which also provides more direct access to the side and rear of the building. The parking bays which would be formalised behind the footway would not provide access to other parts of the site given the presence of vehicle charging infrastructure to their rear.
9. The movement of vehicles across the footway is therefore likely to be much more limited than the movement at the established entrances. The movements into and out of the bays are likely to be slow and cautious and nothing within the evidence indicates that the footway is one which is particularly busy. These factors limit the potential for conflict between anyone using the spaces and pedestrians.
10. Further, whilst only a snapshot in time, I was able to observe during my unannounced visit, a car being reversed across the footway on to the forecourt area directly behind the footway.
11. Given this circumstance, which I have no reason to believe was an isolated incident, I have to consider that the provision of a dropped kerb would actually raise pedestrian awareness that vehicle movements could take place across the footway, which could improve pedestrian safety. I therefore conclude that the proposal would not have any significant adverse impact on the safety of pedestrians using the footway.
12. Therefore, and having particular regard to the circumstances at the site and the existing arrangements within the immediate area, I do not find conflict with Policy T2 of the Core Strategy – Selective Review (2019) nor Policy GP5 of the Leeds Unitary Development Plan (2006). Amongst other things these policies require that proposals maximise highway safety with safe and secure access for pedestrians.
13. I have also been advised that the proposal is contrary to guidance within the Street Design Guide¹ and Parking SPD². However, the manner in which there is alleged conflict is not explained and I have not myself found conflict with the guidance within the documents. I have not identified conflict with the Framework³.

Conditions

14. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. A condition requiring the chain fence to remain would not be reasonable given that this does not currently exist. Conditions relating to the laying out of vehicle space and off-

¹ Leeds City Council Street Design Guide Supplementary Planning Document August 2009.

² Leeds City Council Parking Supplementary Planning Document January 2016.

³ National Planning Policy Framework 2021.

site highways works are not necessary to ensure the free and safe use of the highway. The details of the works would have to be agreed with the Council under a Section 278 agreement.

Conclusion

15. Taking all relevant matters into account, the proposal accords with the development plan and there is no indication that a decision should be made other than in accordance with it. The appeal is therefore allowed.

T J Burnham

INSPECTOR