



Appeal Decision

Site visit made on 14 November 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/V4250/W/23/3319918

368-368a Manchester Road, Leigh, Greater Manchester WN7 2ND

- 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 Osman Gulum against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/22/93338/FULL, dated 4 March 2022, was refused by notice dated 19 January 2023.
 - The development proposed is described as the erection of 2 storey detached building comprising 2 no. ground floor retail units and 5 no. HMOs at first floor level (to replace the existing single storey retail units).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the Greater Manchester Places for Everyone Development Plan Document has been submitted to the Secretary of State for examination, it is not referred to in the Council's reason for refusal or in its appeal statement of case and, therefore, carries no weight in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with specific regard to manoeuvring within the site, the adequacy of the access road and parking provision.

Reasons

4. The appeal site comprises a single storey detached building incorporating two commercial units which face onto Manchester Road. To the rear is land accessed off Devon Street, along an alleyway between the rear of the houses facing Manchester Road and York Street. From the evidence before me the rear alleyway serving the appeal site forms part of the adopted highway and has been used as vehicular access to the existing parking and servicing area behind the existing two units.
5. The immediate area is residential, and the appeal site lies between two-storey dwellings. I saw at my visit that the houses on this side of Manchester Road do not have off-street parking. However, the housing in the wider area does. Immediately outside the site are the zigzag markings of the nearby pedestrian crossing which prevent parking immediately outside the site. The first part of Devon Street is also double yellow lined.

6. Policy CP7 of the Wigan Local Plan Core Strategy, 2013 (CS) seeks to, amongst other matters, ensure the provision of appropriate, well designed, convenient, safe, and secure parking for cycles, motorcycles, and cars.
7. Saved Policy A1S of the Wigan Replacement Unitary Development Plan, 2006 (UDP) requires convenient, safe, and secure provision of cycle, motorcycle, and car parking in accordance with the standards adopted by the Council.
8. The proposal is to replace the existing building with a two-storey building providing two retail units on the ground floor and a five-bedroom House in Multiple Occupation (HMO) on the first floor. The rear yard would be formally laid out with four parking spaces.
9. The highway restrictions outside the front of the appeal site would prevent parking and unloading immediately to the front of the proposed units. Stopping a larger vehicle for unloading further along Manchester Road, beyond the crossing zigzag, would be lawful. However, any vehicle stopped on the section beyond the zigzag would result in vehicles having to cross the central line just before the bus lay-by and would, therefore, increase the risk of accidents and incidents for traffic, including cyclists, and pedestrians. For this reason, although parking for delivery vehicles would not be required within the site as these would visit the site and leave once unloaded, it is important that the rear yard is able to provide for the majority of the delivery requirements for the proposed development, to reduce the highway safety implications of unloading off Manchester Road.
10. Furthermore, although the alleyway is wide enough for vehicles, albeit constrained by residential wheelie bins, the width and length would make it inappropriate to reverse a vehicle out the full length of the alleyway from the parking area to Devon Street, or to reverse into the parking area from Devon Street and manoeuvring space needs to be provided within the site.
11. There is currently no formal parking layout within the rear yard, although it is used for parking and deliveries. However, the retail units can manage the parking and deliveries so as to enable space for manoeuvring within this area when required.
12. The proposal to mark out four parking spaces within the rear yard, as shown on the submitted plan, would take up the whole of one side of the yard and reduce the space available for servicing and turning within the site and, with the addition of the HMO accommodation, the ground floor commercial units would have less control over the use of the car parking spaces.
13. Although a swept path analysis plan was submitted this only shows two parking spaces, not the four spaces proposed in the appeal submission. Moreover, the tracking plan requires two of the proposed parking spaces for manoeuvring. The vehicle tracking shown on the submitted plan would not be possible if all four of the parking spaces were occupied and this would increase the risk of vehicles having to reverse along the alleyway and out onto Devon Street.
14. The Council Highway Consultation response, albeit not objecting to the development, did request swept path analysis to show that a large delivery vehicle can enter and leave the car park in a forward gear and this information has not been supplied. Based on the evidence before me I am, therefore, not

- convinced that vehicles could turn within the site while also providing the four parking spaces proposed.
15. I, therefore, cannot be certain that the development would provide an appropriate, well designed, and safe parking area and that vehicles would not need to reverse out of the alleyway to the detriment of highway safety along the alleyway and on Devon Street.
 16. Appendix 9 of the UDP sets the parking standards. For the proposed development of two retail units of the floorspace shown on the submitted plans, and a five-bedroom HMO, the UDP would require a maximum of eight parking spaces. The proposed four spaces would be below the maximum required. However, there is no minimum parking standards for cars within the policy. Furthermore, the policy does allow for consideration of the accessibility of the site by public transport, the availability of on-street parking, providing it does not detrimentally affect residential amenity and highway safety, and the feasibility of providing on-site parking relative to other planning issues.
 17. From the evidence before me the site is served by public transport with bus stops close to the site and shop customers and residents of the HMO would, therefore, have access to other means of travel than the private car. Although parking is not possible immediately outside the site on Manchester Road or on the first part of Devon Street due to highway restrictions and the presence of a pedestrian crossing, I noted at the time of my visit that there is on-street parking in the surrounding streets.
 18. I acknowledge the concerns of the local residents regarding on-street parking capacity; however, I have not been provided with any compelling evidence to show that space is not available or that the use of the on-street parking would result in a detrimental effect to residential amenity or highway safety. The two proposed retail units would replace two existing commercial units which would already have associated parking. Customers to the retail units are not likely to use the rear yard as the customer entrances are on Manchester Road. The existing customers are likely to already be parking on the surrounding streets and, therefore, the effect of the proposed commercial units would not be any greater than existing.
 19. The proposal for the first floor is for HMO accommodation for which residents are less likely to own a private car and the area is served by public transport. Furthermore, the appeal site is constrained in that there is limited space to the rear to provide any additional parking.
 20. In my judgement, given the parking space requirements set out in the UDP, the constrained nature of the site and the availability of on-street parking and public transport, the level of car parking proposed would be sufficient and appropriate for the proposed development.
 21. Furthermore, although the width of the alleyway would not allow two vehicles to pass, the alleyway is straight and, as I observed at my visit, a vehicle entering the alleyway can be seen by anyone wanting to leave the car park. Any need for reversing would be kept to a minimum and only require a short reverse back onto Devon Street, or into the car park.
 22. I also acknowledge that the alleyway and car park is already in use and is part of the adopted highway. The appellant had parked a vehicle in the car park at

the time of my visit and I have no compelling evidence that the alleyway would not continue to be used for vehicles even without the appeal proposal. The concerns regarding the safety of children playing in the alleyway are noted but as the alleyway is already in use by vehicles the risk of conflict between vehicles and pedestrians, including children, would not be substantially greater with the proposed development.

23. For the above reasons, based on the information before me, although the proposal would provide sufficient parking and the access, as existing, is appropriate the development would have an adverse effect on highway safety due to insufficient manoeuvring space within the site. The proposal would, therefore, be contrary to Policy CP7 of the CS and Policy A1S of the UDP.

Other Matters

24. The proposal would provide housing for different groups in the community in accordance with Paragraph 63 of the National Planning Policy Framework and the provision of HMO accommodation on this site would not conflict with the Development Plan Policies. Furthermore, the development would provide economic benefits in terms of provision of housing and the two retail units; social benefits from the housing; would utilise a brownfield site and would meet current building regulations. The provision of the housing would weigh in favour of this scheme.
25. However, although the development would help to encourage the reduction in private car ownership and is located near public transport routes the development would result in harm in regard to the effect on highway safety.

Conclusion

26. For the reasons given above I have found that, although the proposal would provide sufficient car parking and an appropriate access, due to the adverse effect on highway safety from the lack of manoeuvring space within the site the proposal is contrary to the development plan, as a whole. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR