



Appeal Decision

Site visit made on 7 May 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/N4720/W/24/3338552

Beeston Methodist Church, Wesley Street, Beeston, Leeds LS11 8RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Richard Willis against the decision of Leeds City Council.
 - The application Ref is 23/06739/FU.
 - The application sought planning permission for change of use and installation of first and second floor to form 7 flats and community support centre at ground floor; external alterations to windows and doors; single storey extension to South West elevation; associated landscaping and parking without complying with a condition attached to planning permission Ref 23/04832/FU, dated 27 October 2023.
 - The condition in dispute is No 15 which states that: "Development shall not be occupied until details of measures to control on-street parking in the vicinity of the site and timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained in accordance with the approved timescales".
 - The reason given for the condition is: "To ensure highway and pedestrian safety".
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Decision

1. The appeal is dismissed.

Background

2. The proposal seeks to remove condition 15 of a planning permission granted in 2023. The development is for the change of use of the existing building to 7 flats with a ground floor community support centre. The condition required measures for the control of on-street parking to be implemented prior to the occupation of the building. Specifically, the Council advise this would involve double yellow lines along Wesley Street near the access to restrict the parking of vehicles near the vehicular entrance. The removal of the condition would, in effect, allow the occupation of the development without any such restrictions in place. It is put to me that the restrictions are reasonable and necessary as parked vehicles on the street, near the entrance, would restrict visibility for vehicles exiting the site to the detriment of highway and pedestrian safety.

Main Issue

3. Accordingly, the main issue is whether the disputed condition is reasonable and necessary in the interests of highway and pedestrian safety.

Reasons

4. The appeal site is a former Church located by the junction of Wesley Street and Town Street. The proposed development includes a car park with its entrance

onto Wesley Street. The car park would be for the residents of the flats only, with no on-site parking provision made for the community support centre. As a facility for the local community, many users would walk or use public transport. However, that would not be the case for all users or delivery vehicles.

5. There are on-street parking restrictions near the junction along Town Street and to the south of the access to the development's car park along Wesley Street. There are no on-street parking restrictions along Wesley Street to the north of the access to the development's car park. As such, I find it highly likely, given the convenience of parking near the community support centre, that some visiting vehicles would park on the street to the north of the access to the development's car park.
6. In such circumstances, even a small number of parked vehicles would obstruct the view of a driver, exiting the carpark, of oncoming vehicles travelling south along Wesley Street toward the junction with Town Street. Views would still be possible of pedestrians, however vehicles on the road would be obscured. If the exiting vehicle was also heading south, this would have the consequence of the exiting vehicle needing to pull out onto Wesley Street beyond the parked vehicle to establish good visibility. At the same time the signalled junction could release traffic from Town Street on to Wesley Street and such vehicles would be accelerating around the corner, travelling downhill. The chance of such a scenario leading to a collision with vehicles travelling in either direction may not necessarily be high. However, the consequence of this occurring would be significant and unacceptable.
7. Such unacceptable effects on highway safety would be contrary to the requirements of Policy T2 of the Council's Core Strategy, the guidance in its Transport Supplementary Planning Document, and paragraph 115 of the National Planning Policy Framework, when taken together and in so far as they relate to this matter. These say, amongst other things, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
8. Given the above, I find that it is reasonable and necessary, in the interests of highway safety, to put measures in place by way of parking restrictions along Wesley Street to the north of the access into the development's car park.
9. The condition would necessitate work that is not on the appellant's land and the Planning Practice Guidance (PPG) does advise that such a condition often fails the tests of reasonableness and enforceability. The condition itself is worded as a Grampian condition and the PPG does not advise against the use of such a condition unless there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. In this instance, the land is highway land, and the requirements for the condition have been derived from a need to mitigate highway safety. As such, I am satisfied that there is a realistic prospect of the measures to control on-street parking being agreed, and implemented, within the time-limits.
10. The condition is necessary to make the development acceptable. The wording of the condition does not require compliance with other regulatory regimes or require an agreement under S278 of the Highways Act. That, the measures agreed in the discharge of the condition, might also involve such compliance or a separate legal agreement are separate matters.

11. To conclude, the disputed condition is reasonable and necessary in the interests of highway safety. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR