



Appeal Decision

Site visit made on 7 March 2011

by Alison Lea MA(Cantab) Solicitor

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

Decision date: 13 April 2011

Appeal Ref: APP/J4423/A/10/2140979

Motor World Ltd, 340 Lydgate Lane, Sheffield S10 5FU

- 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 Turner Investments Ltd against the decision of Sheffield City Council.
 - The application Ref 10/02657/FUL, dated 9 August 2010, was refused by notice dated 3 November 2010.
 - The development proposed is a single/two storey extension to a retail unit and use of the first floor as ancillary accommodation.
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Applications for costs

1. Applications for costs were made by the appellant against the Council and by the Council against the appellant. These applications will be the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main Issue

3. The main issue in this case is whether the proposal would be prejudicial to highway safety.

Reasons

4. The appeal property is a retail unit with a self contained flat above and is situated within the Crosspool Local Shopping Centre. There is a detached garage to the side of the property and a parking area to the front with access points to Lydgate Lane. The proposal would involve the demolition of the garage, a ground floor extension to the existing retail unit and a change of use of the first floor of the property to ancillary retail. No end user is specified and although various references have been made to a convenience store the proposal relates to a general A1 use.
5. The parking area to the front of the premises is unmarked but the appellant states that it offers approximately 5 spaces and vehicles can arrive and depart in forward gear by using the existing footway crossing points. The proposal does not involve any change to the parking area other than the demarcation of a disabled persons bay. The Council's Car Parking Guidelines would require 19 spaces for a food retail use of the size proposed and 11 spaces for non food retail. Although the appellant refers to national planning policy only requiring

developers to provide the number of spaces operationally required and the aim of reducing dependency on the private car, the Council considers that the parking provision proposed is not adequate and could result in highway safety issues.

6. The appellant contends that, assuming a convenience store-type use, it is unlikely that the additional floor space area would generate additional trips as it would not increase the existing floor area significantly such that a step change would occur. Although information has been provided relating to 2 suggested comparable sites which the appellant states demonstrates that floor area does not affect trip generation at convenience stores I note the various references made by the appellant to the extent and nature of trading activity and servicing being reliant upon the end user and that the appeal proposal does not necessarily relate to a convenience store. Furthermore, the parking serving the existing retail floorspace falls significantly short of that required by the Car Parking Guidelines.
7. I accept that the appeal site is in a sustainable location and that the surrounding area is predominantly residential. However, although I note the appellant's contention that users will walk, cycle or use public transport I agree with the Council that given the location of the appeal property on the A57 Manchester Road it is likely to attract significant passing trade from motorists. I also note that parking, consisting of 18 marked bays, to serve the Local Shopping Centre is available on Sandygate Road. However, the spaces on Sandygate Road appear to be well used and there is no evidence before me which would suggest that there is significant capacity available. In any event I agree with the Council that, even though a signal controlled pedestrian crossing is available, the fact that access to the appeal property from those spaces would involve crossing the A57 is likely to deter some motorists from looking for parking spaces on Sandygate Road.
8. There are parking restrictions in force around the site including double yellow lines and I accept that these restrictions may deter many motorists from parking in these areas. However, I agree with the Council that such restrictions do not prevent some motorists from parking inconsiderately or illegally and I consider that the lack of availability of spaces is likely to encourage motorists to pull in by the site or to look for parking in nearby residential streets close to the site on the same side of the A57. Given the location of the site on the A57, in close proximity to a busy 4 armed junction, motorists pulling in by the site even for a short while or manoeuvring and looking for spaces around the junctions with residential streets would be likely to be prejudicial to highway safety, cause congestion and be detrimental to the free flow of traffic.
9. Concern has also been expressed about the servicing of the premises. I accept that, provided that the parking area was vacant, servicing could be carried out from that area and a rigid servicing vehicle could enter and leave in forward gear. The appellant states that the parking area could be managed to avoid conflict, including restricting delivery times to between 1900 hours and 0800 hours when the store would be least likely to be busy and that this would improve the current situation where servicing is unrestricted. However the appellant accepts that the detailed servicing requirements would be dependant upon the end user and the fact that no customer parking would be available whilst a servicing vehicle was present adds to my concerns about the general

lack of parking proposed in connection with this development. The fact that servicing is currently unrestricted is insufficient reason to permit this proposal.

10. I conclude therefore that the lack of adequate off street parking and servicing provision would be likely to lead to conditions which would be prejudicial to highway safety and that this would be contrary to Policy S10 of the Sheffield Unitary Development Plan which provides that in Shopping Areas new development will be permitted provided that, amongst other matters, it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Other Matters

11. I note the appellant's view that it is important to improve the existing retail environment at the appeal premises in order to retain occupation of the unit and the various references made to Planning Policy Statement 4; Planning for Sustainable Economic Growth and the aim of improving the economic viability of shopping centres. However, any economic benefits of this proposal do not outweigh my concerns with regard to highway safety due to the lack of parking and servicing provision.
12. Reference has been made to a planning application for an extension to a nearby car repair garage and the lack of objections to that proposal on highway grounds which the appellant suggests demonstrates inconsistency and that the real objection to the appeal proposal does not relate to highway matters. However, the proposals are for different uses on different sites and I consider the application relating to the car repair garage to be of little assistance in relation to this appeal which I have determined on its own merits.
13. The appellant suggests that the Council overstated the representation made on behalf of his constituents by the Rt. Hon. Nick Clegg and that the Council made a political decision in respect of the application. However, these are not matters for me to comment on as part of this appeal which I have determined on its own merits.

Conclusions

14. Accordingly for the reasons given I conclude that this appeal should fail.

Alison Lea

INSPECTOR