



Appeal Decision

Site visit made on 21 October 2024

by SRG Baird BA (Hons) MRTPI

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

Decision date: 30th October 2024

Appeal Ref: APP/T4210/W/24/3346847

Performance House, Heywood Street, Bury BL9 7DZ

- 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 H Khan against the decision of Bury Metropolitan Borough Council.
 - The application Ref 70710, dated 28 April 2024, was refused by notice dated 19 June 2024.
 - The development proposed is the change of use of part of car showrooms to general retailing plus an independent office including an extension to the existing building.
-

Preliminary Matter

1. In September 2024 planning permission was granted, on appeal¹ for the change of use of part of a car showroom to general retailing, an independent office and an extension to the existing building. Where material, I have had regard to this decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The implications of the proposed parking and servicing arrangements for pedestrian safety and the safety and free flow of traffic on Heywood Street.

Reasons

4. In the previous appeal decision, the Inspector accepted that 12 off-street car parking spaces would be acceptable. The material difference between the approved scheme and the current scheme is the location of off-street car parking. In the approved scheme the off-street car parking would be provided immediately to the south-west using most of the open car sales area. This area does not form part of the current appeal site and is used for car/van sales. In the approved scheme access for customers and servicing would be convenient and legible, with no need to park on Heywood Street.
5. Whilst I consider the scale of off-street car parking to be acceptable, for the appeal scheme, the proposed parking arrangements are materially different. To the rear and fenced off from the former car showroom is an area of land that also provides access to and servicing for an existing commercial unit. Within this area it is proposed to provide one car parking space with the remainder provided to the west of the service yard. Regarding the proposed

¹ APP/T4210/W/24/3341939

space immediately to the rear of the units, I am not convinced that its can be provided in the form shown. Drawing No. CO1 Rev 1 does not show an enclosed external staircase, which appears to give access to the first-floor office permitted with the café scheme. This appears to occupy the area of the proposed car parking space.

6. The bulk of the proposed parking would be within an area to the west, which is fenced/gated off from the service yard. There are 2 vehicular accesses from Mason Street, one to the service yard and one into the parking area. It is not clear which access patrons of the retail units/office would use. That said there is a reference in appellant's statement that there could be direct access from the parking area to the back and side of the buildings for loading and unloading and provide a shorter pedestrian route for customers, particularly those who are less mobile. However, there is no indication how this can be achieved. The units are fenced off from this service area and the land to the south-west appears to be wholly used for car sales. Even if direct access could be provided it would mean customers negotiating the service yard where there is significant potential for conflict with customer and service vehicles entering and leaving the yard. Drawing this together, unlike the approved scheme it has not been shown that the proposed off-street parking arrangements would be safe, legible and usable.
7. The appellant suggests that patrons could use 2 publicly available car parks nearby. The first is immediately north of Mason Street at the junction of Heywood Street. The second is at the junction of Heywood Street and Kershaw Street. The Mason Street car park does not appear to be available to the general public. Signage at the access clearly indicates that it is Private Land and that the occupiers of the units, Iceland and a cycle shop, appear to tightly control its use. The car park on Kershaw Street is a well-used public car park but is some distance away. Whilst there is vehicular access from Heywood Street, vehicles have to exit via Kershaw, Tinline and Ormrod Streets. These areas are not usable or convenient alternatives.
8. Given the issues with the proposed off-street parking arrangements, there is the high probability that parking and servicing for the units would use Heywood Street or the footpath outside the units. I acknowledge that there are no parking restrictions on Heywood Street outside the units and the lpa has adopted a flexible attitude to the use of town centre properties that lack car parking. However, that flexibility has to be tempered by an assessment of the nature of the surrounding roads.
9. Heywood Street is a bus route and a main route into the town centre. This route is heavily trafficked, and on several occasions, traffic queued back from the traffic light-controlled junction with Rochdale Road to beyond the appeal site. Given its nature, there is no reason to believe that these were unique observations. Compared to other main routes in the town centre, Heywood Street is relatively narrow and on-street parking is constrained by a pedestrian island outside 128/130 Heywood Street and right turn boxes into Ormrod, Mason and Kershaw Streets. In these circumstances, parking on Heywood Street, even for a short time, or parking on the pavement would result in an unacceptable interference with the free flow of traffic and constitute a highway and pedestrian hazard. As such, the proposal would conflict with the objectives of Bury Unitary Development Plan 1997 (UDP) Policies EN1/2, HT2/4, HT6/1,

HT6/2 and Policies JP-C6 and JP-P1 of Places for Everyone Joint Development Plan 2024.

Other Matters

10. The proposed bin store is shown located immediately to the west of the vacant hot-food takeaway unit and beyond the rear fence line. However, the site layout plan fails to show the enclosed stairway to the first-floor unit. In these circumstances it is unclear whether suitable provision can be made in this area. Whilst this is a matter that might normally be dealt with by condition, given my conclusions above, it adds to my concerns regarding this proposal.

Overall Conclusion

11. For the above reasons and taking all other matters into consideration, the proposal would have an unacceptable effect on pedestrian safety and the safety and free flow of traffic on Heywood Street contrary to the objectives of the development plan when read as a whole. The appeal is dismissed.

George Baird

Inspector