

Appeal Decision

Site visit made on 16 May 2016

by Jennifer Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 10 June 2016

Appeal Ref: APP/D3315/W/16/3145195

Goodwood House, Blackbrook Park Avenue, Taunton TA1 2WR

- 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 Vospers Motorhouse Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 38/15/0374, dated 7 September 2015, was refused by notice dated 30 November 2015.
 - The development proposed is alterations to Goodwood House to create car dealership and servicing facility for Vospers Motorhouse.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to Goodwood House to create a car dealership and servicing facility at Goodwood House, Blackbrook Park Avenue, Taunton TA1 2WR in accordance with the terms of the application, Ref 38/15/0374, dated 7 September 2015, and the plans submitted with it, subject to the conditions set out in the attached Annexe.

Application for costs

2. An application for costs was made by Vospers Motorhouse Ltd against Taunton Deane Borough Council. This application will be the subject of a separate Decision.

Main Issues

3. These are (i) the effect of the proposed development on the character and appearance of the area (ii) the effect of the proposal on the local economy including whether or not the development would create a precedent.

Reasons

Background to the proposal

4. The appeal site comprises a single storey building and associated land used for car parking, service yard and landscaping. The site is a short distance from the entrance into the Blackbrook Business Park (BBP), adjacent to the main spine road, Blackbrook Park Avenue, which serves the park. The site is on the west side of the road, between the first and second roundabouts on Blackbrook Park Avenue. The site has two points of access, one via each of these roundabouts. The access from the more northerly roundabout also serves the Holiday Inn Express and a restaurant. The latter, at the time of my site visit, was closed
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for refurbishment. The access road from the more southerly roundabout serves a car park at the front of an adjacent office building.

5. The BPP and Blackbrook Park Avenue lie directly off Junction 25 of the M5 which is some 2 miles east of Taunton. I am provided with a copy of an outline planning permission granted in 1990 which describes the development as the erection of a business park (Class B1) together with access roads, car parking and landscaping. The permission is subject to 37 conditions, but my attention is not drawn to any of these. I note that there is no condition restricting the nature of the B1 use. I am also provided with a copy of a full planning permission relating to the development of the appeal site. This permission was granted in 1997 and was for the erection of a single storey office building and associated parking, access and servicing restricted to B1 use with no use of the site for B2 or B8 purposes.
6. The existing building was erected in 1998 as a cheque clearing facility for the Natwest Bank and was designed for this specific purpose. This is reflected in its layout and fenestration pattern. The building is square in plan with a pitched roof to each of the four sides surrounding a flat roof over the central part of the building. As a consequence of its deep plan form and the purpose for which it was designed, there are large areas of the internal space lacking natural lighting.
7. The building has been empty since February 2013 and the evidence indicates it has been marketed from this time with marketing suspended when the appellants entered into a conditional contract arrangement with the vendors.

Character and appearance

8. The proposal is to alter the building internally and externally to create car showrooms and workshop servicing areas within the building and to increase the car parking spaces within the site. The existing brick building has windows to three elevations but relatively few windows overall for a building of this size and floor area. The proposals would introduce a substantial area of glazing to three of the building's elevations. The appellant's intention is to use the building and site for four different car dealerships. The site has 123 car parking spaces at present and these would be increased to a total of 213 spaces. However, some of this additional car parking would be within the existing service yard which is already hard surfaced.
9. The proposed site layout shows the changes proposed to the car parking area and land associated with the building, including the way in which the parking would be divided between staff parking, customer, demonstrator and used car display parking. This shows that adjacent to the site's road frontages, all of the spaces would be used for the display of used cars. An unspecified number of the other dealership spaces within the main parking areas would also be used for the display of used cars.
10. The entrance to the service yard would remain from the southern access point leading into the staff parking area, waste storage area, car valeting bays and the entrance into the vehicles servicing areas.
11. Outside the BPP but visible from close to the business park entrance is a petrol filling station incorporating a small convenience store, and adjacent to this is a hotel. Within the BPP and on sites immediately to the north of the appeal site

- are a hotel and a restaurant. Towards the southern end of the site is a day nursery. The character and appearance of the business park is predominantly one of office developments.
12. The BPP site as a whole is well landscaped with trees alongside the central spine road and around the boundaries of individual sites. Wider landscape belts follow the line of the brook and separate the business park development from Blackbrook Way and from the motorway. Within individual sites, the extent of soft landscaping varies as external areas are mostly hard surfaced and used for car parking. Riverside House, to the south east of the appeal site, has a more heavily landscaped car park than many other sites. The car park serving the office development to the south of the appeal site has landscaping predominantly on its boundaries only.
 13. On the north side of the appeal building, the existing parking area would be extended onto what is currently a grassed area. The amenity value of this grassed area is limited as it lies behind an area of existing car parking and, although the site would extend beyond the existing fence line, it would stop short of the planting which edges Blackbrook Way. Parking around the periphery of the site would be extended along the southern boundary of the site.
 14. The proposed changes to the external appearance of the building include the partial removal of external walls and insertion of glazing and cladding. Whilst there would be considerably more glazing on the building than at present, this would not harm the character or appearance of the building, or be at odds with the range of building styles which are located on the BPP environment. No details are provided of the kiosk proposed within the car parking and display area.
 15. WPA are owner occupiers of Riverside House, which is close to the appeal site and is the company's headquarters. They have identified their significant concerns with regard to the adverse effect of the proposed use on the character and appearance of the site and wider BPP environment including the impact of advertising and other visual clutter generally associated with car sales. Whilst I acknowledge these concerns, advertisements are subject to a separate control regime and no application for advertisement consent forms part of the appeal proposals.
 16. Whilst much of the site is lined by existing trees immediately outside the boundary fence, these trees are clear stemmed and allow views into the site. Two trees within the existing car parking area are shown as being removed. Although no replacement tree planting is proposed, some areas of new landscaping are proposed within the reconfigured car parking areas. However, given the extent of the existing car park on the site at present, and the extent of car parking within the BPP as a whole, I am satisfied that the additional parking areas proposed and the use of some of the parking for the display of cars for sale would be acceptable.
 17. I acknowledge that the site occupies a visible position alongside the main spine road of the business park and relatively close to the site entrance. However, for the above reasons I am satisfied that the proposals would not result in unacceptable harm to the character and appearance of the area.

Local economy

18. The Council describe BPP as Somerset's premier business park which has been some twenty years in its development, and provides accommodation for large and high quality businesses in the professional and service sector. The non-office uses on the site are considered complementary to the business park uses in terms of the hotel, restaurant and day nursery.
19. The Council's Economic Development Manager considers that the car dealership would create a precedent for non-office uses on the site and, if more non-office uses came, this would lead to a change in character from prestigious business park to a trading estate. Taunton's reputation as a high quality office location is stated to be at stake and the interests of quality investors and the creation of higher skilled jobs would be threatened by the proposed development.
20. Policy CP2 of the Taunton Deane Core Strategy (CS) relates to the economy and states that proposals leading to the loss of existing business, industrial or warehousing land will not be permitted unless the benefit outweighs the disadvantages of the loss of employment or potential employment on the site.
21. The appeal proposal would result in some 40 full time jobs and 10 part time jobs. These are likely to be a mix of jobs and skills related to sales, car servicing, administration and office work. In terms of CS Policy CP2, whilst the nature of the employment would be different from that of B1 office use, the level of employment proposed would be comparable with that of the previous use of the site. Consequently, I find there would be no conflict with Policy CP2.
22. The proposals are the subject of detailed objections by the owners of offices close to the appeal site. These occupiers were the first to take premises on the BPP and their evidence states that their decision to locate their head office at BPP was based on the park being exclusively office uses. They have not objected to complementary uses on the BPP site, that is the hotel, restaurant and day nursery. However, they have previously opposed the relaxation of covenants to introduce a car dealership for a single make of cars to the BPP. The objections make clear that the focus on office development and the quality of the environment was a prime consideration in the choice of location for a head office on the BPP. I have noted the comments made regarding possible effects on future decisions for the company.
23. I have given careful consideration to the objections raised by the Council and neighbouring occupiers and the case set out by the Economic Development Manager explaining the role of BPP as the County's premier business park. The report prepared by Hartnell Taylor Cook (HTC) on behalf of the objectors examines the characteristics of BPP, its appeal to occupiers and the effect that the appeal proposal may have upon future development and the general evolution of the BPP. This evidence, amongst other matters, refers to the developer's vision for the BPP and the current marketing material for the final phase of the site. This undeveloped site is being promoted as a premier office location. The HTC report assesses the South West office market and suggests that allowing the appeal proposal would weaken demand for premier office space on the BPP resulting in long term decline and gradually increasing vacancy rates. The potential effect on rental values and business rates is also raised.

24. The appellant's evidence refers to the property having been marketed between January 2013 and September 2015. The Council confirms that the property has been marketed for the required twelve month period, although the basis for that requirement is not specified. However, the evidence indicates marketing took place for a period of some two and a half years, and I consider this represents a relatively long time for a building in this location to remain unoccupied. The sales particulars show that the building was on the market on a leasehold or freehold basis, and that modifications to the building were anticipated as being necessary. From my visit to the site I acknowledge that a large part of the building would not be well suited to office use without modifications. Although modifications are required for the proposed car showroom and servicing use, the evidence suggests no office end users were forthcoming.
25. Whilst there is criticism of the site not being marketed as a consequence of the contractual arrangements between the appellant and vendor, this arrangement is not unusual in circumstances where a prospective purchaser requires planning permission for a proposed development.
26. The Site Allocations and Development Management Plan remains a draft document, albeit it has reached the stage where the Hearings into the plan have been completed. The Council advise that Policy EC1, a policy on which the Council seeks to rely in respect of the current appeal, was not the subject of objections. Given the stage which the draft Plan has reached I accord this policy some weight.
27. Draft policy EC1 states that in addition to B1b (industry) and B8 (warehousing) and sui generis uses of a similar nature within permitted employment areas, other employment activities that generate an appropriate employment alternative within existing employment areas will generally be permitted subject to, amongst other matters, proposals not undermining the operational capabilities of Class B uses in the area. The justification for the draft policy explains that whilst Policy EC1 recognises the changing nature of employment within the national and local economy, any proposed use should be compatible with and not prejudice the operational ability of existing Class B occupiers, for example, by considering likely noise, smell and other environmental impacts as part of the planning application process.
28. The Council has not raised any issues with regard to noise or smell and I consider that there would not be significant environmental impacts of this nature arising from the appeal proposals. The evidence shows that the location of the compressor plant was altered during the consideration of the application by the Council, and relocated to be within the existing building. I have addressed visual impacts under the first main issue above.
29. The Council refers to privately expressed concerns from existing and potential investors in the BPP. However, I am unable to take account of such concerns as they are not provided in the evidence which is before me. I have however taken account of the evidence provided by WPA and their property advisors, HTC and the comments of FFT who also occupy premises on the BPP.
30. The objections to the proposal relate to the compatibility of the proposed use and its perceived conflict with BPP's role as a prestigious business park and key office location. Whilst I acknowledge the expertise and knowledge of the local markets expressed by the Economic Development Manager and in the evidence

of WPA and their advisors, I am not directed towards any policy or designation within the adopted development plan, or to any specific planning restriction in the original permission for the business park, which would lead me to conclude that there are compelling planning reasons for not allowing the appeal proposal.

Whether the proposal would create a precedent.

31. The evidence indicates that the specific characteristics of the building on the appeal site have been contributory factors in the building remaining vacant and without a potential purchaser or lessee. From what I observed during my inspection of the site, I agree that this was indeed likely to be the case. The Council has the ability to control other developments or uses within the BPP which require planning permission and it will be for the Council to decide in the first instance whether future proposals comply with development plan policies and to take other relevant considerations into account.
32. Given there is only one phase of the BPP which remains to be developed I am satisfied that the appeal proposal, which re-uses an existing building, would not create a harmful precedent.

Other matters

33. The proposed use would be separated from the residential development on the west side of Blackbrook Way by that road and by the landscaped area on the west boundary of the appeal site. I am satisfied that, subject to suitable conditions, the proposals would not have any significant adverse effects on the residential properties alongside Blackbrook Way.
34. Whilst not part of the Council's reasons for refusal, the Economic Development Manager refers to the traffic impact of the use, including the delivery of vehicles via HGVs. This is also a view shared by some residents and BPP occupiers. Whilst the number of car spaces on the site would be increased as a result of the proposals, not all of these cars would be entering and leaving the appeal site on any given day as a significant proportion of the cars would be cars for sale. The access roads into the site are suitable for delivery vehicles and neither the highway authority nor the Council as local planning authority have raised concerns with regarding highway safety. I consider that deliveries to the site using large size vehicles would not be so frequent as to cause a significant problem on the highway network. As traffic associated with the proposed use would access the site from Blackbrook Park Avenue and there is no vehicular access to the site from Blackbrook Way, any traffic impacts on Blackbrook Way would be limited.
35. Although it is suggested that there would be more suitable sites elsewhere in Taunton for the proposed use, I have assessed the proposal before me on its planning merits.

Conclusions and Conditions

36. I acknowledge that the appeal site forms part of a high quality business park and that the predominant use of buildings on the site is for B1 offices. There are however a limited number of non-B1 uses on the site, two of which are adjacent to the appeal site. There are other commercial, non-office uses within the vicinity of the BPP. The appeal site has been vacant for a considerable time. The proposed use would provide employment in numbers roughly

equivalent to those provided by the previous use of the site. I consider the proposal would not conflict with the National Planning Policy Framework which supports building a strong and competitive economy. The proposed alterations to the building would not be incongruous and there would be no significant environmental harm in terms of noise or industrial activities. I am not directed to any adopted development plan policies with which the proposal would conflict and I am satisfied that the benefits of the proposal would outweigh the possible risks of harm to the local business environment.

37. I have considered the conditions suggested by the Council. In addition to the standard time limit and listing the approved plans, I agree that a condition to ensure deliveries to the site including deliveries of cars are made via the service yard and not from vehicles stopping on the service roads for the business park. I have altered the Council's suggested wording to relate more closely to the development proposed.
38. As the proposals do not include a detailed topographical survey, and given that landscaping around the periphery of sites is an important component of the character of the BPP, I consider that it is appropriate to require details of tree and hedgerow protection measures on those parts of the site close to areas of new works. New landscaping areas are shown on the proposed plans but no detail is provided and this should be subject to control by the local planning authority. The Council indicate that a sales kiosk would be subject to a separate permission, however the nature of the kiosk structure is unclear. As the location is shown on the proposed plans, I consider that the approval of details of the kiosk should be the subject of a condition. A condition is required to confirm the revised location of the compressor plant. As not all the details of the external materials are specified, a condition is required to ensure the Council has control over appearance of the alterations to the building.
39. For the reasons given above and having taken all matters raised into account I conclude that the appeal should be allowed.

Jennifer Tempest

INSPECTOR

Attached - Annexe

Annexe – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15018 S.100 Rev B; 15108 P.01 Rev A; 15108 P.05 Rev C; 15018 P.06 Rev A; 15108 C.04 Rev D.
- 3) No development shall take place until details of the materials to be used in the alterations to the external surfaces of the building on the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The loading, unloading and manoeuvring of vehicles in connection with the deliveries to the site including the delivery of vehicles for sale shall take place via the entrance to the service yard and within the service yard shown on Drawing No 15018. No deliveries shall take place directly from the adjacent highway or access roads.
- 5) Prior to the commencement of development, details of measures to protect existing trees and hedgerows within and adjacent to the site during construction works shall be submitted to and approved in writing by the local planning authority. The measures thereby approved shall be implemented prior to any construction or engineering works commencing on site and shall be retained for the duration of the construction period.
- 6) Details of the proposed soft landscape works shall be submitted to and approved in writing by the local planning authority. The works thereby approved shall be carried out prior to the commencement of the use hereby permitted or in accordance with an implementation programme agreed in writing with the local planning authority.
- 7) Prior to the erection of the sales kiosk shown on drawing No 15018 P.01 Rev A, details of the kiosk shall be submitted to and approved in writing by the local planning authority and the kiosk shall be erected in accordance with the details thereby approved.
- 8) Notwithstanding the information shown on the Site Plan as proposed, the location of the compressor plant room shall be that shown on Drawing No 15018-C.04 Rev D.

End.