
Appeal Decision

Site visit made on 14 November 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/J3720/W/16/3155369

Avon House, Mulberry Street, Stratford-upon-Avon CV37 6RS

- 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 K D Field against the decision of Stratford on Avon District Council.
 - The application Ref 16/00842/FUL, dated 9 March 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the subdivision of Avon House to create 2 separate units (Unit 5 and Unit 6). Unit 5 to continue in permitted uses (Classes B1a, B1c and A1). Unit 6 to be used for office (use Class B1a), light industrial (use Class B1c), retail (use Class A1) or medical and health services (use Class D1).
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the planning application was decided, the Council has formally adopted its Core Strategy¹. As a result the Local Plan² is superseded and carries no weight. The Council and the appellant have referred in their submissions to the Core Strategy and therefore have had the opportunity to respond to the relevant policies in the newly adopted plan. I have had regard to this in my reasons below.
3. The appeal site is within Stratford-upon-Avon Town's Conservation Area and to the west of the site are a number of Grade II listed buildings. The Council raised no concern on the effect of the proposal on the setting of the Conservation Area or listed buildings. In the absence of any evidence to suggest otherwise, I have considered the appeal on the same basis.

Main Issue

4. This is the effect of the proposal on the safe and efficient operation of the highway network, with particular regard to Mulberry Street.

Reasons

5. The appeal site is on a site of existing business units within a predominantly residential area, outside the town centre boundary. Car parking on the site is shared between the units. On Mulberry Street, which the appeal site has

¹ Stratford-on-Avon Core Strategy (2011-2031)

² Stratford-on-Avon Local Plan Review (2006)

access onto, parking is restricted between 8am and 6pm to permit holders or to pay and display. Between 6pm and 8am, parking is limited to permit holders only.

6. Avon House is a unit which has planning permission for offices (B1a), light industrial (B1c) and retail (A1) with residential (C3) above. The type of retail is unrestricted but its size is limited to 79 sqm. The proposal is to sub-divide Avon House. The front part of Avon House (unit 5) would be retained as offices (B1a), light industrial (B1c) and retail (A1) with residential (C3) above. The rear part of Avon House (unit 6) would also retain its use as offices (B1a) and light industrial (B1c) but have the flexibility of retail (A1) or medical or health services (D1).
7. The appellant suggests that whilst a tenant has not been identified, there could be up to three consulting rooms on the first floor plus a reception and waiting room on the ground floor together with ancillary office, storage space, staff and other facilities when in use for medical or health purposes. As with the unit in use for retail, trips made by patients and customers respectively are likely to be frequent with visitors spending a limited amount of time at the premises. There would, therefore, be a high turnover of vehicles moving on and off the site and into and out of car parking spaces. Furthermore, given that the proposed subdivision of Avon House would result in units 5 and 6 operating independently of each other, multiple movements in and around the site are likely. The appellant suggests that there could be up to 40 patients visiting a day, which, based on a 10 hour day (8am-6pm), equates to 4 patients per hour. There is no indication what type of retailer could occupy the premises. However, based on the proposed change in retail floorspace to more than double the current provisions, together with higher number of customers envisaged with a retail use, there would be a discernible intensification of use compared with an office or light industrial use where the number of visitors could be reasonably expected to be lower.
8. The appellant provides evidence, based on a count of vehicles over nine weeks and using footage from CCTV cameras, to demonstrate that between 8am and 6pm Monday to Friday there are an average of between 5 and 12 car parking spaces available on site. This is based on the existing site layout which, from my observations on site together with the evidence before me, includes 20 car parking spaces. The Council raises a concern that this evidence is limited in that it is calculated from CCTV footage with no formula or methodology. In the absence of any suggested methodology or formula, I consider that a count of occupied and available parking spaces over different times of the day and over several weeks is a reasonable evidence base on which to assess competition for parking. The appellant also provides evidence to show that there is some space available on-street for the parking of vehicles. The count based on CCTV footage shows an average of 2 spaces across the nine weeks that the appellant carried out the survey.
9. However, whilst the evidence demonstrates that there is capacity within the site for vehicles to park, this is based on the car parking provisions that currently exist on site. It is necessary for me to consider the change of use in relation to the car parking layout proposed. I note that space No.14 would be in front of an access into unit 6 and therefore I am not convinced that this space could be used without conflicting with pedestrians. Furthermore, spaces No.1 and No.2 are proposed in front of an existing garage and gates to a

residential property. Whilst this is a situation which currently exists on site, there is nothing within the evidence before me to suggest that the gates or the garage will not be used. Maintaining access would reduce the car parking provision by a further two spaces. It was evident from my observations on site that the area identified on the site plan for space No.15 is earmarked as a turning area and indeed condition 3 of planning permission 09/01997/FUL requires this space to be kept available as turning space. Whilst the appellant suggests that the turning area could still function with space No.15 occupied, a vehicle parked in this space would be in breach of condition 3 and therefore the space is unworkable. In all, based on my findings, the site could realistically accommodate 16 spaces, as opposed to the 20 proposed.

10. I note from my observations on site that the visibility when leaving the site is restricted, not least by vehicles parked on the road and by the wall to unit 1. I recognise that there are no reported accidents before me to suggest that current visibility is a problem, although I note that the Council observed one incident of a vehicle taking action to avoid an unseen on-coming vehicle when exiting the site. However, when taking into account the increased movement of vehicles into and out of the site, this restricted visibility presents a hazard to drivers, cyclists and pedestrians.
11. The number and frequency of deliveries to the premises would be higher for a retail use than for office or light industrial. Space on site is limited for delivery vehicles. The space between the parking spaces adjoining the units both sides of the site is sufficient for a small van to pass but not a larger vehicle. Furthermore, there is limited space within the site for a vehicle to park up and deliver items without obstructing other vehicles parking and manoeuvring. Given the high frequency of vehicle movements and the increased number of deliveries expected, a conflict on site between delivery vans and customers is inevitable.
12. On the street, space for deliveries is restricted by traffic enforcement measures. Single yellow lines prohibit parking at certain times of the day and the area immediately outside the entrance to the site is marked 'keep clear.' Given the restrictions on parking on Mulberry Street and the limited space available on the appeal site, the space available for delivery vehicles to park within a reasonable distance of units 5 and 6 is therefore limited. Consequently delivery vans are likely to park at the entrance to the site and obstruct its access. Indeed the Council noted one such incident of a delivery vehicle obstructing the access and whilst the weight that I can give to one incident is limited, it reinforces my findings that delivery vehicles could obstruct the site's access and therefore the movement of vehicles on and off the site. When taking into account the anticipated number of delivery vehicles, this presents a hazard to highway safety.
13. There are a number of business units that would share the parking area with the appeal site, each with their own parking and delivery requirements. Given the limitations found in the proposed parking layout, the change of use places restrictions on the parking and manoeuvring space for the existing units. In the absence of any evidence to demonstrate how the proposed change of use would operate in tandem with the existing units, it is reasonable to suppose that the proposal would result in an accumulation of unsafe parking and vehicular movements that in turn would pose a threat to the safe and efficient operation of the highway network.

14. Policy CS.26 of the Core Strategy supports development that does not have unacceptable transport impacts. The National Planning Policy Framework (the Framework) reinforces this, stating at paragraph 32 that *development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*. The change of use would result in an intensification of activities on the site with a higher volume of vehicle movements and delivery vehicles than currently exists. When this is considered alongside the restricted provision of car parking on and off site and the limited visibility at its entrance, I find that the proposal would have a severe impact on the safe and efficient operation of the highway network. On this basis, therefore I find that the change of use would be harmful to the safe and efficient operation of the highway network, contrary to policy CS.26 of the Core Strategy and paragraph 32 of the Framework.

Conclusion

15. For the reasons given above I conclude that the change of use proposed would be contrary to the development plan and the Framework and therefore the appeal is dismissed.

R Walmsley

Inspector