



Appeal Decision

Site visit made on 8 January 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/K0235/W/19/3237148

Land adjacent to Unit A, Postley Road, Kempston, MK42 7BU

- 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 Pacific Industrial and Logistics REIT plc against the decision of Bedford Borough Council.
 - The application Ref 19/00852/FUL, dated 15 April 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the erection of an industrial unit for purposes within Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to include an ancillary trade counter.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the development on
 - a) the character and appearance of the area and
 - b) highway safety.

Reasons

Character and appearance

3. This appeal concerns a site in a large industrial estate. Across the estate, and along Postley Road in particular, are industrial buildings of a variety of sizes, ages, materials and designs. Some are set back various distances from the road behind car parks, service areas or planting and enclosed by a range of fencing types, while others, such as the units at the junction of Postley Road and Singer Way, are located close to the pavement. Overall, landscaped areas tend to be relatively small and incidental.
4. The appeal site itself is triangular and lies between the road and the sizeable blank side wall of an industrial building. It is currently grassed and is one of the larger landscaped areas in the vicinity. The proposal is to erect a unit here that would be 7m to eaves and would come to within 3m of the back of the pavement. It would occupy a substantial proportion of the site, though there would be an area of landscaping to the roadside, and the car park would be surfaced in 'grasscrete'.

5. I appreciate there is a need to ensure that industrial estates maintain a high-quality built environment. However, given the diversity of building forms and layouts, I consider that the resultant development would not be unduly dominant when seen from Postley Road, as many large and bulky buildings already impose on the street scene. Moreover, the loss of openness offered by this site at present would not be discordant in this relatively densely developed context. Consequently, it would not be at odds with the overall pattern of development found across the estate or in the streetscape.
6. Accordingly, I conclude the proposal would not detract unacceptably from the character and appearance of the area, and so in this regard it would not conflict with Policies BE30(i) & (ii) and E13 in the Council's *Allocations and Designations Local Plan* or Policy CP21(i) in the Council's *Core Strategy and Rural Issues Plan*, all of which broadly seek to ensure a high-quality built environment

Highway safety

7. The Council considered the scheme would compromise highway safety because of the limited on-site parking and the dangers as Heavy Goods Vehicles (HGVs) entered and left the site.
8. In response the appellant has placed great weight on the operating practices of the company that is intending occupy the building, saying it would welcome any appropriate control mechanism to ensure a permission was tied to itself and the intended occupier. The only such mechanism open to me is the imposition of a condition. However, the *Planning Practice Guidance* advises that a planning permission runs with the land and so it is rarely appropriate to provide otherwise. It adds it is inappropriate to limit a permission to a company. Given this, a condition citing the appellant and/or the intended occupier would not be acceptable. I therefore have to consider the proposal as being for an 'open' permission, untied to any person or company, and so the intended occupier's proposed method of operation concerning the numbers and timings of deliveries has not been determinative. Indeed, as those movements are so limited and the timings so defined, they cannot be seen as the reasonable expectation for the operation of a storage and distribution unit with an unspecified user.
9. The level of on-site parking for cars would be sufficient, subject to the spaces being slightly wider in line with the Council's standards. However, there is inadequate room on the site for a second HGV to wait if it arrived when another was loading or unloading. Indeed, the position of the delivery bay would mean an HGV being serviced would prevent other HGVs or cars from entering the site. As a result, any traffic drawn to the site when an HGV was in the service bay would have to wait on the road.
10. When I visited at lunch time on a weekday there was a relatively high demand for kerbside parking, and Postley Road was carrying an appreciable traffic flow as it appeared to be a distributor road for the estate. While that is just a snapshot of the highway situation, I have no basis to consider it is not broadly reflective of normal circumstances. To my mind, given the nature of the road, waiting on the carriageway would impede traffic flows unacceptably by reason of the blockage it would cause, the increased pressure for kerbside parking, and the disruptive effects of any associated manoeuvring.

11. Although the Council's stated levels of HGV parking on sites are offered as a maximum, given the need to manage the road network I consider there is no justification for just the one HGV being able to utilise the site as is now proposed. It was also suggested that conditions could be imposed restricting when deliveries could be made. However, controls over delivery times are difficult to enforce if independent hauliers arrive late, or if they arrive early they can just wait on the carriageway. Moreover, the suggested times now offered are those of the intended occupier and so may not necessarily ensure the purpose of the condition is fulfilled if, for whatever reason, that company changes its pattern of operation, or if another company with a different pattern of operation moves in at some future date.
12. The Council also objected to the development on the grounds that HGVs would have to utilise both lanes of Postley Road to enter and leave the site. That though often occurs with industrial premises of this type, and I see no reason why it should be problematic here. In particular, I am aware that there is good visibility so drivers could choose when to manoeuvre having regard to on-coming traffic. I therefore find that would not be unsatisfactory.
13. Accordingly, I conclude that the proposal would result in unacceptable harm to the flow of traffic and to highway safety on Postley Road, and so in this regard would be contrary to Policy BE30(iv) & (vi) in the *Allocations and Designations Local Plan*.

Other matters

14. The proposal is on a piece of under-utilised land where industrial development is acceptable in principle. It would provide employment, and I am aware of the national and local drive to promote economic development. To my mind though any benefits the scheme offers in these respects do not outweigh the identified harm.

Conclusions

15. The appeal is dismissed

J P Sargent

INSPECTOR