



Appeal Decision

Site visit made on 8 January 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/H1705/W/19/3239226

Lincoln Hardware Store, 8 Buckland Parade, Basingstoke, Hants RG22 6JN

- 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 Andrew Thomas against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/00450/FUL, dated 23 February 2019, was refused by notice dated 16 September 2019.
 - The development proposed is change of use for 8 Buckland Parade (Lincoln Hardware Store RG22 6JN) to A5 fish & chips and kebab takeaway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect the proposed change of use would have on highway safety.

Reasons

3. The appeal premises are located at the end of a parade of shops fronting Buckland Avenue, which have commercial ground-floors and residential accommodation above. Buckland Avenue is a long residential street and also a bus route; a bus stop is situated immediately in front of the appeal site. In combination, the proximity of the bus stop and a pedestrian walkway leading from Buckland Avenue along the parade frontage would give rise to pedestrians walking or congregating immediately outside the appeal site, particularly at times when busses are due to arrive or depart.
4. Alongside the appeal premises runs a gated access leading to a small service yard to the rear of the building. The side access route, gated at the Buckland Avenue entrance, is long and relatively narrow before opening out onto a yard area bounded by high brick or blockwork walls.
5. It is asserted that the rear service area would be used solely for the purpose of bin storage and collection and deliveries, within which there would be sufficient space to allow vehicles to enter and leave the site safely. However, my own observations of the constraints of the rear service yard and narrowness of the access route leading to it, cause me to doubt the contention that the rear service yard would provide enough space for vehicles to manoeuvre within it.

6. Whilst I accept that it would be possible to drive a car or smaller-sized van along the side access passage to the rear yard, the tightness of the space and proximity of boundaries would severely limit the ability to turn vehicles within it. Indeed, the 1:100 scale Existing Floor Layout (drawing 03) supports my own observations and indicates that the side access is approximately three metres wide, which would be too narrow for a larger van or truck. The provision of any cycle or bin storage would further limit manoeuvrability.
7. Reference has been made to access being possible via both High Drive and Buckland Avenue. However, although I saw a rear service route serving the back of the parade with an access off High Drive, I did not see any vehicular link through to the appeal site's service yard. I also do not have evidence that the appellant would have rights of access via this route.
8. Given these site-specific circumstances, drivers of delivery vehicles would be most likely to turn into the site in a forward gear and back out of it, reversing past the adjacent bus stop, across a public footway and onto Buckland Avenue. Alternatively, drivers of delivery vehicles would stop in Buckland Avenue and reverse into the site.
9. The proposed delivery times would conceivably coincide with the times when the bus stops are in use and when pedestrians are passing or congregating close to where delivery vehicles would be manoeuvring. In respect of deliveries, therefore, the appeal scheme would impede the safe and secure passage of pedestrians using the footway and conflict with pedestrians congregating at the bus stop.
10. I do not consider that this is a matter that could be overcome by the imposition of a condition, for example to restrict the number of deliveries per week or the size of delivery vehicles as such a condition would be difficult to enforce. Whilst noting that other units along the parade take deliveries from the road in front, and more frequently than it is supposed the appeal site would, these other units are not so close to a bus stop and are not usefully comparable. Even if the Council's Highways Officer did not raise objections to the proposed change of use from A1 to A5, I do not consider that the use of the side access route and rear yard for deliveries would offer an appropriate or safe strategy for dealing with on-site deliveries.
11. Conflict therefore arises with Policies EM10 AND CN9 of the Basingstoke and Deane Local Plan (2011 to 2029), 2016 insofar as these seek to delivery high quality development and ensure proposals do not compromise highway safety.

Other matters

12. I do not share the Council's concerns, in respect of staff and customers' parking. I have no compelling evidence of a persistent local problem with insufficient on-site parking and, at the time of my visit, the majority of the 23 allocated parking bays in front of the parade were vacant or used for very short stays. I did see various white and yellow line restrictions along Buckland Avenue, but High Drive did not appear to have restricted on-street parking and so, feasibly, customers or staff could park there and walk the short distance to the appeal site. The parking situation at night would inevitably be different, but this would be when some of the commercial units would be closed. I therefore do not consider that the change of use would be so intensive as to burden or materially affect the existing parking situation.

13. Other units along the parade may well take deliveries from the road in front, and more frequently than is being proposed at the appeal site. However, these other units are not so close to a bus stop and the situations are not directly comparable. Neither an absence of harm in respect of character and appearance or living conditions, the benefits of bringing the appeal site into use, nor the convenience to some local residents of a more local fish and chip shop, outweigh the harm I have found. I do not know the likelihood of the alternative or extant use or operations being carried on or carried out. Without a clearer understanding of how deliveries to the appeal site were controlled previously, I cannot be certain whether the effect would be similar or less harmful. In any event, I have determined the appeal on the basis that planning permission has been applied for and on the merits of the case as it has been submitted.

Conclusion

14. For the reasons given above and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR