



Appeal Decision

Site visit made on 27 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/P0240/W/19/3241319

Chiltern Trading Estate, Grovebury Road, Leighton Buzzard, LU7 4TU

- 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 Industrial Property Investment Fund against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/03262/FULL, dated 24 August 2018, was refused by notice dated 22 May 2019.
 - The development proposed is freestanding pod unit (Use Class A1/A3) and outdoor seating area, together with the removal of existing brick wall and fencing boundary to allow for new access gate opening at Chiltern Trading Estate.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In its evidence the Council referred to policies within the emerging Central Bedfordshire Submission Local Plan 2035. Whilst this plan has completed Examination in Public, I understand that further modifications are necessary. The Council has not conveyed how this may affect the policies to which it has referred. As such, they were not determinative in my assessment.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - highway safety, with particular regard to congestion on the highway.

Reasons

Character and appearance

4. The site is located at the entrance to the Chiltern Trading Estate (CTE) adjacent to the A4012, Grovebury Road. The surrounding area is predominately commercial in character and appearance, though the site itself is currently grassed with mature trees present and a footpath running diagonally through the site to the CTE.
5. There are substantial grass verges with mature planting elsewhere in the street scene, and the incorporation of landscaping appears to have been part of a conscious approach to the original CTE development.

6. This is most evident at the entrance to the CTE where the appeal site, and land to the south of the access, soften the appearance of the built form and provide a soft landscaped entrance that contrasts with the more formal, and industrial nature of the built development beyond. Whilst it may not appear to have any particular physical function, it does make an important visual contribution to the character and appearance of the surrounding area, albeit more localised to this stretch of Grovebury Road.
7. Although the site and landscaped area to the south of the access are not a mirror image of one another, together they form a visually cohesive landscaped entrance which is a positive feature within the street scene. Even considered in isolation, due to its open and landscaped nature, the site is a positive feature within the street scene. It provides visual relief from the harsh commercial and industrial nature of development in the vicinity, and visual urban influences, such as the forecourt parking at nearby car dealerships. The existing trees may not all be high quality, though visually they are collectively a prominent and valuable feature within the street.
8. The appeal scheme would result in the loss of a significant part of the existing landscaped area and some of the existing trees on the site. Whilst a grass verge would remain, this would be substantially reduced, and with the proposed building, the established open character of the site and the positive contribution it makes to the street scene would be lost.
9. The replacement tree planting would not mitigate this loss of openness, it would also take some considerable time to establish and provide any significant softening of the proposed building and associated hard landscaping, which would be the dominant features of the site.
10. The appellant has indicated that additional planting could be incorporated within the area to the south of the access, and this could be addressed by condition as it falls within their ownership. There are however limited details as to what this scheme could include, and I am not convinced that planting in that location would provide sufficient mitigation. It would also not address the loss of openness on the appeal site.
11. The proposal would remove existing landscaping features and diminish the open character of the site, which contributes positively to the street scene by providing visual relief from the more rigid industrial structures in the surrounding area. The proposal would therefore result in significant harm to the character and appearance of the site and surrounding area.
12. On this basis, the proposal would not accord with saved Policy BE8 of the South Bedfordshire Local Plan Review, 2004 which seeks to ensure that any natural features which are an attractive part of the site are protected and proposals enhance or reinforce the character and local distinctiveness of the area. For the same reasons the proposals would not achieve the high-quality design requirements of Section 12 of the National Planning Policy Framework (the Framework).

Highway Safety

13. The site is located on the A4012, Grovebury Road, which links the A4146 to the south and the centre of Leighton Buzzard to the north, and I saw on my site visit that it is a heavily trafficked road. There would be parking available within

the CTE, though the proposed development would likely generate high demand for parking.

14. Considering the location of the site there would be the potential that, rather than utilising spaces within the CTE, patrons would attempt to park on the highway, as this may appear a more convenient option, particularly as most trips are likely to be short stay.
15. Due to the restricted width of the road, any vehicles parking wholly on the carriageway would obstruct one lane and result in only single file traffic being able to pass, impeding the free flow of traffic, particularly for HGVs. In an attempt to avoid this situation vehicles may attempt to park inappropriately, wholly or partially on the footpath, leaving little or no room for pedestrians, particularly those with pushchairs or in wheelchairs, to pass. It can also restrict visibility for vehicles at junctions. This could lead to conflicts between pedestrians and vehicles to the detriment of highway safety.
16. The Council consider the potential impact to highway safety could be addressed through the implementation of a Traffic Regulation Order (TRO) to introduce an Urban Clearway and prevent vehicles stopping on Grovebury Road, and they have provided the appellant with an initial costing for its implementation.
17. There does however appear to be disagreement between the parties on this matter. Whilst the appellant accepts the principle of providing a contribution to a TRO scheme, they consider the works would go beyond mitigating the impact of their development and state the details of the TRO need to be subject of further testing and analysis.
18. I have been provided with little detail as to what the TRO scheme would involve. The extent of the area that would be covered is not clear, nor how this would be relevant or necessary to mitigate the impact of the development. On this basis I am not satisfied that this matter could be addressed by planning condition as the details of the scheme required are not precise and this general lack of detail means it is difficult to determine if it would be reasonable in all other respects.
19. In the absence of a scheme to prevent parking on the highway or a suitable mechanism to secure it the proposal would result in unacceptable harm to highway safety. Therefore, for the reasons stated the development would be contrary to Section 9 of the Framework which seeks to ensure that developments do not have an unacceptable impact on highway safety and any significant impacts are mitigated to an acceptable degree.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR