



Appeal Decision

Site visit made on 21 January 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2020

Appeal Ref: APP/W0340/W/19/3239183

31 Bone Lane, Newbury, Berkshire, RG14 5SH

- 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 J Kane against the decision of West Berkshire Council.
 - The application Ref 19/01153/FUL, dated 1 April 2019, was refused by notice dated 16 July 2019.
 - The development proposed is the erection of two detached B1(c)/B8 commercial units with ancillary B1(a) accommodation and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached B1(c)/B8 commercial units with ancillary B1(a) accommodation and parking at 31 Bone Lane, Newbury, Berkshire, RG14 5SH in accordance with the terms of the application, Ref 19/01153/FUL, dated 1 April 2019, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as the number of proposed buildings was reduced from three to two during consideration of the appeal application.

Background

3. The appeal site is located on the western side of Bone Lane and accommodates a two-storey office building to the frontage and a large warehouse to the rear of this. Permission 18/03094/FUL for alterations to these buildings to form a car showroom and vehicle repair unit was being implemented at the time of my visit. The two proposed buildings would be located on the northern boundary alongside an access leading to a parking and turning area at the back of the site. Subsequent to this appeal permission has been granted for one detached B1(c)/B8 commercial unit with ancillary B1(a) accommodation and parking.

Main Issues

4. The main issues are
 - (a) the effect of the proposal on the character and appearance of the area by reason of its design and layout including the size of the turning circle, and
 - (b) the adequacy of the proposed parking arrangements for cars and commercial vehicles.

Reasons

Character

5. The building proposed in the rear north-western corner would scarcely be visible from public land. The other would align with the front of the warehouse but would be behind the line of the office and the building on the adjacent site to the north. Its end elevation would be visible from Bone Lane but as it would be lower than the warehouse and comparable in height to the adjacent building it would not appear unduly conspicuous. The building would have a width of about 6m leaving a passageway to the warehouse some 4m wide. This would be adequate for vehicles to pass through and would not compromise the proper functioning of the site. The scale and massing of the buildings would be appropriate to the site context and the layout would not result in a cramped appearance. The design of both buildings would be appropriate to the industrial estate and the use of modern materials similar to those approved in recent permissions at the site would ensure a satisfactory appearance.
6. The rear building would be close to an emergency vehicle turning area. The scale of this turning circle would just about be sufficient for the turning of large vehicles whereas the limited scale of the proposed buildings indicates that the site is more likely to be serviced by smaller commercial vehicles. Internal vehicle movements within the site should not be constrained by the site's layout. A planning condition could be used to ensure that the turning area is marked as such and kept clear for turning.
7. The proposal would comply with Policy CS14 of the West Berkshire Core Strategy (2012) which requires new development to demonstrate high quality and to respect the character and appearance of an area and the way in which it functions.

Parking

8. The revision of the proposal from 3 to 2 buildings enabled provision of sufficient car parking spaces at the site to satisfy the Council's parking standards. The Council consider the delivery vehicle parking spaces to be very small and that large service vehicles using the spaces may encroach on to other uses at the site. There would be enough space to the front of both loading bays for delivery vehicles of the scale likely to visit the site to park, safely turn and manoeuvre without impacting on existing uses or the parking arrangements for the site. But even if the parking of a larger service vehicle were to impede access to the single parking space alongside each service bay, or another space, this would only be for a temporary period. Given the adequacy of parking provision, it is most unlikely that any displaced parking would result in an increased incidence of on-street parking or stopping near the site access to be detrimental to highway safety for vehicles or pedestrians or to adversely affect the free-flow of traffic. The Council's appended highway appeal statement expresses such concerns but relates to the former layout for three buildings.
9. The proposal would not be contrary to Core Strategy Policy CS13 or to Saved Policy TRANS1 of the West Berkshire Local Plan (2007) which collectively require the transportation needs of new development to be met through measures including the provision of adequate parking spaces and for proposals to improve and promote opportunities for healthy and safe travel.

Conclusion

10. The design and layout of the proposal would be satisfactory in relation to the character and appearance of the area and the functioning of the site, and the parking arrangements for cars and commercial vehicles would be adequate. For the reasons given and having regard to all matters raised the appeal is allowed subject to conditions.
11. In addition to the standard 3 year commencement condition, a condition is included requiring the development to be carried out in accordance with the approved plans for certainty and to enable the approval of minor material amendments should this be expedient. To ensure a satisfactory appearance to the development a condition is needed to require adherence to the specified external materials. A condition requiring approval of a construction method statement is necessary to control potential nuisance from building activities during development. To ensure the efficient operation of the site conditions are needed to require the parking spaces, turning area and cycle storage to be provided and retained as specified. Finally, a condition is warranted to constrain alternative uses of the buildings in the interests of amenity.

Rory MacLeod

INSPECTOR

Schedule of 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:
7346-2004-G, 7346-XU-01B, 7346-XU-02B, 7346-XU-101B, 7346-XU-102B and 0050/P01.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified on the application form and the approved documents and drawings.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) a site set up plan during the works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) The buildings shall not be occupied until the vehicle parking spaces and turning area have been surfaced, marked out and provided in accordance with the approved plans. The parking spaces and turning area shall always thereafter be kept available for the parking and turning of cars and light goods vehicles.
- 6) The buildings shall not be occupied until cycle parking has been provided in accordance with the approved drawings and this area shall always thereafter be kept available for the parking of cycles.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent revision, no change of use shall take place from the approved Use Class B1(c) and B8 commercial units with ancillary B1(a) to any other use within Class B or any other use class outside the approved uses.