



Appeal Decision

Site Visit made on 16 February 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/W0340/W/20/3261499

Newbury Business Park, London Road, Newbury RG14 2PZ

- 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 Patterson against the decision of West Berkshire District Council.
 - The application Ref 20/01283/COMIND, dated 16 June 2020, was refused by notice dated 16 October 2020.
 - The development proposed is proposed new access from London Road and the erection of wall and access gate.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have referred to the development description in the appeal form in the banner heading above, as this more accurately describes the proposed development. Neither party, in my view, has been prejudiced by my approach in this regard.

Main Issues

3. The main issues are: (i) the effect of the proposed development on the living conditions of the existing and future occupiers of the adjacent flats, in terms of external amenity space provision; and (ii) the effect of the proposed access on highway safety and the traffic volume on London Road.

Reasons

Living conditions

4. The appeal site is located in close proximity to Lambourn House, Denby House and Nexus House. These former office buildings received prior approval by the Council to be converted into residential flats¹, and at the time of my site visit some of these were occupied, while others were under construction.
5. The appeal site comprises a large grassed area with a central footpath that links the approved flats to a gated entrance with London Road. This green space has an informal and pleasant appearance with tall mature trees partially bordering the grassed areas. Given the close proximity to the nearby approved flats and the lack of any comparable space or public park within the surrounding area, it is likely that the appeal site is of considerable value and

¹ Local Planning Authority Ref - 17/00648/PACOU – Prior Approval of conversion of Lambourn House, Denby House and Nexus House into 129 x 1 bed flats.

- importance as an area of informal outdoor amenity space to the existing and future residential occupiers nearby.
6. The provision of a new two-way access road with footways either side would remove a sizeable section of the grassed area and introduce hard surfacing onto the open space. This would result in a significant encroachment upon the existing amenity space, leaving two smaller strips of grass either side of the new access road, that would result in an appreciable diminution of the area and functionality of the open space. The effect of this would make the amenity area significantly less desirable for external amenity provision to the detriment of the existing and future residents of the nearby residential flats.
 7. Although there would be space that could still be used by residents either side of the proposed road, these smaller grassed areas would be of lesser quality given their reduced size and exposure to increased noise and activity from vehicular traffic access and egressing London Road. The consequence of this would undermine the quality of the external living environment around the residential flats and would impact negatively on the living conditions of the existing and future occupiers.
 8. An alternative area of communal amenity space is proposed, under a separate application, at a central location within the large parking court serving the nearby residential flats. Yet, that proposed space is much smaller than the area that would be lost to the proposed development. The outlook from that area would include parked cars and the hard-paved surfaces of the forecourt and access roads servicing the flats. This would be in contrast to the softer, more verdant appearance of the appeal site, which in my view would be a more attractive and functional area for use by the residents. Consequently, and notwithstanding the outcome of that application, that communal amenity space, would not be a comparable alternative of equal size and environmental quality to the land that would be lost and developed for the new access road.
 9. The nearby flats and those under construction were approved by the Council under Class O of the General Permitted Development Order². Even though, under that Order there is no requirement for the provision of outdoor amenity space, the appeal site is nevertheless part of the external environment that can be accessed by occupiers of the existing and future flats for amenity purposes. Moreover, the provisions of the Order do not exclude any future assessment of the effect of development proposals on the living conditions of nearby residents within developments approved by Class O.
 10. The appellant indicates that the current vehicular access arrangement, through the business park, is preventing future purchasers of the approved flats from gaining mortgages. However, I have not seen any specific details from lenders on this matter, or why the existing access is affecting the sale of the properties. As such this matter has been given limited weight.
 11. It is further contended that the appeal site is not suitable for amenity purposes as it is isolated and not overlooked. Yet, during my site visit I was satisfied that it was a very short walk from Lambourne House, whilst upper floor windows from that building and those at Riverdale Court to the east were angled

² Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order)

towards the appeal site, to the extent that they would overlook the amenity space, and provide some surveillance.

12. The appellant has indicated that the appeal site would create a space that would attract unsocial behaviour late in the day. I have not received any specific details of this, nevertheless there may be alternative measures that would overcome that behaviour if it occurred at the appeal site.
13. Therefore, in conclusion, the proposed development would have an unacceptable effect on the living conditions of existing and future occupiers of the adjacent flats, in terms of external amenity space provision. It would conflict with Policy CS14 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (Core Strategy), which amongst other things, requires proposals to demonstrate high quality design and make a positive contribution to the quality of life in the District. The proposal would also fail to align with Paragraphs 8, 121 and 127 of the National Planning Policy Framework (the Framework), where they require consideration of access to open space and maintaining a high standard of amenity.

Highways

14. London Road is a busy thoroughfare to the north of the city centre, with a large number of junctions and access roads along its length leading off into residential streets, as well as retail, business and industrial parks.
15. The proposed access is expected to generate approximately 42- 52 vehicle movements in the morning and evening peak. Broken down this would represent one vehicle entering or leaving the junction every 15 minutes during the morning peak and one vehicle every three minutes in the evening peak. With around 20,000 vehicles a day passing along London Road at this location, the anticipated vehicle movements would be very low as a proportion of the daily volume and would be unlikely to contribute to any significant delays or traffic disruption along the road.
16. Reference has been made to guidance in Manual for Streets (MfS), where it recommends limiting new direct access points onto heavily trafficked roads (at least 10,000 vehicles per day) with a 30mph speed limit. Even though, London Road has traffic volumes that exceed the suggested limit, the MfS also refers to research data where traffic flows at sites up to 23,000 vehicle movements per day, resulted in very few accidents involving vehicles turning in and out of driveways. Furthermore, the Council has not raised any safety concerns regarding vehicular visibility at the junction between the proposed access and London Road. Consequently, I am content that the proposed access would not result in any significant impacts on highway safety.
17. The accident history at nearby junctions is noted, however, I do not have full details of the nature of these and whether or not they related to driver error or whether they are directly attributed to junction frequency and/or design along those roads.
18. The Council has concerns regarding potentially unsafe vehicle manoeuvres turning right off London Road into the proposed access and vis-versa, as well as potential reversing manoeuvres into London Road should the gated entrance prevent access. Nevertheless, these are matters that could be controlled by condition through the provision of suitable warning and directional signs on

site, as well as road furniture within the bell mouth of the access that would prevent right turns onto London Road. Signage could also be used to indicate that the access is for use by residents of the nearby flats, rather than a secondary access for users and visitors of the business park.

19. I am also satisfied that the provision of footways either side of the proposed access would provide nearby residents with a pedestrian link onto London Road, and thus serve to facilitate walking as a means of accessing nearby services.
20. In light of the above, the proposed access would not have an unacceptable effect on highway safety and the traffic volume on London Road. It would therefore comply with Policy CS13 of the Core Strategy, which amongst other things, requires proposals to mitigate the impact on the local transport network and promote opportunities for healthy and safe travel. The proposal would also accord with paragraph 108 of the Framework, by ensuring a safe and suitable access that would not lead to significant impacts on the transport network.

Conclusion

21. Although the proposed development would not have a harmful impact on highway safety and traffic volume on London Road, this lack of harm would have a neutral effect. Consequently, it would not overcome the unacceptable effect it would have on the living conditions of existing and future residential occupiers, and the resultant conflict with the development plan.
22. For the reasons set out above, the appeal is dismissed.

RE Jones

INSPECTOR