



Appeal Decision

Site Visit made on 19 October 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/K0235/W/21/3272423

Unit 110c Fenlake Road Industrial Estate, Bedford MK42 0HB

- 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 Angelo Bartiromo against the decision of Bedford Borough Council.
 - The application Ref 21/00296/COU, dated 1 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is temporary change of use for half the unit to be converted and used as an on-site café for the industrial estate.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary change of use for half the unit to be converted and used as an on-site café for the industrial estate at Unit 110c Fenlake Road Industrial Estate, Bedford, MK42 0HB in accordance with the terms of the application, Ref 21/00296/COU, dated 1 February 2021, subject to the following conditions:
 - 1) The café use hereby permitted shall be for a limited period being the period of 1 year from the date of this decision. After this period the use hereby permitted shall be discontinued and the building fully restored to its former use.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS plan at 1:1250 scale, Plan 1, and drawing showing existing floor plan, proposed floor plan and proposed floor plan with extraction.
 - 3) The café shall only be open for customers between the following hours: 0700 – 1800 hrs on Mondays – Fridays, 0800 – 1800 hrs on Saturdays, and 1000 – 1600 hrs on Sundays, Bank Holidays and other public holidays.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. Unit 110c is positioned in the middle of a terrace of small commercial units which face into the centre of the industrial estate. The remainder of the estate is made up of a handful of industrial units, mostly used by automotive businesses.
4. There is a large car parking space outside unit 110c and most of the space around the estate which could be used for parking is allocated to specific

businesses. There is little other room for car parking. Similarly, the part of Fenlake Road near the site comprises narrow terraced dwellings and is heavily parked.

5. The proposal would utilise around half the unit and could accommodate no more than a few seats. The appellant advises that the intention is for the unit to serve employees of the various businesses around the estate. Consequently, none of the intended customers would be arriving by car. Although this could not be guaranteed, I consider this highly likely as the business has no visible presence beyond the estate so would attract no passing trade. Moreover, the access to it through the estate is via an uneven route, narrow in places between parked cars, past units with cars manoeuvring in and out and with industrial processes being undertaken. This would not be enticing to the public even if they were aware the café was there.
6. The Council's Highways officer has calculated that, excluding customers, there would be a need for 1.15 parking spaces to serve the café and storage use. The parking space outside the unit would meet this.
7. In summary, the parking provided would be sufficient to serve the development. The proposal therefore would not be likely to have a harmful effect on the free flow of traffic locally and hence would maintain highway safety. It would accord with policy 31 of the Bedford Borough Local Plan which seeks to ensure that development does not have any significant adverse impact on access to the public highway.

Other Matters

8. I note the concerns regarding litter and vermin. However, I have no reason to consider that such a small café would generate litter unacceptably, and the lack of objection from the Council's Environmental Health team supports my view.

Conditions

9. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
10. The appellant sought a temporary permission to sustain his business during the Covid-19 pandemic. As the pandemic and its effects persists, I see no reason to depart from this. A condition restricting the permission to a temporary period is therefore necessary to ensure this. The plans condition is necessary in the interests of certainty. A condition is also imposed restricting the hours of operation, so as to protect the amenities of neighbouring occupiers.

Conclusion

11. The proposal would comply with the development plan as a whole and there are no other considerations which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, and taking account of all other matters, the appeal is allowed.

Andrew Owen

INSPECTOR