



Appeal Decision

Site visit made on 30 November 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/Y3615/W/22/3293036

285 Stoughton Road, Guildford GU2 9PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Rose of Portchester Estates against Guildford Borough Council.
 - The application Ref 21/P/01748, is dated 6 August 2021.
 - The development proposed is erection of new commercial building following demolition of existing and associated works.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The Council failed to determine the application within the prescribed period. Following the submission of the appeal, the Council have prepared an appeal statement which advises that had the Council determined the application, planning permission would have been refused. I have had regard to the Council's appeal statement and the accompanying officer's report, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so. The main issue below is taken from these documents.

Main Issue

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

Reasons

4. The appeal site is located on Stoughton Road close to Stoughton Infant and Nursery School. I saw on my visit that there are frequent traffic and pedestrian movements along Stoughton Road. Although there are parking restrictions on this section of the road, there is a large parking bay opposite the appeal site, as well as the vehicular and pedestrian entrance to the school. The pavements are generally narrow.
5. I acknowledge that the proposal would retain the existing business and storage use on the site and that both parties agree there would be no material increase in the intensity of the use. Also, that there would be no change to the vehicle access for the site, including the existing gates. Nevertheless, the existing building, which is in a poor state of repair and is largely a single volume space, would be replaced with a new building. The new premises would be constructed to modern standards with additional floorspace for improved staff facilities,

including a staff room with kitchenette and an ancillary storage area and office space, as well as enhanced ICT infrastructure. This type of building is likely to have a substantial life span and I must consider the future of the development including the likely possibility that it would be occupied by someone other than the current owner and by a business that could operate differently to the existing one.

6. Furthermore, I have no information as to the legislative or policy context applying at the time that the existing use was established, or the existing building was built. The Council's Vehicle Parking Standards Supplementary Planning Document (2006) set out the current parking requirements for these types of buildings. They require B8 Storage and Distribution uses to provide 1 lorry space per 200m² of Gross Floor Area (GFA), which is a reasonable expectation for this type of development. Although the footprint/Gross External Area (GEA) of the new commercial building at 294.2m² would be less than the existing building, its GFA would be greater than 200m² and the proposal would therefore require a lorry space.
7. There is no evidence before me that the layout of the site could accommodate a lorry space of 15m by 3.33m. There is also no evidence that a lorry could manoeuvre on site to enable it to exit the site in a forward gear. While I recognise that the standards set out in the SPD are maxima, in the absence of a lorry space and adequate turning area, lorries would likely either load and/or unload from the highway or would have to reverse onto the highway after loading and/or unloading on site. Such manoeuvres would not only be likely to impede the free flow of traffic but also result in conflict with other highway users, including pedestrians, and could involve children or the elderly, as well as other vehicles. Given the frequency and variety of vehicle and pedestrian movements that would take place along Stoughton Road, particularly those associated with the school, the risk of conflict is significant and subsequently the proposal would have an unacceptable adverse impact on highway safety.
8. This would be further exacerbated by the position of the existing gates, which, if closed, would force any vehicles to remain on the carriageway and possibly across the narrow footway until the gates were opened. The proposal would provide a separate pedestrian gate to reduce the risk of conflict between pedestrians and vehicles entering the site. However, while this would be of benefit, it would not address the harm to highway safety that I have identified above. I note the appellants view that the gates do not form part of the application, however they fall within the red line of the application as shown on the submitted Location Plan.
9. While conditions could be used to limit vehicles movements, it would not be sustainable to permit a development that could not be used to its full potential or capacity in the future.
10. I have found that in the absence of any evidence demonstrating that lorries could be parked on site and manoeuvred successfully to exit in a forward gear, the proposal would have an unacceptable adverse impact on highway safety. It would conflict with Policy ID3 of the Guildford Local Plan: Strategy and Sites (2019). This seeks, amongst other things, to ensure that off-street parking for new development is provided such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.

Other Matters

11. A Grade II listed building, the Keep and the attached gateway are located relatively close to the site further along Stoughton Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses. I also acknowledge that concerns were previously raised by the Council regarding the effect of the proposal on the setting of the Stoughton Barracks Conservation Area (SBCA) and the living conditions of the occupants of neighbouring residential properties with particular regard to noise, disturbance and privacy. However, given that I am dismissing the appeal due to concerns in relation to highway safety, these matters do not, in any event, alter my overall conclusions.

Conclusion

12. Therefore, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR