



Appeal Decision

Site visit made on 8 February 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/T3725/W/22/3302641

Nexus House, 10 Coten End, Warwick CV34 4NP

- 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 Avnash Jhita against the decision of Warwick District Council.
 - The application Ref W/21/0464, dated 12 March 2021, was refused by notice dated 13 February 2022.
 - The development proposed is change of use from residential to Class E.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, amending the Town and Country Planning (Use Classes) Order 1987 have come into force. These amendments revoke the previous Class B1 use and create a new broad 'Commercial, business and service' use, under Class E. The appeal site proposal falls into this new Class E. I have applied the development plan policy approach to employment uses.
3. The appellant contends that there is conflict between the Officer's report and the Decision Notice in respect of the impact upon living conditions. The impact of a proposal upon the living conditions of existing occupiers includes factors such as light, privacy and noise, and to my mind, is a separate matter to highway safety. I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the site is within an appropriate location with regard to local development plan policies; and
 - The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

Appropriate location

5. The appeal site comprises Nexus House - a two-storey property located within a mixed use area. The property has been extended to the rear and contains a mix of uses including offices and residential. The proposed development

involves the change of use of a residential unit to a business use operating as a screen printers.

6. Policy EC1 of the Warwick District Local Plan (2017) (LP) sets out that new employment development will only be permitted in certain locations. These are limited to allocated employment land, committed employment areas and town centres.
7. I acknowledge that the appeal site lies within a mixed commercial area close to the edge of the town centre, but nonetheless the development would still be located outside of its boundary. Furthermore, no evidence has been provided demonstrating a need for the proposal in this location.
8. Whilst the proposed development would result in a small-scale enterprise it would be contrary to LP Policy EC1 which seeks to direct employment uses to appropriate locations and does not support the provision of such uses in this location.

Safe and efficient operation of the local highway network

9. At the time of my visit on a weekday lunchtime, I observed significant pressure for parking along Coton End. On surrounding roads including Guy Street and Cherry Street I also observed pressure for on street spaces, due to existing parking restrictions. I noted vehicles parked along one side of Bartlett Close and on the junction with Coton End reducing the width of the road. Whilst I acknowledge that this is a snapshot in time, based on my observations and the information before me, it is evident that the availability of on street parking is at a premium in the area during the day.
10. Despite the presence of parking spaces on the forecourt, they are shared with other uses in the building. The proposal would generate additional vehicle movements and is likely to lead to a demand for spaces throughout the day. I acknowledge that the proposed business would be primarily online. However, there is nothing to suggest that customers would not be able to visit the premises. Moreover, staff and delivery vehicles would still lead to parking demand and comings and goings.
11. The parking arrangement would lead to vehicles being unable to manoeuvre within the forecourt and exit in forward gear leading to vehicles reversing onto a busy highway. Whilst the Council's parking standards provide a degree of flexibility it is evident that the parking arrangements proposed would not be adequate to serve the development. This is likely to result in indiscriminate and inconsiderate parking taking place on site or nearby roads resulting in an unacceptable impact on the safe and efficient operation of the highway network.
12. Whilst the appellant has suggested Bartlett Close as an option it is heavily parked along one side, with parking for the bungalows limited to residents parking only. Given the level of parking demand along the road and its residential character I am not persuaded that Bartlett Close provides a suitable alternative option for staff or visitors.
13. The site is located within an urban area and is accessible by different means of transport including by foot and public transport in the form of bus services. However, in my judgement, the demand for vehicle parking is likely to increase due to the resultant number of individual uses in the building.

14. Despite the absence of incidents locally and whilst the highways authority did not raise concerns to the application these matters do not alter my findings in respect of this main issue.
15. As such, I conclude that the proposed development would adversely affect highway safety and the safe and efficient operation of the local highway network. Consequently, it would be contrary to LP Policy TR3 which, amongst other things, states that developments will only be permitted where provision for parking does not result in on street parking detrimental to highway safety.

Other Matters

16. I note that the appellant contends that the existing residential unit is not financially viable. However, this is not supported by any substantive evidence and thus I give this element of the appellant's argument very limited weight in coming to my decision.
17. I acknowledge that the Council's Environmental Health Officer has not objected to the proposal, and it would not harm the living conditions of nearby residents. However, this would not overcome the harm that I have identified in relation to the main issues.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR