



Appeal Decision

Site visit made on 24 October 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/P1750/W/23/3318389

Wings Cottage Restaurant, 32 Alexandra Road, FARNBOROUGH, GU14 6DA

- 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 YBC Property Ltd against the decision of Rushmoor Borough Council.
 - The application Ref 22/00591/FULPP, dated 18 August 2022, was refused by notice dated 1 November 2022.
 - The development proposed is the construction of Rear/Side extension and conversion of the existing ancillary accommodation (C3 use) at first floor to create short-stay serviced accommodation (Use Class C1) comprising 8 x one-bedroom serviced apartments at the upper floors.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's Delegated Report on the application identifies some inconsistencies in the submitted plans. However these are not critical to the consideration of the appeal and could be rectified by imposing a condition requiring modification if the appeal was successful.

Main Issues

3. The main issues are:
 - The effect on protected species; and
 - Whether adequate parking facilities and the effect on highway safety.

Reasons

Background

4. The appeal site comprises a detached two storey building which lies in a residential and commercial area about a mile from Farnborough town centre and in the South Farnborough Conservation Area. The building contains a restaurant on the ground floor (currently vacant) and a three-bedroom flat at first floor which served as staff accommodation for the restaurant. Locally there are other business, commercial and residential uses. It is proposed to extend the property at the side and rear and enlarge the roof so as to provide 8 single bedroom serviced apartments on the first and second floor, and retain the restaurant use at ground floor.

5. I note that the Council permitted a scheme for 8 one-bedroom serviced apartments including a change of use of the restaurant in 2019 but the Council says that permission has now expired.
6. The Council accepts that the current proposal would have an acceptable visual impact and would not harm the living conditions of neighbours.

Effect on protected species

7. The planning application was submitted in August 2022 and appears to have been accompanied by a Preliminary Ecological Habitat Survey undertaken by Wychwood Environmental and the letter of report is dated January 2022. Within this, under Survey Methods the report specifies that the field survey was conducted by Dr Andrew Perkin on the 23 November 2022. There is an inconsistency over the dates as the letter of report refers to a survey undertaken some 10 months later.
8. In any event the letter of report indicates that while the preliminary findings are that the building proposed to be impacted by the works has a low potential to support roosting bats, a further bats survey is necessary to comply with BFT (assume means BCT Bat Conservation Trust) guidelines. This conclusion is consistent with the advice from the Council's Ecologist that field surveys can only be undertaken between May and the beginning of September when the bats are out of the hibernation season.
9. The appellant's agent suggests that a permission could be subject to a condition on future surveys being undertaken but this goes against the advice in Circular 6/2005¹ and it does not appear to me that there are exceptional circumstances on this site. I conclude that there is no appropriate survey information before me that gives a clear assessment that the proposal would not disturb a bat habitat and it would not be appropriate to leave further surveys to be conditioned if the principle of development has already been given through an allowed appeal.

Parking and highway safety

10. It is evident that the existing (although vacant) restaurant use has been present for many years with one parking space on site which is said to have been used in connection with staff accommodation above the restaurant. Users of the restaurant travelling by car would therefore have had to find convenient on-road parking near the site or use Council or private off-road car parks. The Council describes the shortfall of parking for the restaurant use when compared to standards of about 19-21 spaces .
11. The Council accepted that the complete reuse of the building to 8 short-term serviced apartments was acceptable as the parking needs for this use would be less than the shortfall on site arising from the restaurant use. The issue now is the parking requirement for both the serviced apartments and the retained restaurant use. It is apparent that an additional space can be created on the site frontage (but I could not see this at the visit as the building is fenced off by a solid hoarding). Therefore, the Council advises that the parking deficiency for the serviced apartments through the additional floorspace created would be 6 spaces, and this would be contrary to Principle 2 of the Rushmoor Parking Standards SPD.

¹ Issued by ODPM 16 March 2005

12. To be balanced with this are a number of factors. I see the serviced apartment use proposed as materially different from a residential C3 use and the Council accepts that a condition could be imposed on a permission to retain the use in this category. A characteristic of C1 use is that the parking demand is more likely to occur in the evening rather than all day. In principle the parking demand can be accommodated off-site and in my experience it is not unusual for hotel or guest house serviced accommodation in a town or district centre location not to have on-site parking facilities.
13. It is likely that the parking needs for the serviced apartments would therefore need to be found off-site. I noted at the visit there is on street parking available along Alexander Road where the '1 hour limit' parking restriction does not apply between 6pm and 8.30am the following morning. I understand that some 12 spaces along Alexandra Road are likely to be lost by the introduction of a Bus Priority Lane soon but there still appeared to be other on-road spaces relatively close-by along this street. This also appears to be the conclusion of the parking surveys undertaken for the appellants in 2019 along with availability of parking in the Council's Napier Gardens car park some 350m away as demonstrated in the more recent day time parking assessment. While there is no guarantee that such parking will be available in perpetuity the proposal has to be considered on the present circumstances.
14. In addition to parking provision there is some merit in the appellant's submission that the combined restaurant and service apartments use is likely to result in some joint use where users of the apartments eat in the restaurant and therefore reduce the double counting of parking needs.
15. Finally I note that the highway authority accepts that the site lies in a sustainable location on a main bus route and it appeared to me to be in a residential and commercial area where restaurant users may live/work within walking distance of the site or use a taxi/Uber rather than drive themselves.
16. On the basis of the evidence put to me I find that there is likely to be adequate and convenient parking facilities nearby that the occupiers of the serviced apartments can use if car-borne. The proposal would not be an over-intensive use of the site as it would be unlikely to add to parking stress locally or have a harmful effect on highway safety. As such the proposal does not conflict with Rushmoor Borough Local Plan Policy IN2 when this policy is read as a whole.

Planning balance

17. On the main issues I have found that the combined development of serviced apartments and restaurant on the ground floor would not be an over intensive use of the site as there would be adequate parking available elsewhere locally where necessary and the proposal would not harm highway safety.
18. However, the property is such that it could have the potential to support roosting bats that would be harmed by the extensive building works proposed. The preliminary survey work carried out was not undertaken in an appropriate season to assess this properly and the matter cannot be left to be resolved by condition. The scheme therefore conflicts with Local Plan Policy NE4.
19. This harm and policy conflict are not outweighed by any other considerations and this indicates that the appeal should not be allowed.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR