



Appeal Decision

Site visit made on 3 January 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/D1835/W/24/3353774

Unit B, Weir Lane, Worcester WR2 4AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Burgoyne Property Investments Ltd against the decision of Worcester City Council.
 - The application Ref is 23/00782/FUL.
 - The development proposed is described as the subdivision of existing unit into 4no. units alongside installation of mezzanine floor. Works to include alterations to external facade of the building and provision of on-site car park.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of existing unit into 4no. units alongside installation of mezzanine floor. Works to include alterations to external facade of the building and provision of on-site car park at Unit B, Weir Lane, Worcester WR2 4AY in accordance with the terms of the application, Ref 23/00782/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Burgoyne Property Investments Ltd against Worcester City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal site location has been taken from the Council's decision notice and the Appellant's appeal form. This address differs from that which was originally provided on the application form. However, the Appellant has provided written confirmation that the address given on the decision notice is agreed.
4. Part 2, question 6 of the Appeal Questionnaire (publicity) has been ticked "no" by the Council. However, the Council has confirmed that this was in error. I have also seen copies of the letter they notified people about the appeal, the site notice and press notice.
5. Following the Council's consultation exercises, concern was raised about land ownership by interested parties. The Appellant amended the red line and clarified that the red line follows the existing site boundary based on the topographical survey of the site. The Appellant also confirmed that the proposed development would reuse existing hardstanding around the existing unit, and they do not propose to extend beyond the site's existing boundary. The Council proceeded on this basis, and I see no compelling reason to come to a different conclusion.

6. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

- The main issue is the effect of the proposed development on all road users and the landscape environment.

Reasons

7. The appeal site sits within a trading estate with various commercial and leisure uses. The site can be accessed from two points along Weir Lane, one on each side of the existing building which lead to an area of hard standing at the rear. There are currently no formal parking areas within the site and the hardstanding area to the rear is predominantly used for storage and servicing.
8. The proposed development is for the subdivision of the existing unit into four industrial units. The works as proposed would also include formalised off street carparking and cycle parking. The appeal scheme would use the existing access points with access for cars, pedestrians and cyclists utilising the 'northern' access which sits next to a footpath and a cycle route which links with the river.
9. On entering the site, at this 'northern' access, all users would proceed along a shared surface. After this, pedestrians and cyclists would turn right into a dedicated corridor to access the units, including cycle parking. Cars, on the other hand, would proceed straight ahead to the rear of the site where formal parking spaces are to be provided.
10. Ordinarily it is proposed to operate a one-way system with vehicles egressing via the existing 'southern' access. However, when delivery / loading vehicles need to access the site, these would enter via the 'southern' access. Therefore, during periods of loading and deliveries, the 'southern access' would be closed to through traffic. A traffic light system would operate during these times to allow cars to enter and leave via the 'northern' access.
11. As pedestrians and cyclists enter and leave the appeal site they would have to cross a shared surface. While this surface would be shared with other road users without dedicated cyclist or pedestrian routes, it covers a short stretch and there is limited evidence before me to suggest that vehicle numbers along this shared surface would be considerable or that vehicles would be traveling at speed. Indeed, vehicles would be either leaving or joining the highway via a stop line junction and it is reasonable therefore to conclude that drivers would be proceeding with caution. Additionally, signage could be incorporated to remind drivers that the surface is shared.
12. For the same reasoning it has not been robustly shown that users of the adjacent footpath and cycle route would be at risk from the 'northern access'. As indicated above, vehicles would be proceeding with caution across a junction and the path has bollards next to the junction which would suggest that cyclists and pedestrians would also exercise caution. A condition can also be imposed to ensure inter-visibility at this junction by the maintenance of any foliage on the fence. The

Appellant has also provided evidence to show that there has been no accidents in the last 10 years at this existing junction.

13. The Council is concerned that the proposed development would not be enforceable and would be over complicated. However, details as shown on drawing WLA-ONE-XX-XX-DR-C-3002 P02 can be enforced via condition with further detail set out in a Car Park Management Plan and a Delivery and Servicing Management Plan to be agreed with the Council. This would set out the precision needed to ensure the proposed development would be operated as intended.
14. Cycle parking, with capacity to increase provision, would be provided within the units and this seems logical and practical for future users to secure bikes and come and go from the site. While there would be a need to pass through doors and in some cases; corridors and a reception area, it has not been robustly shown that bikes could not be manoeuvred to the parking area without relative ease. Accordingly, and as a matter of fact and degree, I do not find these factors to adversely suppress the attractiveness of cycle use for future users.
15. The provision of formal on-site car parking would also be an improvement over the current situation, reducing parking pressure on the wider estate. There is limited evidence to suggest that drivers would park illegally elsewhere. It has also not been robustly shown that the proposed development would increase the probability of vehicles striking adjacent buildings or that they would struggle to access or egress the appeal site. Tracking has been provided to show vehicles can enter and leave the site without obstruction. Matters concerning poor or inconsiderate driver behaviour fall outside the scope of this appeal.
16. Tying all these factors together, the proposed development would offer appropriate access to the site for all users and would not prioritise cars or other vehicles over and above pedestrians and cyclists. As a result, it would promote a genuine choice of travel and minimises the scope for conflicts between pedestrians, cyclists, and vehicles.
17. The proposed development would formalise parking areas and the Council confirm the cladding would improve the aesthetic of the building. A condition to agree landscaping is appropriate to enhance the landscape environment of the site and wider built environment while also improving its biodiversity offer.
18. Consequently, the proposed development would not have an unacceptable impact upon all road users or the landscape environment. It would therefore accord with the relevant provisions of Policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan (2016). All of which seek to, amongst other things, ensure that development would be of high-quality design integrating effectively with its surroundings while being safe and offering genuinely sustainable transport choices.

Other Matters

19. The appeal site is also within the boundary of the Riverside Conservation Area ("the CA"). The significance of this part of the CA is defined, in part, by historical significance across the Severn during the Battle of Worcester. The provision of panoramic views of the city from nearby vantage points within the CA also contribute positively to its significance.

20. The existing building is of aged painted brickwork and sheet metal construction. It is proposed to install clad panelling to enhance the aesthetic of the building and solar photovoltaics would also be installed to the roof with new fenestration to provide improved natural lighting.
21. The Council do not object to the proposed development on the basis of any harm to the CA and I am inclined to agree. The character or appearance of the CA would therefore be preserved.

Conditions

22. The Council has suggested a list of conditions which I have considered and where necessary amended in line with national policy and guidance. In the interest of certainty, conditions specifying time and the approved plans are required.
23. To ensure that the development would be in keeping with the character or appearance of the area, conditions limiting the provisions of the General Permitted Development Order 2015; the agreement of landscaping; external materials; hard surfacing; and detailed appearance are required. A condition to enhance biodiversity is also required to ensure that the development supplements green infrastructure and secures habitat enhancement.
24. Conditions ensuring the implementation of the Site Access Strategy, a Car Park Management Plan, Delivery and Servicing Management Plan, a Framework Travel Plan, and a Construction Environment Management Plan are also necessary. In the interests of adequate on-site facilities, promotion of sustainable access, highway and public safety, and to ensure the free flow of traffic using the adjoining highway. Conditions to ensure adequate site drainage, renewable energy and cycle parking are also relevant. It is also necessary to agree hours of operation in the interests of noise pollution and human health.
25. The Council confirm that one of its consultees considered the appeal in regard to contamination and they had no adverse comments to make. No conditions are proposed in this respect, and I have no compelling reasons before me to come to a different finding.

Conclusion

26. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed subject to the conditions listed in the attached schedule.

N Praine

INSPECTOR

Schedule of Conditions (16 in total)

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out, completed, and retained in accordance with the following approved plans except where otherwise stipulated by conditions attached to this permission: Location Plan (Ref. PL001 Rev B); Proposed Floor Plans (Ref. PL006 Rev D); Proposed Elevations (Ref. PL007 Rev C); Site Access Strategy (Ref. WLA-ONE-XX-XX-DR-C- 3002 Rev P02); Proposed Site Plan (Ref. PL003 Rev G); Flood Risk Assessment and Water Management Statement (Ref. WLA-ONE-ZZ-XX-RP-C-3000); Drainage Strategy (Ref. WLA-ONE-XX-XX- DR-C-3001 Rev P02); Topographical Survey (Ref. BA34771022_01) and Vehicle Track Plan (Ref. WLA-ONE-XX-XX-DR-C-3000 Rev P03).
3. Prior to above ground works of the proposed development: details of any materials used in the construction of the external surfaces; the provision of external hard surfacing; and the installation of external plant or ventilation, a schedule of those materials shall be submitted to and agreed in writing by the Local Planning Authority. The submission shall also include windows, window reveals, façade panels, brickwork, ducting, rainwater details, and doors, where appropriate. The agreed details shall then be fully implemented in accordance with the approved details and retained thereafter.
4. No occupation of the development hereby permitted shall take place until details of biodiversity enhancement, including a timetable for implementation has been submitted to and approved by the Local Planning Authority. The agreed details shall then be fully implemented in accordance with the approved details and retained thereafter.
5. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS and the Sustainable Drainage Statement (WLA-ONE-ZZ-XX-RP-C-3000). If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. The scheme shall provide detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage. Exceedance flows should not be directed to property or private land. Where the scheme includes surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future owners or occupiers of the arrangements for maintenance of surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

6. The Development hereby approved shall not be brought into use until the access, turning area and parking facilities to include the traffic light system, accessible bay, and delivery area, have been provided and marked out on the ground, as shown on Drawing No. WLA-ONE-XX-XX-DR-C-3002 P02. These areas shall thereafter be retained and kept available for their respective approved uses at all times. The traffic light system shall be fully operational at all times throughout the lifetime of the development.
7. The Development hereby approved shall not be brought into use until the details of stop line markings and process to maintain inter-visibility between vehicles, pedestrians and cyclists at the northern access have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be fully implemented in accordance with the approved details and maintained in accordance with the approved details thereafter.
8. The Development hereby approved shall not be brought into use until a detailed Car Park Management Plan (CPMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Once approved, the CPMP shall be operational at all times.
9. The Development hereby approved shall not be brought into use until a detailed Delivery and Servicing Management Plan (DSMP), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Once approved, the DSMP shall be operational at all times.
10. The Development hereby permitted shall not be occupied until sheltered, secure and accessible cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Once approved, the provision shall be retained for the purposes of cycle parking only at all times.
11. The Development hereby approved shall not be brought into use until the Applicant has submitted a framework travel plan using Modeshift STARS Business, to promote sustainable forms of access to the development site. They must meet green level accreditation before occupation and bronze level accreditation within 12 months of occupation. Once agreed, the plan thereafter shall be implemented and updated in accordance with agreed targets throughout the lifetime of the development hereby approved.
12. No part of the development hereby approved shall begin until a Construction Environment Management Plan (CEMP) to include details of:
 - a. Parking for site operatives;
 - b. Parking and turning for delivery vehicles;
 - c. Hours that deliveries are permitted to arrive and depart;
 - d. Areas for the storage of plant and materials; and

e. Measures to ensure that the mud and detritus is not deposited on the highway.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be implemented throughout the construction period.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that Order with or without modification), no extensions or external alterations to the development hereby approved or the provision of any buildings or structures or plant or machinery within the curtilage shall be undertaken without the express consent of the Local Planning Authority.
14. The development hereby approved shall not be occupied until details of the operational hours for each (Class B2) unit has been submitted to and approved in writing by the Local Planning Authority. The industrial units shall only operate in accordance with the approved opening hours.
15. Prior to the above ground works being commenced, details to incorporate within the development hereby approved energy generation from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and operational prior to the first occupation of the development and retained as such.
16. Prior to above ground works of the proposed development, details a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
 - a) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants;
 - b) a written specification outlining cultivation and other operations associated with plant and grass establishment; and
 - c) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner, and thereafter retained and /or replaced. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable.

End of Schedule