

HAMPSHIRE
BOROUGH OF RUSHMOOR
TOWN AND COUNTRY PLANNING ACT, 1971
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1973 1977

To:— National Westminster Bank Limited
c/o R O G Williams
Regional Architect P.O. Box 10,
National Westminster House,
Station Way
Crawley

Reference No.: RSH 01344/2

In ~~Sussex~~ RH10 1JE
pursuance of their powers under the above-mentioned Act and Order, the Council as the local planning authority, REFUSE to permit change of use of rear part of existing retail shop to office use and retention of existing shopping frontage by provision of a kiosk at 22 Victoria Road, Farnborough, Hants,

in accordance with your application received on 4 January, 1978

The reason(s) for the Council's decision to refuse permission for this development is/~~are~~—

1. The proposed development would result in the establishment of a shopping unit without adequate provision for rear off-loading and parking facilities which would be likely to result in interference to the free flow of traffic on Victoria Road to the danger of road users.

H. Mills

Town Planning Officer.

2 and 4, Queens Road,
Aldershot, GU11 3JD.
Telephone: Aldershot 22441.

Date - 6 FEB 1978

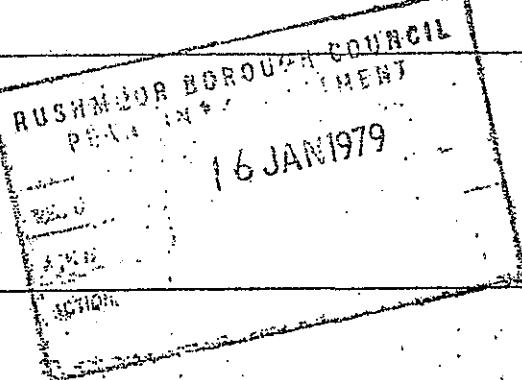


Department of the Environment
 Room 1309
 Tollgate House Houlton Street Bristol BS2 9DJ
 Telex 449321

Direct line 0272-218863
 Switchboard 0272-218811

LAND CHARGES
 DEPARTMENT
 12 JAN 1979
 ACN
 FILE NO.

Messrs Mann and Co
 Surveyor's Office
 22 Commercial Way
 WOKING
 Surrey
 GU21 1HB



Your reference
 JLMcG/sam
 Our reference
 T/APP/5238/A/78/06971/G9
 Date
 - 9 JAN 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY NATIONAL WESTMINSTER BANK LTD
 APPLICATION NO. RSH 01344/2

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Rushmoor Borough Council to refuse planning permission for change of use of rear part of existing shop unit from retail shop to office use and retention of existing shopping frontage by provision of a kiosk, at 22 Victoria Road, Farnborough. I have considered the written representations made by you and by the council. I inspected the site on 27 November 1978.
2. From my inspection of the site and surroundings and the representations made I am of the opinion that the main issue in this case is whether the proposal would give rise to the parking of vehicles on the adjoining highway which would aggravate congestion and cause hazards to road users.
3. The appeal site is a ground floor shop with frontage to the south side of the busy Victoria Road and is the end unit of a modern 3-storey terraced block of 5 shops with self-contained residential accommodation on the floors above. A service road at the rear of the block allows vehicular access to the back of these properties from Kingsmead, and a pedestrian link runs from this service road around the eastern end of the building to the Victoria Road footway in front of the shop units.
4. Adjoining the appeal premises to the west is a branch of the National Westminster Bank which occupies a corner site and has frontage to both Victoria Road and to Queensmead, a pedestrianised shopping precinct. Planning consent was given in January 1977 for the whole of the appeal accommodation to be changed to Class II. (Bank Use) and a new shop front was approved in February 1977. In the approved Town Map the site is shown to be within an area allocated primarily for shopping purposes.
5. Having regard to the fact that the proposed kiosk would have no direct access to the rear service road the council's concern for the highway implications of such an arrangement are understandable. However, I am not convinced that the retention of this diminutive shopping element would necessarily encourage the loading and unloading of service vehicles and customer parking on Victoria Road as the council foresee; particularly as there are double yellow lines along the carriageway in front of the appeal site and parking is prohibited at all times.
6. In any event there are public car parks nearby and I see no reason why customers attracted by the proposed development should park on Victoria Road any more than the

customers of the adjoining optician, building society, estate agent and sports goods premises. As to loading and unloading, I am satisfied that this could easily be done from the rear service road via the pedestrian link as the distance involved is only about 70 or so yds. Moreover, the kiosk accommodation is of such modest dimensions I believe it would only be suitable for a use that is unlikely to involve frequent loading and unloading of bulky or heavy articles. I have, of course, considered all the other matters raised in the written representations but am of the opinion they are outweighed by those which have led me to my decision.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of rear part of existing shop unit from retail shop to office use and retention of existing shopping frontage by provision of a kiosk at No. 22 Victoria Road, Farnborough in accordance with the terms of the application (No. RSH 01344/2) dated 29 December 1977 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



H C STOW
Inspector

Department of the Environment
Tollgate House
Houlton Street
Bristol BS2 9DJ

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.