

Appeal Decision

Site visit made on 5 September 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/Q1255/W/16/3149480

66 Lilliput Road, Poole BH14 8LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr G Burton against the decision of Poole Council.
 - The application Ref APP/15/01811/F, dated 12 January 2016, was approved on 22 April 2016 and planning permission was granted subject to conditions.
 - The development permitted is demolition of the existing properties and the erection of two separate apartment buildings containing 20 flats in total with associated access, cycle and bin stores (Revised Application).
 - The condition in dispute is No 16 which states that: No gates or barriers shall be erected to restrict vehicle access to the basement parking area.
 - The reason given for the condition is: The Council's Parking and Highway Layout in Development SPD, in paragraphs 6.12 and 6.20, refers that for developments which incorporate basement car parking, some surface car parking should be provided that can be used by visitors, disabled drivers and service vehicles. For this current proposal no surface parking is proposed. This condition would therefore allow unrestricted vehicle access to the basement to reduce the likelihood of vehicles having to park on Lilliput Road, a Local Distributor Road, to the front of the site and the resultant highway safety dangers if this parking in line with PSSA & DMP DM7 and DM8.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The above site address is taken from the planning application form. However, the decision notice refers to numbers 66, 68 and 68a Lilliput Road. This is a more accurate description of the land within the red line.

Main Issue

3. The main issue is whether the condition is reasonable or necessary in the interests of highway safety.

Reasons

4. The flatted scheme for which planning permission has been granted will have a single vehicular access onto Lilliput Road. This is a classified Local Distributor Road. Data presented by the Council shows it to be a well trafficked highway with a significant proportion of drivers exceeding the speed limit. Although the carriageway is reasonably wide at this point, the entrance to the development
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will be within a short distance of a junction and directly opposite a bus stop. It therefore seems to me that the objective of minimising on-street parking is an important one. I note that the appellant is not seeking to argue otherwise.

5. Guidance within the adopted Parking and Highway Layout in Development Supplementary Planning Document (2011) (SPD) states that for developments that propose basement parking areas, some surface parking is preferred to provide accessible parking for visitors, disabled drivers and service vehicles. For whatever reason, this advice was not followed and all parking will be provided in a subterranean area beneath the buildings. The disputed condition would effectively ensure that this facility is available to non-residents in order to discourage parking on the public highway.
6. The appellant is concerned that the condition would permit unrestricted access to the basement parking and thereby increase opportunities for crime. It is put to me that a condition to secure an access control system for vehicle entry would be more reasonable and safer. An arrangement is mooted whereby inward opening automatic gates or roller grilles would be installed at the building line or at the bottom of the access ramp. Under this proposal, all residents would have a fob key allowing access and an intercom system would be provided to enable visitors to inform their hosts that they have arrived. In addition, it is suggested that service vehicles would be provided with a trade code to permit entry into the basement.
7. I agree with the Council that such a solution is unlikely to be workable. Firstly, access control in itself is likely to act as a deterrent for non-residents who are then more likely to park on the road for convenience. Secondly, there would be occasions when persons arrive and no-one is present within the flat they are visiting, or when it may not be convenient for the occupier to answer the intercom. Furthermore, it would not be practical for all delivery drivers to be given the entry code. This would inevitably lead to situations where vehicles have to reverse back up the ramp onto the public highway. In my judgement this would give rise to unacceptable highway safety risk.
8. I accept that the basement would not be conducive to natural surveillance. As such, it would be vulnerable to unauthorised entry and higher levels of theft and vandalism than a secure parking facility. However, this could potentially be addressed using closed-circuit television cameras. The Council has also suggested a compromise arrangement whereby gates or barriers are used to protect the residents' parking, whilst retaining a number of uncontrolled visitor and disabled spaces nearest the basement entrance. This option has not been formally proposed by the appellant and may require consequential amendments to the scheme. Nevertheless, it does convince me that using gates or roller grilles to secure the entire basement is not the only practical means of protecting residents.

Conclusion

9. To delete the disputed condition without an acceptable alternative proposal for non-resident parking would be likely to give rise to additional parking on Lilliput Road to the detriment of highway safety on this Local Distributor Road. This would be contrary to the aims of Policies DM 7 and DM 8 of the Poole Site Specific Allocations and Development Management Policies Development Plan Document (2012) and the guidance set out in the SPD.

10. Accordingly, I conclude that the disputed condition is reasonable and necessary and for this reason the appeal should be dismissed.

Robert Parker

INSPECTOR