
Appeal Decision

Site visit made on 8 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 28th November 2016.

Appeal Ref: APP/Y3940/W/16/3155069

James House, Broken Cross, Calne, Wiltshire SN11 8NH

- 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 Ms Judith Gregory of Green Square Group against the decision of Wiltshire Council.
 - The application Ref 15/11511/FUL, dated 18 November 2015, was refused by notice dated 8 April 2016.
 - The development proposed is described as "proposed development of 6 No 1 bed 2 person flatted units over 3 storeys, with associated access, parking, buggy storage and landscaping".
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Decision

1. The appeal is allowed and planning permission is granted for proposed development of 6 No 1 bed 2 person flatted units over 3 storeys, with associated access, parking, buggy storage and landscaping at James House, Broken Cross, Calne, Wiltshire SN11 8NH in accordance with the terms of the application, Ref 15/11511/FUL, dated 18 November 2015, subject to the conditions attached in the schedule to this decision.

Procedural Matter

2. Street scene drawings were submitted with the application; Drawings Ref 4213/P/71 Rev A, 4213/P/72 Rev A and 4213/P/73 Rev A. These are titled 'indicative' and I have treated them as such.

Main Issue

3. The main issue is whether the proposal would lead to an increase in on-street parking and, if so, whether this would adversely affect the safety of highway users, drivers and pedestrians.

Reasons

4. The appeal site is located north of James House, which provides housing for the elderly, and is accessed via Broken Cross. The area is predominantly residential although there is a health centre nearby. The proposal would involve the demolition of two existing garage blocks and the erection of a building to provide six flats, which would extend the accommodation at James House. The scheme includes the provision of 13 car parking spaces and a buggy store with 14 spaces. The appellant is an affordable housing 'registered provider'.
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5. Currently, James House provides 12 car parking spaces for 22 units. The proposal would include six additional units and would provide 13 car parking spaces in total. Also, the proposal would remove the parking provision within the car parking area north-east of James House (the Broken Cross garaging) which comprises nine garages and eight car parking spaces. There would be no provision for the displacement of this car parking.
6. Policy 64 of the Wiltshire Core Strategy (adopted 2015) seeks to promote demand management measures to reduce the reliance on the car and to encourage the use of sustainable transport. Criterion (i)(d) requires the provision of car parking associated with new residential development to be based on minimum standards. The Council advises the minimum car parking requirement is 32 spaces to serve the existing and the proposed development at James House. This is based on the requirement for 'Other Retirement Homes' as set out in the Wiltshire Car Parking Strategy¹. The Parking Strategy also includes a lower parking standard for 'Sheltered Accommodation', which would be 19 spaces for the total development. The Council considers the higher standard more appropriate due to the limited hours of care provided at James House. This is disputed by the appellant who considers the lower figure to be more relevant, due to the nature of the sheltered accommodation that would be provided.
7. Policy 64 states that reduced residential parking requirements will be considered where parking demand is likely to be low. The site is relatively close to a number of local services and facilities, including a health centre, a supermarket and a post office. The pedestrian links to these services are adequate in terms of width, lightening and crossover points to enable convenient use by residents. There is also a bus service, with bus stops nearby, which provides peak and off-peak connections to Calne town centre, Swindon and Chippenham. Consequently, future residents would not be dependent on the private car.
8. There are no parking restrictions on Broken Cross and the majority of properties do not have off-street parking. As such, on-street parking occurs on a regular basis, although car parking surveys show that on-street parking is generally available in the vicinity of the site. Further surveys, submitted by the appellant, indicate that the off-street car parking areas are well utilised but not fully occupied, and there is evidence that indicates the majority of the garages are not used for car parking. Also, not all of the off-street parking is associated with the residents or care elements provided at James House. In particular, the Broken Cross garaging site appears to be used by nearby residents.
9. The development would provide 13 spaces to serve the residents of James House and their visitors. Although this would be below the Council's minimum standards, as set out above, I am satisfied that a reduced level of parking provision would be acceptable due to the site's location. Also, on the basis of the evidence provided, I consider that the parking provision would be adequate to serve the new development, whilst also providing space for the existing residents of James House and their visitors. However, it is probable that there will be an increase in on-street parking, resulting primarily from the residents displaced from the Broken Cross garaging area.

¹ Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy – Cabinet Draft – March 2015

10. There is likely to be sufficient space in the vicinity to accommodate the additional car parking demand, however, the Council objects to the highway being used as an 'overflow car park' and cites highway safety concerns. Nevertheless, the demand is more likely to be from displaced parking which is only accommodated on the site with the permission of the landowner. The majority of houses on Broken Cross do not have driveways and, consequently, a level of on-street parking in the area is inevitable, irrespective of the proposed development. In relation to highway safety, there is no evidence of high traffic speeds and the Council has confirmed that there are no recorded accidents in the vicinity of the access between 01/07/13 and 30/06/16. As such, there is limited evidence to substantiate the Council's concern that the development would result in additional hazards to all users of the highway in the vicinity.
11. Paragraph 32 of the National Planning Policy Framework (the Framework) states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. It also states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. Whilst the proposal would be likely to increase on-street parking by a moderate amount, I do not find that the residual impacts of this would be severe.
12. The appellant asserts that the Council is unable to demonstrate a five-year supply of deliverable housing sites and, consequently, relevant housing supply policies should be considered out-of-date. The relevant policy is Core Policy 64, which not a housing supply policy, therefore, it cannot be considered out-of-date in terms of paragraph 49 of the Framework. Nonetheless, the development is well located in relation to local services and transport options, and it will provide accommodation for elderly people. The Council agrees that there is a high demand for this type of housing in the locality. This is a significant benefit which outweighs the harm that would result from the moderate increase in on-street parking.

Other Matters

13. The development would be located to the north of No 6 Macaulay Square and would contain windows which would lead to an increase in overlooking into that property. However, the proposed windows would serve a kitchen, and hallways, and any loss of privacy could be alleviated through the use of a condition to require the windows to be fixed and obscured glazed. As the development would be located to the north of the neighbour's garden, and sited at an angle, it is unlikely that there would be a material loss of daylight and sunlight.
14. I have also considered the effects of the development on the flats to the north-west, on Broken Cross. Both parties have confirmed that they are satisfied that, due to siting and orientation of the development, there would be no adverse effect on the living conditions of the occupiers of the flats. I agree with this assessment.

Conditions

15. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. I have imposed materials and landscaping pre-commencement conditions which are necessary to ensure the development respects the character and appearance of the area. A condition requiring the car parking provision to be laid out prior to occupation is necessary to ensure appropriate parking is available. I have imposed a condition to ensure the protection of trees in accordance with the arboricultural method statement. I have also imposed a condition which specifies obscured glazing to protect the privacy of adjoining occupiers.
16. I have not imposed the condition relating to the Code for Sustainable Homes as the Council has not provided a copy of the relevant policy, or explained why the condition is necessary, reasonable and relevant.

Conclusion

17. I find that the development would lead to a moderate demand for further on-street car parking, however, it has not been demonstrated that the residual effects of the development would be severe. Consequently, I consider that the development would meet the aims of Core Policy 64(i)(d) of the adopted Wiltshire Core Strategy, which seeks to promote sustainable transport. The development would also meet the aims of the Framework as it achieves a good standard of design and would ensure a good standard of amenity for all existing and future occupants of land and buildings.
18. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Ref 4213/P/01 Rev A, dated Nov 2015
 - Existing Site Layout, Ref 4213/P/02 Rev A, dated Nov 2015
 - Proposed Site Layout, Ref 4213/P/10 Rev B, dated Nov 2015
 - Proposed Ground Floor Plans, Ref 4213/P/20 Rev A, dated Nov 2015
 - Proposed First Floor Plans, Ref 4213/P/21 Rev A, dated Nov 2015
 - Proposed Second Floor Plans, Ref 4213/P/22 Rev A, dated Nov 2015
 - Proposed Elevations, Ref 4213/P/70 rev A, dated Nov 2015.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) the location and current canopy spread of all existing trees on or adjoining the site;
 - ii) full details of trees to be retained, together with measures for protection during the course of development;
 - iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - iv) finished levels and contours;
 - v) boundary treatments;
 - vi) vehicle parking layouts;
 - vii) other vehicle and pedestrian access and circulation areas;
 - viii) hard surfacing materials;
 - ix) two trees, of a size and species and in a location to be agreed;
 - x) and, an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 4213/P/10 rev B for 13 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 7) The development shall be carried out in accordance with the Arboricultural Method Statement dated 17 November 2015. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within three years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.
In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 8) The building hereby permitted shall not be occupied until the kitchen and hall windows in the east elevation of Flat 3, and the first and second floor communal hallway, as shown on plans 4213/P/21 Rev A, 4213/P/22 Rev A and 4213/P/70 Rev A have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.