
Appeal Decision

Site visit made on 23 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/W0340/W/17/3166443

108 Bartholomew Street, Newbury RG14 5DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Sarah Melton of Rissance Ltd against the decision of West Berkshire Council.
 - The application Ref 16/01414/OUTD, dated 20 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is seven one and two bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form, with landscaping reserved for future consideration. I have determined the appeal on that basis.
3. Since the appeal was submitted, the Council has adopted its Housing Site Allocations Development Plan Document (DPD). I invited comments in respect of the DPD prior to making my decision.

Application for Costs

4. An application for costs was made by Miss Sarah Melton of Rissance Ltd against West Berkshire Council. This application is the subject of a separate Decision.

Main Issues

5. The Council said that it did not wish to defend the third reason for refusal. Consequently, the main issues in this appeal are:
 - Whether the proposal would make adequate provision for vehicle parking.
 - Whether the proposal would make adequate provision for affordable housing.

Reasons

6. The appeal site is within the Newbury Conservation Area (CA). It primarily consists of an area of land immediately to the rear of 108 Bartholomew Street (No 108) which is currently occupied by traditional outbuildings. These would be replaced by a four-storey apartment block, which would occupy most of the land between the rear of No 108 and an electricity substation.
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Provision for vehicle parking

7. DPD Policy P1 sets out appropriate parking levels for new residential development, in the interests of creating good quality environments. As the site is in a central location, the level of parking required is lower than that sought in other parts of the town. A total of seven spaces should be provided for the proposed apartments to meet the required parking level. Whilst the proposal would not make provision for any parking at the site, Policy P1 (iii) recognises that there may be exceptional circumstances for providing parking that does not accord with the expected levels and allows for consideration of cases on an individual basis. Given its recent adoption and in the absence of any other factors being drawn to my attention, Policy P1 should be given full weight.
8. The site is located towards the centre of town. There is convenient access to town centre services, facilities and employment as well as bus and rail services. Consequently, future occupiers of the apartments could rely on a range of alternative modes of transport to the private car including walking, cycling and public transport for most of their day-to-day needs. In turn, this would reduce reliance on the private car and promote healthy and safe travel. Exceptionally, a reduced level of parking provision at the site over that otherwise required under Policy P1 might therefore be warranted.
9. Nevertheless, it would be realistic to expect that at least some of the future occupiers would still require access to a car at times. Although the site is close to public car parks, some future occupiers are likely to be deterred from using those facilities, notably due to the likely costs involved. In turn, this may lead to increased on-street parking in locations elsewhere in the town, thereby eroding the quality of the local environment. Accordingly, it would not be unreasonable to expect the proposal to make some form of provision for future occupiers who wish to have access to a car.
10. I understand that the Newbury car club scheme was launched in April 2016. It provides access to up to five vehicles, including one parked within a convenient walking distance of the site. The participation of future occupiers in the car club would provide them with reasonably convenient access to a car where and when it is required, as an alternative to on site provision. The Council's adopted Planning Obligations Supplementary Planning Document (SPD) provides for seeking contributions towards off-site improvements required as a result of a development, including car clubs. The methodology underpinning the level of contribution sought in respect of the proposal has been set out by the Council. The contribution would provide future occupiers with membership of the car club and would finance the hire costs for an initial period. Consequently, I am satisfied that there is proper justification for the contribution sought in respect of the proposal.
11. Therefore, a contribution to provide for future occupiers' membership of the car club would satisfy the three tests in Section 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the National Planning Policy Framework (the Framework). However, the Planning Obligation supplied is incomplete. Consequently, I cannot afford it any weight in my decision. A planning condition would not satisfy the Framework tests.
12. Therefore, the proposal would not accord with Policy P1, as an appropriate level of parking would not be provided. Consequently, the proposal would also not

accord with Policy CS13 of the adopted West Berkshire Core Strategy (CS), as it would fail to improve and promote opportunities for healthy and safe travel and improve travel choice and facilitate sustainable travel. The appellant has not explained how the proposal would accord with Policy CS5, which concerns infrastructure requirements.

13. In reaching the above conclusions, I am mindful that the Inspector determining the previous appeals at the site¹ did not raise objections on grounds of inadequate parking. However, that decision pre-dated the adoption of the DPD, as well as the car club becoming operational. Consequently, the circumstances in those appeals were materially different to the appeal scheme.

Affordable housing

14. CS Policy CS6 seeks 20% provision of affordable housing of sites of 5-9 dwellings. The Council says that this equates to one unit in the appeal scheme. The appellant submitted a draft Planning Obligation in respect of affordable housing provision.
15. However, the Planning Practice Guidance (PPG) section 'Planning Obligations' at paragraph 031 advises that affordable housing contributions should not be sought from developments of ten dwellings or less². This follows the Order of the Court of Appeal dated 13 May 2016, which gave legal effect to the Written Ministerial Statement of 28 November 2014.
16. The Council has referred to the site's sustainable location and a very significant need for affordable housing in its area. However, the PPG is a material consideration to which substantial weight must be attached. The Council has not produced any substantive evidence to indicate that there are any exceptional local circumstances concerning affordable housing that should prevail over the PPG. Therefore, I intend to afford the PPG greater weight in relation to Policy CS6.

Other matters

17. The previous Inspector found that a building materially similar in terms of its design and scale to the appeal scheme would preserve the character and appearance of the CA. I have not found any reason to disagree with that assessment.
18. The Council did not object to the appeal scheme on the above grounds or concerning the size of the flats and amenity space, the effect on the privacy of neighbouring occupiers, noise and disturbance, odours or vermin, the size of the refuse store, risk of flooding of the adjacent car park, proximity of the apartments to the electricity sub-station or access matters, including for construction traffic and emergency vehicles. I have not been supplied with any firm evidence which would warrant reaching a different conclusion to the Council in respect of any of the above matters.

Planning balance

19. The Framework advises at paragraph 7 that sustainable development has to be assessed against three roles-economic, social and environmental. All three roles are mutually dependent. The proposal would provide modest economic

¹ References APP/W0340/W/15/3137849 & APP/W0340/W/15/3137852.

² Reference ID: 23b-031-20161116.

benefits, notably short-term jobs in the construction sector. It would also provide modest social benefits in terms of future occupiers contributing to maintaining and enhancing the vitality of town centre services and facilities and supporting local employment.

20. Following adoption of the DPD, the appellant has not offered a further explanation of their position that the Council did not have a five-year supply of housing land. In any event, the contribution to the supply of housing which would be made by the proposal is a social benefit which should be afforded modest weight, having regard to its scale. There would also be a modest benefit arising from the re-use of previously developed land. However, the proposal would not entirely fulfil the social role, as the failure to make provision for any form of parking would not create a high quality built environment.
21. Moreover, for a similar reason the proposal would not fulfil the environmental role as it would fail to mitigate and adapt to climate change including moving to a low carbon economy. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. As a result, the proposal would not amount to sustainable development as set out in the Framework.

Conclusion

22. The proposal would not be required to make provision for affordable housing when assessed against the PPG. Otherwise however, for the reasons given above the proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR