



Appeal Decision

Site visit made on 30 October 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 12th December 2017

Appeal Ref: APP/K3605/W/17/3179698

The Wellington, 60 High Street, Walton-on-Thames KT12 1BY

- 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 Mr Steen (Birchwood Commercial Ltd) against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0554, dated 17 February 2017, was refused by notice dated 5 July 2017.
 - The development proposed is the demolition of the existing mansard roof and the erection of 2 additional floors of accommodation and conversion of the existing first floor, into 12 one bed flats.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing mansard roof and the erection of 2 additional floors of accommodation and conversion of the existing first floor, into 12 one bed flats at The Wellington, 60 High Street, Walton-on-Thames KT12 1BY in accordance with the terms of the application, Ref 2017/0554, dated 17 February 2017, subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by Mr Steen (Birchwood Commercial Ltd) against Elmbridge Borough Council. This application will be the subject of a separate decision.

Procedural matter

3. As part of his final comments, the appellant provided a Statement on Parking Matters (October 2017) ('SoPM'), prepared by Dermot McCaffrey Highways and Transportation Consultant, which included a parking survey. I understand that it was not provided earlier as it was necessary to wait until the end of the school holidays before a representative survey could be undertaken. In accepting that late evidence, I have sought the views of the Council and interested parties, and have taken their representations into account.

Main Issue

4. The main issue is the effect of the proposed development on parking availability, with particular regard to impacts on the convenience and amenities of local residents.

Reasons

Parking availability

5. Policy DM7 of the Elmbridge Development Management Plan 2015 sets out that parking provision should be appropriate to the development and should not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents. In areas of parking stress it states that a minimum of one space per unit is required. However, paragraph 2.25 continues that development is encouraged in accessible locations, encouraging the use of sustainable transport modes, with consideration given to zero parking in certain town centre developments; although this may not be acceptable in areas where there is a particular on-street parking stress problem, and where there is no suitable alternative parking provision.
6. This site lies at the junction of High Street and New Zealand Avenue within Walton town centre. The centre has a wide range of shops, leisure facilities, and amenities. There are bus stops very close by which provide a range of services as detailed at paragraph 29 of the Council's officer report and the County Highway Authority ('CHA') representation. There are also public car parks within walking distance.
7. Many of the surrounding roads are subject to parking controls, as detailed in the CHA Plan reproduced at Appendix 1 of the appellant's Transport Statement. Those include sections of double yellow line, areas of restricted parking between 08:00 to 18:00 Monday to Saturday, and some unrestricted areas including along parts of Winchester Road. The appellant maintains that those controls mean that parking can be policed, and the SoPM concludes that parking stress in the vicinity of the town centre is 'not excessive'.
8. However, that conclusion does not accord with the view expressed by some local residents. They refer to heavily parked roads with few, if any, free spaces, inconsiderate parking across driveways, and the cumulative impact as a result of other flats being built nearby.
9. On occasions, according to the SoPM survey, overnight parking stress on some nearby roads was at, or close to, 100%, although at other times it was much lower. I note that the SoPM did not include survey times during typical working hours, or on a Saturday, when people may be most likely to visit the town centre. Based on the available evidence, including my own observations at around 08:30 to 09:00 on a weekday morning, there appears to be a significant demand for parking on nearby streets at certain times, and a degree of parking stress.
10. Whilst there are parking spaces to the rear of the site, none would be available for the occupants of the proposed flats. However, as those flats would have a single bedroom, the occupants would be less likely to generate significant car use than in larger family homes. Given the accessibility of the site, and the provision of a 16 space cycle store within the building, many services and amenities could be accessed on foot, by bicycle or by public transport. The absence of on-site parking, and parking restrictions in the area, may also deter potential occupants who would require the use of a car.
11. Consequently, this is not a location where residents would need a car to satisfy their day to day needs. Notwithstanding that, some future occupants may

own, or use, a car, which, if parked on nearby streets, would contribute to parking stress, thereby adding to the parking and amenity issues experienced by local residents. However, given my assessment, those impacts would be very limited. Consequently, I conclude that the scheme would result in a limited conflict with Policy DM7.

12. In reaching that conclusion I have had regard to the site's extant planning permission for the change of use of the first and second floors to 7 flats, although as this proposal is for more flats its impacts would be greater. The absence of an objection from the CHA supports my findings, although its original conclusion was apparently partly on the mistaken assumption that the 4 rear car parking spaces would be for future occupants of the flats, and it has subsequently recommended a condition requiring prospective residents to be excluded from those eligible for car parking permits. I return to this later.

Other matters

13. The applicant has provided a unilateral undertaking ('UU') with a commitment to making an affordable housing contribution of £99,442.84 prior to the carrying out of any material operations. That accords with the approach in Policy CS21 of the Elmbridge Core Strategy 2011, which requires that, in order to address the need for affordable homes, an off-site financial contribution is made where such housing cannot be provided on-site. Further detail on that approach is set out in the Council's 'Statement on the Written Ministerial Statement on the Exemption of Small Sites from Planning Contributions and the Vacant Building Credit (Update 2017)', and its Developer Contributions Supplementary Planning Document 2012 ('SPD'), which states that the policy also applies to the conversion or change of use of buildings.
14. Policy CS21 predates the Written Material Statement: Small-scale developers (28 November 2014) ('WMS'), which sets a threshold of 10 units below which affordable housing contributions should not be sought. However, in the case of this scheme, whilst the existing building has planning permission for conversion to 7 flats, and it benefits from the vacant building credit, this proposal is for a total of 12 flats. That exceeds the threshold in the WMS.
15. Consequently, having regard to the development plan and the SPD, I consider that the affordable housing contribution as set out in the UU, which takes account of the vacant building credit, is necessary to make the development acceptable in planning terms. Having regard to the calculation methodology in the SPD, the obligation would be fairly and reasonably related in scale and kind to the development proposed. It passes the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010 and the policy tests in the National Planning Policy Framework ('Framework').
16. The first floor flat at 58A High Street contains windows to the side which face the appeal site across a narrow passageway. However, the outlook from those windows, and the light they receive, is partly restricted by the existing building on the appeal site. As a result of the proposal, the building would increase in height, but it would not extend any further to the rear adjacent to No. 58A. Consequently, I am satisfied that the scheme would not impact that occupant's living conditions to a harmful degree.
17. Whilst there are representations that The Wellington should be retained as a Public House, I understand that the building has been vacant for some time.

There would still be a commercial use at ground floor and I have no reason to disagree with the Council's conclusion that the proposal would not harm the vibrancy of the town centre. There is no persuasive evidence that there is no need for flats in this area.

18. Although the proposed building would be slightly taller than its immediate neighbours, it would be of a good quality design with a light rendered finish, elements of architectural detailing particularly around the windows, and a roof form broadly matching adjacent properties. It would act as a landmark on this prominent, corner location, and would make a positive contribution to the streetscene, and to the character and appearance of the area. That, along with the contribution the scheme would make to the supply of good quality housing in a sustainable town centre location, is a significant benefit, which finds support from the development plan and the Framework.

Conclusion and conditions

19. I have found that this is an area suffering from a degree of parking stress, which, to a limited extent, the proposal would exacerbate. However, the proposal would have a significant positive impact on the character and appearance of the area. That benefit distinguishes it from the appeal decision cited in the Council's letter dated 10 October 2017, at 70 Baker Street, Weybridge. It would also contribute to housing supply in a sustainable town centre location.
20. Those are significant benefits in the scheme's favour, which outweigh the limited harm that would be caused as a result of additional parking stress. Consequently, whilst there would be a limited conflict with Policy DM7, the scheme would accord with the development plan when considered as a whole.
21. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. In the interests of the character and appearance of the area, a condition, broadly as suggested, requiring that the scheme be carried out in accordance with the submitted materials details, or other approved materials, is necessary.
22. The appellant states that the Council's sound insulation, internal noise levels and air quality conditions, are subject to other regimes such as Building Regulations, and should not be imposed. However, in the absence of detailed evidence, I cannot be certain the extent to which the issues addressed are covered by other legislation.
23. The Framework requires that planning secures a good standard of amenity for all future occupants of buildings, and that regard is had to pollution risks and noise impacts on health and quality of life. Given the retained ground floor commercial use here, and the site's location adjacent to a busy road in the town centre, in the interests of securing appropriate living conditions for future residents, the approval of sound insulation and ventilation measures is necessary. However, as the Council proposes that those details are submitted to it, and are agreed in writing, I have imposed a simplified single condition addressing those matters. As the required measures would need to be

- provided during the construction phase, the condition requires their submission and approval prior to the commencement of the development.
24. Given the site's limited external area, and its location adjacent to busy highways, in the interests of the safety and convenience of highway users and protecting living conditions, a condition requiring the submission and approval of a construction transport management plan prior to the commencement of the development is necessary. I have therefore imposed such a condition broadly as suggested by the Council, although as part (f) requires the submission and approval of details of HGV deliveries and hours of operation, the Council's suggested part (i) is partly repetitious and the specified restriction on HGV movements and waiting times have not been backed up with evidence. I have not therefore included the Council's suggested part (i) in my condition.
25. Whilst the appellant has suggested that the development would be 'car free', he has not proposed a mechanism to secure that. The Council has however suggested a condition stating that prospective residents shall be excluded from those eligible for car parking permits under the traffic management order operating in the vicinity. However, given my conclusions regarding the scheme's impact on parking availability and stress in the locality, I am not persuaded that the harm arising would be so significant that permission should be refused without such a condition. Consequently, that condition is unnecessary.
26. Finally, although a local resident has suggested that a condition be imposed to alleviate problems associated with the rear parking area, that space is not proposed for use by the flats' residents, and a condition seeking to address pre-existing issues would not be reasonably related to the development proposed.
27. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 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 in accordance with the following approved plans: 1210/50 and 1214/52, 53, 54, 55 and 56.
- 3) The development hereby permitted shall be carried out in accordance with the materials as detailed on the application form and Design and Access Statement, or such other materials as have been approved in writing by the Local Planning Authority.
- 4) Prior to the commencement of the development, a scheme of sound attenuation and ventilation measures shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in full prior to the first occupation of the flats and shall be retained thereafter.
- 5) No development shall commence until a construction transport management plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials;
 - (d) programme of works (including measures for traffic management);
 - (e) provision of boundary hoarding behind any visibility zones;
 - (f) HGV deliveries and hours of operation;
 - (g) vehicle routing;
 - (h) measures to prevent the deposit of materials on the highway; and
 - (i) on-site turning for construction vehicleshas been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved construction transport management plan.
