
Appeal Decision

Site visit made on 18 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/Y0435/W/19/3242341
55-65 Queensway, Bletchley, MK2 2DR

- 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 Malhi Developments Ltd against the decision of Milton Keynes Council.
 - The application Ref 19/00466/FUL, dated 20 February 2019, was refused by notice dated 9 August 2019.
 - The development proposed is the demolition of existing buildings; construction of a mixed use scheme of two blocks comprising 48 residential units and 6 ground floor commercial units; retention of existing access, provision of car parking, bin and cycle storage and associated landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Malhi Developments Ltd against Milton Keynes Council. This application is the subject of a separate Decision.

Procedural Matter

3. As part of the appeal the appellant has submitted revised plans to address the Council's second reason for refusal. I have not considered these as part of this appeal as I consider that this change would materially alter the nature of the application and would prejudice the interests of interested parties.¹

Main Issues

4. The main issues are:
 - the effect of the proposal on parking conditions, and consequently highway safety;
 - the effect of the proposed access arrangements to parking spaces 25 to 33 on the safety of vehicular and pedestrian traffic on Cawkwell Way;
 - whether the development would provide a well-designed place having regard to crime and safety.

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Reasons

Parking Conditions

5. Policy CT10 of the Milton Keynes Council Plan:MK 2016-2031 (2019) (LP) requires development to meet the Council's full parking standards unless mitigating circumstances dictate otherwise. Policy CT2 of the LP states that on-site layouts must be compatible for all users with appropriate parking provision.
6. The site currently benefits from parking for 25 cars and these spaces are to serve the existing retail units. The proposed development would result in 33 parking spaces, 1 space per retail unit and the remaining 27 spaces for the 48 residential units.
7. The Milton Keynes Parking Standards Supplementary Planning Document 2016 (SPD) requires the provision of 151 allocated spaces and 33 unallocated parking spaces on site. This would include the provision of 87 parking spaces for the retail/commercial element, however having regard to the position of the site within an existing high street with a number of other retail units it is reasonable to consider that those visiting the retail units would do so as part of linked trips and would have access to nearby short stay parking spaces. Therefore, I am satisfied that the provision of 1 space per retail unit would be adequate.
8. The parking required for the residential units would be for 48 allocated spaces and 16 unallocated (visitor) spaces. Having regard to the site's location and proximity to short stay parking spaces, I am satisfied that a lack of visitor spaces would not be detrimental to highway safety.
9. However, the proposal only provides 1 space for every 2 flats and this is significantly below the parking standards outlined above. I acknowledge that the parking standards set a maximum standard and that the site is within Bletchley Town Centre with access to the services and amenities which it provides and is also well located in terms of access to public transport. As such occupiers of the proposed development would not be reliant on the private car to access the full range of community facilities such as shopping, healthcare, leisure and entertainment. Therefore, a reduction in parking from the adopted standards in this instance could be acceptable.
10. However, even taking into account the site's location, the SPD makes it clear that all dwellings should have access to at least one allocated off street parking space and that where less parking is provided, this would need to be subject to a rigorous assessment. The SPD also outlines that any flexibility is not a licence for providing significantly less parking and, taking into account the parking requirements of the SPD for the residential element only, the shortfall of 21 spaces is considered to be significant.
11. A parking stress survey has been conducted within a 300m distance of the site and this was considered in detail by the Council's Highway Officer. The proposed development is closest to Parking Zone 16 – which includes Oxford Street, Regent Street, Bedford Street and St Martin's Street. The Highway Officer considers that these locations have limited capacity and occupancy was shown to be high within the resident permit control zones and this is consistent with the comments made by the Town Council.

12. The Highway Officer states that residents from the development would not be able to apply for a Zone 16 parking permit and therefore would need to look for other opportunities to park. This restriction would mean that displaced vehicles from the development would not be competing with existing residents for parking spaces restricted to permit holders. However, it is noted that whilst there is capacity during the evening and on a Sunday within Cawkwell Way any demand for daytime or Saturday parking would need to be sought elsewhere.
13. Whilst I accept that in this case it would not be appropriate to provide the 151 car parking spaces, as required by a strict interpretation of the SPD, having regard to the site's sustainable location. This does not overcome my concerns that the shortfall proposed in this instance would lead to a lack of appropriate parking which would be detrimental to highway safety.
14. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.
15. The appellant has provided details of other sites within the vicinity of Bletchley Town Centre which have been permitted or are under consideration with levels below the parking standards, however these add to my concern that a continued shortfall in the provision of parking standards would add to pressure on existing public parking spaces.
16. I therefore conclude that the proposed development would have a potentially harmful impact on highway safety and would conflict with policy CT10 of the LP and the SPD, which set out the need for developments to meet parking standards. The lack of appropriate parking would lead to inappropriate parking within the vicinity of the site harmful to highway safety.

Safety of vehicular and pedestrian traffic on Cawkwell Way

17. The site's northern boundary fronts onto Cawkwell Way, a 4.1m single carriageway two way street. Opposite the site's entrance is a number of short stay marked car parking bays. The proposal would result in the provision of 9 parking spaces which would be accessed directly from Cawkwell Way and vehicles would be required to reverse into or out of these spaces.
18. There is currently no footpath along Cawkwell Way and the walking environment within the vicinity of the site is poor. The proposal includes an area adjacent to the parking bays which would be marked out as a footpath via painted markings between the spaces and Cawkwell Way, however vehicles would still be required to reverse over this footway in order to access or egress the parking spaces. A number of other alterations are suggested to improve the pedestrian experience along Cawkwell Way and at the junctions of Oxford Street and Albert Street. These improvements are a benefit of the scheme.
19. Directly opposite spaces 25-30 are short term parking spaces, these are well located to give access to the shops within Queensway and therefore are likely to be attractive for those making short trips. During my visit I observed that these spaces were in demand and a number of vehicles were manoeuvring into and out of these spaces over a short period of time. Cawkwell Way also appeared to be well used by traffic moving between Oxford Street and Albert Street and was relatively busy at the time of my visit. This is confirmed within

the Highway Engineers comments, where they observed significant levels of activity. These circumstances lead me to consider that there could be potential for conflict between those accessing the existing car park, and vehicles exiting and entering the proposed parking spaces.

20. The plans submitted, whilst demonstrating the achievable visibility splays, confirm the restricted visibility towards the north. The pillars within the proposed parking bays would also restrict the inter-visibility with pedestrians. This is of particular concern having regard to the position of the proposed footway along Cawkwell Way, which would place pedestrians in direct conflict with vehicles manoeuvring from the proposed parking spaces.
21. The lack of visibility for vehicles manoeuvring out of the proposed spaces, in combination with vehicles and pedestrians travelling along Cawkwell Way would result in a development that would not provide safe, suitable and convenient access for all potential users, compromising highway safety contrary to the provisions of policies CT2 and CT10 of the LP.

Crime and Safety

22. Paragraph 91 of the National Planning Policy Framework (the Framework) seeks that developments ensure that environments are safe and accessible, so that crime and disorder, and the fear of crime, does not undermine the quality of life or community cohesion.
23. The proposed parking spaces (25-33) would be located on the northern side of the building and accessed only from Cawkwell Way and are not directly overlooked from any of the residential units. As a result of the lack of overlooking or surveillance the undercroft area could be susceptible to crime, making it less attractive for residents to park their cars there.
24. A pedestrian access from Cawkwell Way is also proposed and whilst I note the Council's comments that this could increase the risk of non-residents entering the building without permission, it would be possible to secure details of a key entry system, to restrict access to residents only, by condition.
25. I find that the layout of the proposed development, with particular regard to the position and design of the parking area, would fail to minimise crime opportunities. Therefore, the design of the proposal means that it would fail to create a place that future residents would deem safe.
26. Consequently, I am not satisfied that the development would create a safe place, and the potential for crime and disorder and an increase in the fear of crime would harm the quality of the area, contrary to the requirements set out in paragraph 127 of the Framework.
27. In conclusion, the development would not provide a well-designed place having regard to crime and safety. The development would conflict with Policy D1 of the LP, which requires that the layout of development should maximise the surveillance of the public realm, to prevent crime and minimise the perception of crime.

Other matters

28. The appellant has advised that the Council are unable to demonstrate a 5 year land supply, however there is no detailed evidence to substantiate this claim. There is reference to a previous Inspector's decision. However, I cannot be certain that this represents the Council's current land supply position. Therefore, I do not consider there is requirement to apply the presumption in favour of sustainable development as required by the Framework.
29. If I were to accept the appellant's case, that paragraph 11 of the Framework should be engaged, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
30. The development would give rise to some economic benefits during the construction phase and provide support to local services. The provision of additional dwellings would contribute to housing supply in a sustainable location with good access to services and the improvements proposed for pedestrians are also benefits of the proposal. The provision of 6 retail/commercial units, which would result in 1 additional unit, would provide a modest benefit in maintaining the viability of the town centre. In addition, the proposal would utilise a brownfield site within a defined town centre and make a more effective use of the site.
31. However, given the harm that I have identified from the lack of parking provision, the impact on users of Cawkwell Way and the concerns regarding crime and safety, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Conclusion

32. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR