



Appeal Decision

Site visit made on 16 March 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Appeal Ref: APP/Q3115/W/18/3208665

Wallingford Portcullis Social Club, 28 & 29 Goldsmiths Lane, Wallingford OX10 0DU

- 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 Winslade Investments (Wallingford) Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P18/S0003/FUL, dated 21 December 2017, was refused by notice dated 20 June 2018.
 - The development proposed is Demolition, Part demolition, redevelopment and Change of Use of the Portcullis Club building & No29 to provide 14 residential units. Eight two-bedroom houses, three two-bedroom flats and three one-bedroom flats.
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Decision

1. The appeal is allowed and planning permission is granted for the Demolition, Part demolition, redevelopment and Change of Use of the Portcullis Club building & No29 to provide 14 residential units. Eight two-bedroom houses, three two-bedroom flats and three one-bedroom flats, at Wallingford Portcullis Social Club, 28 & 29 Goldsmiths Lane, Wallingford OX10 0DU, in accordance with application reference P18/S0003/FUL, dated 21 December 2017, and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Winslade Investments (Wallingford) Ltd against the decision of South Oxfordshire District Council. This is the subject of a separate decision.

Procedural Matter

3. Since the appeal was submitted, the Secretary of State has directed the Council to progress its emerging plan with the aim for adoption by the end of 2020. As a consequence, the South Oxfordshire Local Plan 2034 is now progressing to examination.
4. Paragraph 48 of the National Planning Policy Framework (the Framework) confirms that weight can be given to emerging plans according to the state of preparation, the extent to which there are unresolved objections, and the degree of consistency of the relevant policies with the Framework. In this instance, because the plan has not yet been through examination and I am unaware of any unresolved objections, I have not given any weight to the emerging policies in my assessment of the appeal.

Main Issue

5. The main issue is the effect of the proposal on highway safety, having particular regard to car parking provision and pedestrian movements.

Reasons

6. The proposal would provide 14 new dwellings but would not provide on-site car parking provision. The surrounding road network has a substantial number of parking restrictions and therefore, if future residents were to own a car, their ability to park near the site would be significantly restricted. As a consequence, both the Council and a number of neighbouring properties consider that the proposal would give rise to highway safety concerns derived from unsafe parking.
7. The proposal has been identified by the appellant as being suitable for car-free development, but such a restriction could not be reasonably secured through the appeal process. As a consequence, I give no weight to this matter in my assessment of the appeal. However, the proposal would include a significant number of cycle parking spaces on site. The site is also located close to good public transport links which, as will be discussed further below, the proposal would contribute towards improving through suitable and proportionate financial contributions. In addition, the site is located within walking distance of shops, schools and medical services. Cumulatively, I am satisfied that these matters would decrease the reliance of future residents on the private car.
8. Despite this, car ownership cannot be ruled out and therefore any cars owned by future residents would have to be located somewhere. However, this would be directly influenced by local parking restrictions and the lack of opportunity to park cars would not automatically mean that indiscriminate car parking would take place or that it would be harmful to highway safety. The concerns in relation to car parking are noted but I have to determine the appeal on the basis of substantive evidence. On this point, nothing compelling or substantive has been put before me to demonstrate that highway safety would be compromised as a consequence of the proposed development having regard to car parking.
9. The lack of opportunities to park on or close to the appeal site may be an inconvenience for future occupants, but there is nothing compelling before me to confirm that this would give rise to indiscriminate and unsafe parking of cars. Moreover, if parking were to occur in areas where parking restrictions already apply, this could be readily enforced outside of the planning system. Accordingly, I can give this matter very little weight in my assessment of the appeal. Consequently, having regard to car parking provision, the proposal would not be harmful to highway safety.
10. Having regard to pedestrian safety, the access road adjacent to the site is narrow with restricted footpath provision in certain areas. As a consequence, future occupants accessing the site by foot may have to cross the road to ensure access on footpaths. However, the site has historically been used as a social club and consequently, such pedestrian movements would not be unique to the proposed conversion.
11. Nevertheless, due to the nature of the proposed use, including the lack of on-site car parking, the proposal may increase pedestrian movements to and

from the site. Accordingly, the proposal would introduce new elements of footpath including the creation of an 'arcade' style opening within the built form. This would represent a material enhancement in the provision of footpaths adjacent to the appeal site. As a consequence, having regard to the previous use and the existing situation, I am satisfied that the proposal would increase the opportunities for safe pedestrian movement.

12. The proposal would also generate other movements to and from the site, including delivery and removal lorries. However, the existing use would have generated movements of a similar nature and I have not been made aware of this giving rise to genuine highway safety concerns. Accordingly, I am satisfied that the proposal would not materially alter this type of vehicular movements in the locality.
13. Therefore, having particular regard to car parking provision and pedestrian movements, for the reasons identified above, I conclude that the proposal would not have a harmful effect on highway safety. Accordingly, it would comply with Policies CSWAL1 of the South Oxfordshire Core Strategy (2012) and Saved Policies G2, D2, H4, T1 and T2 of the South Oxfordshire Local Plan 2011. Taken together, these seek amongst other things, housing on suitable infill and redevelopment sites where there are no highway objections, and where they are accessible by public transport.

Section 106 Legal Agreement

14. The appeal has been accompanied by a legal agreement to secure a financial contribution towards the improvements of bus services along the A4074 corridor. The contribution was not sought by the Council in their determination of the original application due to an assessment in relation to the financial viability of the proposal. However, I have no evidence before me in relation to this matter and consequently, I have to assess the need for the agreement on its individual merits.
15. The financial contribution would be used to improve bus services by increasing their frequency and hours of operation. Specifically, it would help increase provision from half hourly buses to four buses per hour on services to Oxford, Henley and Reading. This is to enable residents to have access to a credible level of public transport and to provide a choice for travel options.
16. I note the appellant's comments in relation to existing capacity on these services. However, based on the evidence before me, the County Council's requirement is to increase frequency rather than to increase capacity. Whilst one certainly has a bearing on the other, I am satisfied that increasing the number of buses each hour would improve the choice offered to the public. The contribution would provide revenue rather than capital, however, I have no reason to consider that the proposed strategy of the County Council will not be successful over the long term. Moreover, due to the lack of car parking opportunities provided by the development, improvements to existing public transport take on a heightened importance.
17. Consequently, based on the evidence before me, I am satisfied that the proposed contribution would comply with the requirements of the CIL Regulations 2010.

18. Despite this, the agreement has been presented as 3 separate documents, each individually signed. I therefore do not have a fully completed agreement before me with all signatories in one place. Accordingly, I can have no confidence that the agreement is actually legally binding and will deliver the necessary mitigation.
19. The difficulties in relation to signing and witnessing the agreement in the current circumstances are noted. In addition, based on the evidence before me, it is clear that all parties have agreed the content and specifics of the agreement. It is therefore a transparent document and the willingness of the parties to complete the agreement in a timely manner cannot be disputed. Accordingly, due to the specifics around the case, and due to the level of work that has taken place to this date, I am satisfied that the circumstances justify the use of a negatively worded condition to ensure that a suitable planning obligation is entered into prior to development commencing. In arriving at this conclusion, I have had regard to the advice within the Planning Practice Guidance, and I also note that the main parties are content with such an approach.

Other Matters

20. The proposed conversion would provide amenity space for many of the proposed dwellings and suitable refuse and cycle storage areas would also be provided. In addition, the living accommodation proposed would not be contrived or cramped. Accordingly, there is nothing compelling within the evidence before me to suggest the proposal would represent an overdevelopment of the site.
21. Due to the narrow width of Goldsmiths Lane, windows in the proposed conversion would be close to those of the properties opposite. Many of the facing windows would be high level, however, due to the close proximity, a condition is necessary to ensure that these windows are glazed with obscure glass so as to preserve living conditions for existing neighbouring residents. The proximity of adjacent neighbours also provides suitable justification for a condition to control the demolition and construction phases of the proposed development.
22. The site is located within the Wallingford Conservation Area (CA). Accordingly, based on the evidence before me, I am satisfied that the proposal would respond successfully to the simple former industrial character of the CA. Therefore, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would preserve the character and appearance of the area. It would also preserve the setting of the adjacent Scheduled Monument.

Conditions

23. In light of my findings set out above, conditions are necessary in the interests of precision and clarity to establish the time limit for commencing development and the approved drawing numbers. Condition 3 is also necessary for the reasons identified above.
24. Condition 4 is necessary to ensure biodiversity is not compromised, and condition 5 is necessary to ensure the development is served by appropriate refuse and recycling provision. To ensure that the living conditions of

neighbouring occupants are not compromised, condition 6 is necessary to manage the construction phase of the development. Condition 7 is also necessary in the interests of flood risk.

25. Due to the potential archaeological sensitivities of the site, condition 8 should be attached, and to suitably manage the risk of contaminated land, conditions 9 and 10 are necessary. Conditions 11 and 12 are necessary to promote sustainable forms of transport and condition 13 is necessary to ensure that any lighting does not harm living conditions.
26. Due to the location of the site and the intricate nature of the proposed layout, I am satisfied that suitable justification exists to remove permitted development rights for householder development. Accordingly, condition 14 is necessary.
27. Condition 15 is necessary to ensure suitable living conditions for future occupants, condition 16 is necessary due to the heritage sensitivities of the site, and condition 17 is necessary to protect the living conditions of occupants of neighbouring properties. Finally, condition 18 is necessary to ensure that the development is complementary to the existing building.
28. Some of the attached conditions require work to be carried out prior to the commencement of development. However, through the draft statement of common ground provided by the appellant, they have confirmed their agreement to these requirements.

Conclusion

29. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the details shown on the following approved plans: A001 Revision A; A002 Revision A; A100 Revision F; A101 Revision E; A102 Revision E; A103 Revision E; A104 Revision B; Sk200; A200 Revision E; A201 Revision F;
- 3) No development shall commence until a scheme for the improvement of bus services along the A4074 corridor has been submitted to and approved in writing by the local planning authority. The improvements shall be provided in accordance with the approved scheme.
- 4) The development hereby permitted shall be implemented in accordance with the scheme of enhancement, as stated in section 6 of the supporting Bat Survey Report (Ecology By Design Ltd, September 2016, Project Code: EBD00176) submitted with the application in all respects.
- 5) No development shall take place until details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved and retained thereafter.
- 6) Prior to the commencement of any development (including demolition works), a Construction Method Statement, incorporating a Construction Traffic Management Plan) shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be complied with throughout the construction period, and shall provide details of the following:
 - vehicle parking facilities for construction workers, other site operatives and visitors;
 - site offices and other temporary buildings;
 - loading and unloading of plant and materials;
 - storage of plant and materials used during construction;
 - vehicle wheel washing facilities;
 - measures to control the emission of dust and dirt;
 - a scheme for recycling and/or disposing of waste materials arising from the demolition and construction works;
 - installation and maintenance of security hoarding/fencing;
 - hours of operation for construction and demolition works.
- 7) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes

- Maintenance and management of SUDS features (including contact details of any management company)
 - Sizing of features - attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing
 - Any adjoining properties will need to be protected from surface water flooding as a result of the development & the drainage strategy should include the mitigation measures to be used
 - Any plans must show that there will be no private drainage into the highway drainage system.
- 8) No development shall take place, including demolition works, until an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Following the approval of the Written Scheme of Investigation and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
- 9) No development shall take place, including any demolition works, until a phased risk assessment has been carried out in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority. Phase 3 requires that a remediation strategy be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use.
- 10) No dwelling or flat shall be occupied until any previously approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.
- 11) Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.
- 12) Prior to first occupation of the development hereby approved, cycle parking facilities shall be provided in accordance with the details shown on drawing BS-326-100-P2 and maintained thereafter.
- 13) Prior to first occupation of the development hereby approved, an external lighting scheme for the development (for both public and private

areas) shall have been submitted to and approved in writing by the local planning authority.

Details will ensure that all lighting shall be directed downwards to prevent nuisance to adjoining residential occupiers from light spillage and shall be turned on only during the conditioned hours of operation and remain off at all other times.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, all classes of Part 1 of the Order shall not be undertaken without obtaining planning permission for the Local Planning Authority.
- 15) Prior to first occupation, details will be submitted to and approved in writing by the local planning authority to demonstrate that all properties have been designed, constructed and maintained to protect the residents of the development from the external noise environment to ensure that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings".
- 16) A further photographic record of those areas to be demolished that were not fully captured in the submitted heritage statement shall be carried out during the course of the works and submitted to the Local Planning Authority prior to the occupation of the units.
- 17) All windows in the elevation facing onto Goldsmiths Lane of the block on Goldsmiths Lane hereby permitted shall be glazed in obscure glass with a minimum of level 3 obscurity, and shall be fixed shut with the exception of a top hung openable fanlight, prior to the first occupation of the accommodation and shall be retained as such thereafter.
- 18) All new works and works of making good to the retained internal and external fabric of the building shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.