
Appeal Decision

Site visit made on 13 May 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/V2004/W/19/3243719

40 Margaret Street, Kingston Upon Hull HU3 1ST

- 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 Mr Anthony Heller P&H Property Investments Ltd against the decision of Kingston-upon-Hull City Council.
 - The application Ref 18/01071/FULL, dated 22 August 2018, was refused by notice dated 24 October 2019.
 - The development proposed is construction of part 3 and 4 storey building to provide 9 self-contained flats with vehicle and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of part 3 and 4 storey building to provide 9 self-contained flats with vehicle and cycle parking at 40 Margaret Street, Kingston Upon Hull HU3 1ST, in accordance with the terms of the application Ref: 18/01071/FULL, dated 22 August 2018, and subject to the attached schedule of conditions.

Procedural Matter

2. Amended plans were submitted during the processing of the planning application reducing the number of flats from 12 to 9. I have determined the appeal on this basis. I have also used the description of development in the banner heading above from the appeal form and the Council's decision notice as this more precisely describes the proposal.

Main Issue

3. The main issue is whether the development would lead to on-street car parking demand pressure taking into account the provision of off street car parking spaces.

Reasons

4. The appeal relates to a vacant site on the north side of Margaret Street, in a largely residential area located just to the west of the A1079 Beverley Road. There is no dispute that it is a brownfield site which the Council agree is suitable for residential development.
5. The proposal incorporates the provision of 7 car parking spaces located to the rear or undercover, below the rear wing of the proposed building. This would serve the 9 flats that are proposed. This equates to a shortfall of 2 spaces

below the parking standard the Council would wish to be provided as set out in Policy 32 and Appendix C of the Hull City Council Local Plan (LP) (2017). However, this policy, states that the standards will be applied flexibly, taking into account, amongst other things, the accessibility of the development and the availability of public transport.

6. The Council consider the proposed development would increase the demand for on street parking and that this would lead to competition in the local area for on street parking adversely affecting the living conditions of residents.
7. While the development would not fully meet the Council standard, the appeal site is located within walking distance of a range of shops and services along Beverley Road, where there are also bus stops which provide services in both directions, giving frequent opportunities to travel to Hull city centre as well as destinations in the north of Hull and beyond. This would be likely to reduce the reliance on or indeed ownership of private cars and consequently reduce the need for off-street car parking spaces.
8. At the time of my site visit I could see that there was available space to park several cars on the local streets. While I acknowledge this visit was only a snapshot in time, I have taken regard to the evidence presented by the appellant which illustrates availability of parking at different times of the day. Considering the accessibility of the site to local services and facilities, the availability of on street parking and the proximity to public transport services I find that the shortfall of two parking spaces would not have a materially adverse effect on parking in the area.
9. The LP explicitly states that the parking standards will be applied flexibly. In light of the local circumstances described above, the proposal not result in significant levels of competition for on street parking adversely affecting local residents. I therefore conclude the proposal would accord with the car parking and amenity requirements of policies 14 and 32 of the LP.

Other Matters

10. Third party comments were made about potential overlooking and loss of privacy. These comments were made, however, at the time the proposal was for 12 apartments. No further comments were submitted upon the receipt of the amended plans. I do not disagree with the comments made by the Council in respect of the suitability of the proposal in terms of its acceptable impact on the living conditions of the occupiers of the neighbouring properties.

Conditions

11. The Council have suggested a series of conditions in the event the appeal is successful, and I have considered these and amended them where necessary in light of the National Planning Practice Guidance (PPG). Condition 2 it is necessary to specify the approved plans as this provides certainty. Conditions 3 and 4 are required in order to ensure both the parking and cycle provision is provided and available for future residents and in the interests of encouraging more sustainable transport movements. Condition 5 requiring a minimum floor level is necessary and appropriate in light of the location within an area of flood risk.
12. Conditions 6 and 7 were suggested as pre commencement conditions, but these should not be imposed unless justified, it is however necessary to have

conditions ; to ensure the provision of a place of safety suitable for residents from the ground floor accommodation be provided in the event of a flood event and to facilitate the provision of a scheme to deliver urban green space and children's play space. Without them the scheme would not comply with the development plan and they are clearly necessary.

13. Condition 8. The Council provided an abbreviation of potential conditions in respect of the potential contamination of the site but did not provide a detailed wording of what was sought or the basis for the imposition of such a condition, however it is a brownfield site to be used for residential purposes and as such it is appropriate to safeguard future occupants from any potential contamination risks.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Edwin Maund

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: 13803/22 – Location Plan, 13803/31 A – Block Plan, 13803/32 B Site Plan, 13803/33 B Ground, First and Second Floor Plans, 13803/34 B Third Floor and Roof Plan, 1303/35 B and 1303/36 B Elevations.
- 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 13803/32 B for 7 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking and manoeuvring of vehicles.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 1303/32 B for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) The finished floor level of the building hereby approved shall be no lower than 2.6m AOD.
- 6) A place of safety of a minimum of 5m AOD shall be provided as part of the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The approved place of safety shall thereafter be retained.
- 7) Urban greenspace and children's playspace shall be laid out and provided with play equipment in accordance with details which have been

submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. They shall be made available for use in accordance with a phased scheme of provision, approved in advance by the Local Planning Authority. The urban greenspace and playspace shall be provided in the form of enhancements to an existing area of urban greenspace equivalent to the provision within the site of a standard of 60 sq m of greenspace per dwelling unit and additionally 3 sq m of equipped playspace per child bedspace. It shall thereafter be permanently retained as approved.

- 8) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.