



Appeal Decision

Site visit made on 20 October 2020

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2020

Appeal Ref: APP/C3105/W/20/3255775

Land to the south west Tadmarton Road, Bloxham OX15 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Robert Collett on behalf of Miller Homes Ltd against the decision of Cherwell District Council.
 - The application Ref 20/01232/DISC, dated 11 May 2020, sought approval of details pursuant to condition No 22 of planning permission Ref 13/00496/OUT, granted on 27 March 2014.
 - The application was refused by notice dated 6 July 2020.
 - The development proposed is the erection of up to 60 dwellings with access from Tadmarton Road, together with associated amenity space, community parkland and additional parking for Bloxham Primary School.
 - The details for which approval is sought are: Prior to the first occupation, a Car Park Management Plan must be submitted to and approved in writing by the Local Planning Authority to secure the public use of the car park.
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Decision

1. The appeal is allowed, and the matters are approved, namely the details submitted in application Ref 20/01232/DISC dated 11 May 2020, in pursuance of condition No 22 attached to planning permission Ref 13/00496/OUT dated 27 March 2014.

Main Issue

2. The Car Park Management Plan (CPMP) was required to secure the public use of the car park and the reason for the condition in the permission is to ensure highway safety¹. There is dispute between the parties as to whether the surfacing materials were or should have been approved under a separate condition. I note that details of the materials and demarcation are appended to the CPMP and these could affect the likelihood of public use. I have framed my main issue accordingly.
3. Therefore, the main issue is whether the demarcation of the spaces and hoggin gravel finish would be suitable for the safe operation of the car park, and whether the surface would discourage public use.

¹ Paragraph 70 of APP/C3105/A/13/2204000

Reasons

4. The appeal site includes a new 29 space car park which has been created as an overflow facility for the school to ease the need for on street parking. The school is on the opposite side of Tadmarton Road and the car park is adjacent to sixty recently built dwellings.
5. The car park has been surfaced in hoggin (a compacted mix of clay, sand and gravel). The spaces have been demarcated at each corner with block pavers.
6. The surface is firm, which ensures that braking would be safe. Similarly, it is not loose which could damage cars and thereby discourage use.
7. It has been suggested that the surface can be dirty which causes nuisance and problems for users. Such problems are likely in wet conditions; however, the surfacing is permeable, and the car park is drained by a significant slope. It was wet at the time of my site visit and I noted some transmission of the surface material onto my shoes and car tyres, however this did not seem to significantly deter users as the car park was approximately one third full. I do not have any evidence to suggest that this car park use was untypical, and I note the recommended use of the material in the New Forest.
8. Concern has been raised about the cost of repairing the surfacing. However, I have not been given any quantified figures for the typical cost of repairs or indeed the longevity of the surface.
9. The parking has been demarcated with block pavers along the centre and ends of the car park which allows efficient manoeuvring. The pavers have a distinctive texture which contrasts with the hoggin and are slightly raised, so that the spacing is clear. At the time of my site visit the parking appeared orderly and commensurate with the demarcation.
10. The CPMP states that the car park will be run by a private management company and the surface and pavers will be replaced as necessary by them, which would accord with the reason for the condition.
11. Therefore, in terms of highway safety, I conclude that the surface finish and demarcation of spaces are acceptable, and the surface of the car park does not significantly discourage its use.
12. Policy ESD 15 of the Cherwell Local Plan Part 1 seeks to promote the creation of safe places and high-quality design. Paragraph 108 of the National Planning Policy Framework states developments should have safe and suitable access for all users. The submitted CPMP details would not be in conflict

Other matters

13. The visual impact of the surface is also considered since it is stated in the reason for refusal. The car park is visible from Tadmarton Road however the hoggin gravel finish is a grey muted shade and is not eye catching. It does not detract from the backdrop of the adjacent houses, or the school opposite. The pavers also have a subdued shade and do not appear out of place. Accordingly, I conclude that the surfacing and pavers are not harmful to the character and appearance of the area.

14. I have been made aware of the extensive planning history and considered it in relation to the particular requirements of condition 22 but it does not lead me to a different conclusion.

Conclusion

15. I therefore conclude that the appeal should be allowed.

John Longmuir

INSPECTOR