
Appeal Decision

Site visit made on 26 January 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/P1750/W/20/3261025

244 Farnborough Road, Farnborough GU14 7JW

- 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 Giash Udin against the decision of Rushmoor Borough Council.
 - The application Ref 20/00127/FULPP, dated 1 February 2020, was refused by notice dated 15 July 2020.
 - The development proposed is erection of a three storey building comprising flexible use of either A1/A2 use on ground floor with 2 x two bedroom residential units to the upper floors and associated parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Giash Udin against Rushmoor Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal makes adequate provision for off-road vehicle and cycle parking;
 - Whether the proposal makes adequate provision for refuse storage; and
 - The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA).

Reasons

Car parking and cycle parking provision

5. The appeal scheme includes the provision of 3 off-road parking spaces. Policy IN2 of the Rushmoor Local Plan (RLP) requires proposals to make adequate provision for parking in accordance with the Rushmoor Car and Cycle Parking Standards Supplementary Planning Document 2017 (SPD). The SPD identifies that two spaces should be provided per two-bedroom unit. To accord with the

standards, a total of four off-road parking spaces should be provided. On the face of it therefore, the proposal fails to make adequate provision for on-site parking.

6. The National Planning Policy Framework (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraphs 105 and 106 require, amongst other things maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network.
7. The site lies in a sustainable location, on the edge of the town centre, with a large range of shops, services and employment opportunities in close proximity. I noted nearby bus stops and my attention has been drawn by the appellant to the presence of the train station within a short walk. The use of sustainable transport should therefore be encouraged. In the absence of clear evidence of a local parking issue, I do not consider that the proposal would result in a significant shortage in off road parking provision. Nor has it been demonstrated that the deficiency would have a harmful effect on highway safety.
8. My attention has been drawn by the Council to the fact that the site lies outside of the designated town centre, and as a result, Principle 11a of the SPD, does not apply to the appeal site. However, in this instance, I consider that the appeal site is located within such close proximity to the town centre, that such a reduction in parking is justified.
9. In this regard, I note the reference by the Council to a scheme for a redevelopment on the edge of the town centre, where parking was provided in accordance with the SPD. I have not been provided with full details of this development, however from the evidence it would appear to be of a considerably greater scale than the appeal scheme. In any event, I am required to determine the appeal on its own merits.
10. Turning to cycle parking, the proposal would make provision for a cycle store capable of accommodating up to 4 cycles. The SPD requires the provision of two spaces per unit, therefore the proposal makes sufficient provision to meet these standards. Whilst this area is somewhat constrained, from the evidence before me, there would appear to be no reasons why cycles could not be reasonably accommodated in this area.
11. For the above reasons, I conclude that the site lies in a sustainable location and that the proposed vehicle parking and cycle provision would be adequate to serve the proposed development and that overall, the proposal would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policy IN2 of the RLP and the Framework.

Refuse provision

12. Policy IN2 of the RLP requires development proposals to make appropriate provision for waste and recycling storage areas, along with accessible collection points for refuse vehicles.
13. The appellant has identified that provision would be made in the rear yard for waste and recycling facilities, with areas identified for the provision of bin stores. These appear to be in locations that would be accessible to both local residents and refuse vehicles.

14. However, from the evidence, there would appear to be a number of competing demands for refuse provision arising from the surrounding buildings. Therefore, whilst provision is made within the appeal application, given the requirement from existing users, I am not satisfied, from the information before me, that the proposal would make adequate provision for waste and recycling to accommodate requirements.
15. My attention has been drawn by the appellant to a previous approval on the site which proposed an identical arrangement. From the Council's evidence, this permission appears to have now lapsed and that the Council's policy has changed since this permission. In any event, I am required to consider the appeal on its merits and the information before me.
16. I have considered whether the matter could be adequately addressed through an appropriately worded planning condition. However, given the uncertainty around the various competing demands, on the basis of the evidence before me, I am not convinced that the use of a condition would be appropriate. In any event, the wording of such a condition is not before me.
17. For the above reasons, I therefore conclude that the proposed development fails to make adequate provision for refuse storage and, in this respect, is contrary to Policy IN2 of the RLP and the Framework.

Effect upon the SPA

18. The SPA is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is not within the SPA, however given its proximity, it would be likely to have significant effects on the features of interest of the SPA, due to the increased recreational use arising from the appeal development in combination with other development. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out.
19. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SPA. In their evidence, the Council have identified that through their Avoidance and Mitigation Strategy, off site provision was allocated as part of their pre-application procedures, with the appellant's evidence identifying that measures to mitigate the impact of the scheme upon the SPA measures could be achieved through an agreement or planning obligation. However, no such details are before me. Therefore, without a suitable mechanism in place I cannot be satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA. As such, there can be no guarantee that these mitigation measures would be provided or retained and therefore they carry very little weight.
20. For these reasons, the proposed development would harm the integrity of the SPA and, in this respect is contrary to Policy NE1 of the RLP, Policy NRM6 of the South East Plan and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SPA and that appropriate mitigation measures are delivered.

Conclusion

21. Although I have found no harm in terms of the provision of vehicle and cycle parking, this would be outweighed by the harm from the other main issues. Therefore, for the above reasons and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR