

GREENHAM 17/02461/PACOU PINS Ref 3188399	Leat House Overbridge Square Hambridge Lane Newbury Overbridge Development Ltd	Application to determine if Prior Approval is required for the Change of Use of office (Class B1) to 24 residential dwellings.	Refused	Dismissed 4.4.18
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Main Issue

Paragraph O.2(1) of the order provides that development under this class is permitted subject to the developer applying for a determination from the Council as to whether prior approval will be required for a number of matters, including the transport and highways impacts of the development. The Council has no objections relating to the other matters which required approval, and thus the main issue is the effect of the proposal on highway safety.

Reasons

The background to this appeal is the grant of prior approval for a change of use under Class O of the appeal building to 10 x 1-bed flats, 14 x 2-bed flats, with 48 car parking spaces. Planning permission has been granted for the construction of an additional storey to provide 3 x 1 bed flats and 4 x 2 bed flats, with a total of 12 additional car parking spaces. These proposals accord with the Council's parking standards. It is now proposed to provide fewer car parking spaces and to use part of the site previously earmarked for parking for landscaping.

In assessing the highways impact, the Council's parking standards, being evidence-based, provide some assistance in helping to inform the likely highways consequences of the proposed level of car parking relative to the number of dwellings proposed. The National Planning Policy Framework (the Framework) is to be taken into account in determining prior approvals. Paragraph 32 says, amongst other things, that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure, and also whether safe and suitable access to the site can be achieved for all people. The Framework also indicates that it is only if transport implications are severe that permission should be refused. However, the Courts have determined that this part of paragraph 32 addresses only matters of highway capacity and congestion, and it is not concerned with highway safety.

It is proposed to provide one parking space for each of the 24 proposed flats. No spaces are to be provided for visitors. The Council's parking standards require 1.3 spaces per dwelling, leaving a shortfall of 13.5 spaces from the required standard. The standards were devised taking into account the empirical evidence of census survey data. In this ward, the 2011 census data indicates that the average level of car ownership is 1.3 spaces per dwelling. Of the flats proposed in this case, about 58% would have two bedrooms, making them more attractive to couples and families, which is likely to result in a higher level of car ownership. There is no evidence that new flats in this area would have lower car ownership rates than those sought by the parking standards, and thus the Inspector considered it likely that the amount of parking proposed would be insufficient to meet occupiers' needs.

The Council advised the Inspector about the flats built at Newbury Racecourse, a few hundred metres distant, to the south-west of the appeal site. Parking was provided at the rate of 1 space per dwelling, which complied with the Council's standards at the time. The development also benefits from measures to promote travel other than by car. Despite this, during the last year the developer has sought additional car parking space, and has implemented enforcement measures in response to parking other than in the designated parking spaces, which has been reported (by the developer) as resulting in refuse and emergency vehicles being unable to access the site. The similarities between the circumstances of this development and the appeal site reinforced the Inspector's concern that the proposal would provide insufficient parking.

The appeal site forms part of a range of office buildings which have all had approval to convert to residential use. Car parking for the appeal building and the others which are intended to be put to residential use is distributed around courtyards and a long strip on the eastern side of the complex. There is little scope for additional parking within the former office complex without the risk of causing an obstruction, in which

eventuality refuse vehicles and emergency service vehicles may not be able to obtain access, and other occupiers would be inconvenienced. The offices are currently in use as such, and the Inspector saw on his visit that there were few free parking spaces, and one car parked in the access road in an area not marked out for parking.

Outside of the complex, the nearest places to park would be on adjacent roads, Hambridge Road and Hambridge Lane. Hambridge Road is the B3421, a local distributor road, which links to the A4 road not far to the north. The Inspector saw on his visit, during mid-morning, outside peak times, that the road was fairly busy in both directions (albeit that southbound traffic came in bursts as a result of a signalised junction with the A4) and traffic was moving close to the 40 mph speed limit. He considered that parking on this road, although not restricted by yellow lines, would result in a significant obstruction and would unacceptably interfere with the free flow of traffic Hambridge Lane is a more minor road, serving a large number of industrial and commercial units. There are double yellow lines in part, and, at the time of his visit, unrestricted parts of the road were heavily parked. There were only 3 available on-street spaces within about 500m distances of the appeal site. Parking on footways was observed on some of the minor roads leading off Hambridge Lane. The scarcity of convenient on-street parking reinforced his concern that residents of the proposed flats, their visitors, and drivers making deliveries will be tempted to park in a manner which would cause an obstruction, particularly to larger vehicles, which may include emergency vehicles, or would park on footways or restricted parts of the highway. This would be especially hazardous near to the roundabout close to the appeal site at the junction of Hambridge Lane with Hambridge Road. This would not provide the safe and suitable access that the Framework seeks.

The Inspector took into account the Framework's clear steer that sustainable transport modes should be favoured, but he had not been provided with any evidence that such modes would be likely to be utilised to a degree that would result in lower levels of car ownership on this site. The Council advised him that the car parking problems experienced at the Newbury Racecourse development were in spite of a travel plan being implemented as part of the permission, and this buttresses his conclusion that insufficient car parking spaces would be provided, leading to material harm to highway safety.

The Inspector therefore found that the highways impact of the proposed development would be unacceptable and that the appeal should be dismissed.

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