The Planning Inspectorate

Appeal Decision

Site visit made on 15 April 2013

by P Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2013

Appeal Ref: APP/H1033/A/13/2191210
Kingsmoor School, Railway Street, Hadfield, Glossop SK13 2AA

- 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 Steven Walsh against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0573, dated 9 October 2012, was refused by notice dated 17 December 2012.
- The development proposed is the redevelopment of existing buildings and curtilage to create 14 No residential units and associated parking and amenity areas.

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of existing buildings and curtilage to create 14 No residential units and associated parking and amenity areas at Kingsmoor School, Railway Street, Hadfield, Glossop SK13 2AA in accordance with the terms of the amended application, Ref HPK/2012/0573, dated 9 October 2012, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Procedural matter

3. The application was amended during the course of the Council's determination of it. I have considered the scheme in this amended form, as shown in the drawings listed in the attached schedule of conditions.

Main issue

4. The main issue is whether the proposal includes adequate car parking provision and, if not, whether the living conditions of local residents would be compromised as a result.

Reasons

Main issue

5. The appeal site is a former school within a mature residential area. There would be 18 car parking spaces in total to serve the 2 houses and 12 flats within the scheme.

6. The Council's car parking standards, as set out in Appendix 1 of the High Peak Local Plan, suggest that a maximum of 27 spaces could be provided for a development such as this. However, the preamble to policy H11 advises that developments should aim to provide an average of no more than 1.5 spaces per unit in urban areas where good public transport is available, which would amount to just 21 spaces for this development. This site is in an urban area and is plainly well-served by public transport, with bus stops and a train station very close by. Accordingly, it is this lower figure that should apply. The 18 spaces proposed therefore falls only 3 short of the maximum indicated by the Council's policy. I have not been referred to any minimum requirements, and it therefore appears that the standards can only be breached by exceeding the maximum requirements.

7. Clearly, an assessment of the parking needs for any site must take account of the characteristics of the area. In this case the site is surrounded by terraced houses without car parking provision, and on-street parking is therefore at a premium. I am also aware that Railway Street, from which the development would be accessed, is a bus route.

8. Nevertheless, I cannot see that the small increase in parking provision that the Council's policy would permit in this instance would make any discernible difference to the amount of on-street parking that is likely to take place. The Council has not suggested that its parking policy should be set aside in this instance or identified a level of parking provision that it considers would be appropriate.

9. Moreover, 12 of the 14 units would be flats, unlikely to appeal to families. In my view such units are, on the whole, likely to need fewer spaces than larger dwellings. Additionally, potential occupiers are likely to take account of the parking available on site and the competition for on-street parking before taking one of the units. Thus, the units are unlikely to appeal to anyone requiring parking space for several vehicles. Overall, it appears to me that the parking provision would be well-matched to the accommodation proposed and the characteristics of the locality. While it may well be that visitors would sometimes park on the streets, I have no reason to conclude that this would be excessive.

10. For these reasons I conclude that parking provision within the scheme is satisfactory and in accordance with the Council's normal standards, and that any on-street parking arising from the scheme would not be of such magnitude as to compromise the living conditions of local residents. Accordingly I find no conflict with the amenity aims of Local Plan Policy GD5 or with Policy H11, which is concerned with the layout and design of residential development. Nor would the amenity aims within the National Planning Policy Framework be compromised.

Other matters

11. I have taken account of the concerns raised regarding the possibility of the development overlooking or overshadowing existing properties. However, the scheme was amended to ensure that distances to nearby dwellings would be consistent with the prevailing character of the area and to reduce the height and mass of part of the development. Overall, I am satisfied that the amended scheme would not cause undue harm in respect of these matters.

12. I have noted the wide-spread concern regarding road safety matters in the locality. However, the Highway Authority has not raised any road safety concerns and, as I have already indicated, the scheme is unlikely to significantly contribute to on-street parking. The scheme has been amended to ensure safe access arrangements. Overall I have little substantive evidence to suggest that the scheme would compromise road safety.

Conclusion and conditions

13. For the reasons set out above I conclude that the appeal should be allowed.

14. I have attached a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions concerning the design details of the scheme are necessary to ensure that the appearance of the development is satisfactory. Controls relating to the construction of the development are imposed in order to protect the living conditions of those living nearby. I understand that the site is within 250m of a former landfill site, and hence a condition relating to the possibility of landfill gas at the site is necessary. Conditions 9, 10, 11 and 12 are imposed in the interests of road safety and Condition 13 is to ensure that adequate parking provision is included and maintained within the scheme. I am not persuaded that a separate condition relating to garage accommodation, as suggested by the Council, is necessary, having regard to the particular nature of the parking provision proposed.

Peter Willows

INSPECTOR

CONDITIONS

Standard conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 012-83-002 Rev A; 012-83-003 Rev A; 012-83-004 Rev A; 012-83-005 Rev A; 012-83-006 Rev B; 012-83-007.

Design details

3) Notwithstanding the details submitted with the planning application, the roofing material shall be natural slate to match that of the existing building.

4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) All windows and doors shall be recessed at least 100mm from the face of the stonework within which they sit.

Construction

6) No construction or demolition works at the site, or any deliveries connected with such works, shall take place outside the following hours:-

   - 07:00 to 19:00 Mondays to Fridays;
   - 08:00 to 16:00 on Saturdays;

   and not at all on Sundays or Public Holidays.

   Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

7) Before any other operations are commenced (excluding demolition and site clearance), areas shall be provided within the site for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, and parking and manoeuvring of site operatives' and visitors' vehicles, in accordance with details to be submitted to and approved in writing by the local planning authority. The identified areas shall be maintained throughout the carrying out of the development in accordance with the approved details.

Landfill gas

8) No development shall take place until monitoring at the site for the presence of landfill gas and a subsequent risk assessment have been carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The results of the monitoring shall be submitted to the local planning authority as soon as they are available. If the presence of landfill gas is confirmed, or there is evidence that migration of landfill gas is likely to occur, development shall not commence until satisfactory remedial measures have been taken to

control and manage the gas and to monitor the effectiveness of these measures. Details of all such measures shall be submitted to and approved in writing by the local planning authority before development commences. The approved remediation scheme must be carried out in accordance with its terms.

Access, parking and vehicles

9) No part of the development shall be brought into use until the proposed site accesses have been constructed in accordance with the approved plans, subject also to the requirements of Condition 11 below.

10) The sightlines shown on the approved plans shall be maintained free of any structure or vegetation exceeding 1.0m in height throughout the lifetime of the development.

11) Both accesses to Railway Street shall incorporate 2m x 2m x 45° pedestrian inter-visibility splays to either side at the back of the footway and the splay areas shall be maintained clear of any object greater than 0.6m in height relative to footway level throughout the life of the development.

12) No gates or other barriers shall at any time be erected within 5m of the nearside highway boundary. Any gates to either site access shall open inwards only.

13) No part of the development shall be occupied until space has been provided within the site for the parking and manoeuvring of residents' and visitors' vehicles in accordance with the approved plans. These areas, including the 6 basement parking spaces, shall be retained throughout the lifetime of the development, free from any impediment to their designated use.